Exhibit 2: Alaska

Useful Links:

State Legislature:

http://www.legis.state.ak.us/basis/get_bill.asp

Office of Children’s Services:

http://www.hss.state.ak.us/ocs/

Attached Documents:

Statute 47.14.100 Powers & Duties of Department Over Care of Child

Alaska House Bill 126

Alaska Senate Bill 105

Alaska Senate Bill 27

AS 47.14.100. Powers and Duties of Department Over Care of Child.

(a) Subject to (e), (f), and (i) - (m) of this section, the department shall arrange for the care of every child committed to its custody by placing the child in a foster home or in the care of an agency or institution providing care for children inside or outside the state. The department may place a child in a suitable family home, with or without compensation, and may place a child released to it, in writing verified by the parent, or guardian or other person having legal custody, for adoptive purposes, in a home for adoption in accordance with existing law.

(b) The department may pay the costs of maintenance that are necessary to assure adequate care of the child, and may accept funds from the federal government that are granted to assist in carrying out the purposes of this chapter, or that are paid under contract entered into with a federal department or agency. A child under the care of the department may not be placed in a family home or institution that does not maintain adequate standards of care.

(c) The department may receive, care for, and make appropriate placement of minors accepted for care for a period of up to six months on the basis of an individual voluntary written agreement between the minor's parent, legal guardian, or other person having legal custody and the department. The agreement must include provisions for payment of fees under AS 44.29.022 to the department for the minor's care and treatment. The agreement entered into may not prohibit a minor's parent, legal guardian, or other person who had legal custody from regaining care of the minor at any time.

(d) In addition to money paid for the maintenance of foster children under (b) of this section, the department

(1) shall pay the costs of caring for foster children with physical or mental disabilities, including the additional costs of medical care, habilitative and rehabilitative treatment, services and equipment, and special clothing, and the indirect costs of medical care, including child care and transportation expenses;

(2) may pay for respite care; in this paragraph, "respite care" means child care for the purpose of providing temporary relief from the stresses of caring for a foster child; and

(3) may pay a subsidized guardianship payment under AS 25.23.210 when a foster child's foster parents or other persons approved by the department become court-appointed legal guardians of the child.

(e) When a child is removed from a parent's home, the department shall place the child, in the absence of clear and convincing evidence of good cause to the contrary,

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

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

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

(A) an adult family member;

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

(C) a licensed foster home that is not an adult family member or family friend;

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

(f) If an adult family member of the child specified under (e) of this section exists and agrees that the child should be placed elsewhere, before placement elsewhere, the department shall fully communicate the nature of the placement proceedings to the adult family member. Communication under this subsection shall be made in the adult family member's native language, if necessary.

(g) The department may enter into agreements with Alaska Native villages or Native organizations under 25 U.S.C. 1919 (Indian Child Welfare Act of 1978) respecting the care and custody of Native children and jurisdiction of Native child custody proceedings.

(h) The department may not pay for respite care, as defined in (d) of this section, unless the department or the entity that has contracted with the department to provide the respite care
requests criminal history record information as permitted by P.L. 105-277 and AS 12.62 for the individual who provides the respite care within 10 business days after the individual is hired to provide respite care and reviews the information within five business days after receiving it.

(i) A child may not be placed with an out-of-home care provider if the department determines that the child can remain safely at home with one parent or guardian. In this subsection, "out-of-home care provider" means an agency or person, other than the child's legal parents, with whom a child who is in the custody of the state under AS 47.10.080(c)(1) or (3), 47.10.142, or AS 47.14.100(c) is currently placed; "agency or person" includes a foster parent, a relative other than a parent, a person who has petitioned for adoption of the child, and a residential child care facility.

(j) For the purpose of determining whether the home of a relative meets the requirements for placement of a child under (e) of this section or under AS 47.10.088(i), the department shall conduct a criminal background check from state and national criminal justice information available under AS 12.62. The department may conduct a fingerprint background check on any member of the relative's household who is 16 years of age or older when the relative requests placement of the child. For the purposes of obtaining criminal justice information under this subsection, the department is a criminal justice agency conducting a criminal justice activity under AS 12.62.

(k) Notwithstanding other provisions of this section, the department may not pay for inpatient psychiatric services provided to a person under 21 years of age and who is in the custody of the department if the services are provided in an out-of-state psychiatric hospital facility or an out-of-state residential psychiatric treatment center unless the department determines that the assistance is for

(1) psychiatric hospital services that are consistent with the person's clinical diagnosis and appropriately address the person's needs and that these services are unavailable in the state; or

(2) residential psychiatric treatment center services that are consistent with the person's clinical diagnosis and appropriately address the person's needs and that these services are unavailable in the state.

(l) The department shall, on a monthly basis, evaluate what types of services are available in the state for inpatient psychiatric care for persons under 21 years of age. If inpatient psychiatric services that are consistent with the person's clinical diagnosis and that appropriately address the person's needs become available at a location in the state for a person under 21 years of age who is receiving the services under this section at a location outside the state, the department shall, as a condition of continued payment by the state for the services, require the person to be transferred to the in-state facility unless the department determines that the transfer would be detrimental to the person's health, established therapeutic relationship, or clinical need.

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

Relating to extensions and resumptions of state custody of children; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to extensions and resumptions of state custody of children; and providing for an effective date.

Section 1. 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) [AN] additional one-year extensions of commitment
[PERIOD OF STATE CUSTODY] 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

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

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

(3) order, under the grounds specified in (o) of this section or AS 47.10.088, the termination of parental rights and responsibilities of one or both parents and commit the child to the custody of the department, and the department shall report quarterly to the court on efforts being made to find a permanent placement for the child.

* Sec. 2. AS 47.10.080 is amended by adding a new subsection to read:

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

(1) was placed in out-of-home care by the department immediately before being released from state custody and the person was released to the person's
own custody;

(3) is in need of out-of-home care to avoid personal harm or homelessness, or to enhance the person's ability to continue the person's education or training or otherwise improve the person's successful transition to independent living; and

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

* Sec. 3. AS 47.10.990(3) is amended to read:

(3) "child" means a person who is

(A) under 18 years of age;

(B) [AND A PERSON] 19 years of age if that person was under 18 years of age at the time that a proceeding under this chapter was commenced; and

(C) under 21 years of age if that person is committed to the custody of the department under AS 47.10.080(c)(1) or (v);

* Sec. 4. This Act takes effect January 1, 2011.
CS FOR SENATE BILL NO. 105(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/14/09
Referred: Finance
Sponsor(s): SENATORS DAVIS, Ellis

A BILL

FOR AN ACT ENTITLED

"An Act relating to continuing the secondary public education of a homeless student; relating to the purpose of certain laws as they relate to children; relating to tuition waivers and medical assistance for a child placed in out-of-home care by the state; relating to foster care; relating to children in need of aid; and relating to out-of-home care transition to independent living."

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

* Section 1. AS 14.03 is amended by adding a new section to read:

Sec. 14.03.096. Continuing the public education of a homeless student. (a) Except as provided in (b) and (d) of this section, the governing body of a school district shall comply with the requirements for continuing the public education of a homeless student in the student's school of origin and for providing comparable education and transportation services for the remainder of the current school year or, if the student is attending school for a summer term, for the remainder of the summer

(b) The requirements in (a) of this section do not apply if the student moves to a school district other than the school district in which the student's school of origin is located.

(c) If a homeless student is transferred to a school other than the student's school of origin, the school of origin shall provide a copy of the student's records to the student's new school within seven school days after notification of the transfer. The student's new school shall allow the student to attend school while awaiting the transfer of records under this subsection.

(d) A school district is required to comply with this section only
   (1) if the legislature appropriates funds for the purpose; and
   (2) to the extent possible using funds appropriated for the purpose.

(e) In this section,
   (1) "homeless student" has the meaning given in 42 U.S.C. 11434a for "homeless child or youth," and the phrase "awaiting foster care placement" in that definition shall be interpreted to include all students who are placed in out-of-home care and in the custody of the Department of Health and Social Services under AS 47.10.080(c) or who are committed to the custody of the Department of Health and Social Services under AS 47.12.120(b)(1) or (3);
   (2) "school of origin" means the school in which the student was last enrolled.

* Sec. 2. AS 14.43 is amended by adding a new section to read:

Article 3A. Free Tuition for a Person Who Was in Out-of-Home Care.

Sec. 14.43.086. Free tuition and fees for a person who was in out-of-home care. (a) A person who enrolls as a student in good standing in a state-supported educational institution in the state is entitled to a waiver of tuition, fees, and room and board expenses if the person provides adequate proof that the person
   (1) was in the custody of the state under AS 47.10 or AS 47.14;
   (2) was placed in out-of-home care for a period of not less than six
consecutive months on or after the person became 16 years of age; and

(3) is under 29 years of age.

(b) The amount of the waiver to which a person is entitled under this section is
the amount of unmet need for tuition, room, and board expenses, as determined by the
institution, after deducting funding for the school year from education loans, grants, or
scholarships received by a person eligible for a waiver.

(c) The proceeds of an education loan, grant, or scholarship received by a
person eligible for a waiver under this section must be paid to the educational
institution to offset the person's tuition, fees, and room and board expenses.

(d) A state-supported educational institution in the state is required to provide
a waiver under (a) of this section only if the legislature appropriates funds for the
purpose of offsetting waivers under this section. If an appropriation is not sufficient to
fully offset waivers for each person entitled to a waiver under (a) of this section, the
institution may offer full or partial waivers to eligible applicants as funding permits
and at the discretion of the institution.

(e) In this section, "out-of-home care" has the meaning given in AS 47.14.400.

* Sec. 3. AS 36.30.850(b)(42) is amended to read:

(42) grants and contracts with qualified entities for services under
AS 47.18.330 for the out-of-home [FOSTER] care transition program;

* Sec. 4. AS 47.05.060 is amended to read:

Sec. 47.05.060. Purpose and policy relating to children. The purpose of this
title as it relates to children is to secure for each child the care and guidance,
preferably in the child's own home, as well as an adequate education, that will serve
the moral, emotional, mental, intellectual, and physical welfare of the child and the
best interests of the community; to preserve and strengthen the child's family ties
unless efforts to preserve and strengthen the ties are likely to result in physical or
emotional damage to the child, removing the child from the custody of the parents
only as a last resort when the child's welfare or safety or the protection of the public
cannot be adequately safeguarded without removal; and, when the child is removed
from the family, to secure for the child adequate custody, education, and care and
adequate planning for permanent placement of the child.
*Sec. 5.* AS 47.05.065 is amended to read:

Sec. 47.05.065. Legislative findings related to children. The legislature finds that

(1) parents have the following rights and responsibilities relating to the care and control of their child while the child is a minor:

(A) the responsibility to provide the child with food, clothing, shelter, education, and medical care;

(B) the right and responsibility to protect, nurture, train, and discipline the child, including the right to direct the child's medical care and the right to exercise reasonable corporal discipline;

(C) the right to determine where and with whom the child shall live;

(D) the right and responsibility to make decisions of legal or financial significance concerning the child;

(E) the right to obtain representation for the child in legal actions; and

(F) the responsibility to provide special safeguards and care, including appropriate prenatal and postnatal protection for the child;

(2) it is the policy of the state to strengthen families and to protect children from child abuse and neglect; the state recognizes that, in some cases, protection of a child may require removal of the child from the child's home; however,

(A) except in those cases involving serious risk to a child's health or safety, the Department of Health and Social Services should provide time-limited family support services to the child and the child's family in order to offer parents the opportunity to remedy parental conduct or conditions in the home that placed the child at risk of harm so that a child may return home safely and permanently; and

(B) the state also recognizes that when a child is removed from the home, visitation between the child and the child's parents or guardian and family members reduces the trauma for the child and enhances the likelihood that the child will be able to return home; therefore, whenever a child is
removed from the parental home, the Department of Health and Social Services should encourage frequent, regular, and reasonable visitation of the child with the child's parent or guardian and family members;

(3) it is the policy of the state to recognize that, when a child is a ward of the state, the child is entitled to reasonable safety, adequate care, and adequate treatment and that the Department of Health and Social Services as legal custodian and the child's guardian ad litem as guardian of the child's best interests and their agents and assignees, each should make reasonable efforts to ensure that the child is provided with reasonable safety, adequate care, and adequate treatment for the duration of time that the child is a ward of the state;

(4) it is in the best interests of a child who has been removed from the child's own home for the state to apply the following principles in resolving the situation:

(A) the child should be placed in a safe, secure, and stable environment;
(B) the child should not be moved unnecessarily;
(C) a planning process should be followed to lead to permanent placement of the child;
(D) every effort should be made to encourage psychological attachment between the adult caregiver and the child;
(E) frequent, regular, and reasonable visitation with the parent or guardian and family members should be encouraged; [AND]
(F) parents and guardians must actively participate in family support services so as to facilitate the child's being able to remain in the home; when children are removed from the home, the parents and guardians must actively participate in family support services to make return of their children to the home possible; and

(G) the child should continue to attend the child's school of origin as provided under AS 14.03.096;

(5) numerous studies establish that
(A) children undergo a critical attachment process before the
time they reach six years of age;

(B) a child who has not attached with an adult caregiver during this critical stage will suffer significant emotional damage that frequently leads to chronic psychological problems and antisocial behavior when the child reaches adolescence and adulthood; and

(C) it is important to provide for an expedited placement procedure to ensure that all children, especially those under the age of six years, who have been removed from their homes are placed in permanent homes expeditiously.

* Sec. 6. AS 47.07.020(b) is amended to read:

(b) In addition to the persons specified in (a) of this section, the following optional groups of persons for whom the state may claim federal financial participation are eligible for medical assistance:

(1) persons eligible for but not receiving assistance under any plan of the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act, Supplemental Security Income) or a federal program designated as the successor to the aid to families with dependent children program;

(2) persons in a general hospital, skilled nursing facility, or intermediate care facility, who, if they left the facility, would be eligible for assistance under one of the federal programs specified in (1) of this subsection;

(3) persons under 21 years of age who are under supervision of the department, for whom maintenance is being paid in whole or in part from public funds, and who are in out-of-home care [FOSTER HOMES] or private child-care institutions;

(4) aged, blind, or disabled persons, who, because they do not meet income and resources requirements, do not receive supplemental security income under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not receive a mandatory state supplement, but who are eligible, or would be eligible if they were not in a skilled nursing facility or intermediate care facility to receive an optional state supplementary payment;

(5) persons under 21 years of age who are in an institution designated
as an intermediate care facility for the mentally retarded and who are financially eligible as determined by the standards of the federal program designated as the successor to the aid to families with dependent children program;

(6) persons in a medical or intermediate care facility whose income while in the facility does not exceed $1,656 a month but who would not be eligible for an optional state supplementary payment if they left the hospital or other facility;

(7) persons under 21 years of age who are receiving active treatment in a psychiatric hospital and who are financially eligible as determined by the standards of the federal program designated as the successor to the aid to families with dependent children program;

(8) persons under 21 years of age and not covered under (a) of this section[,] who would be eligible for benefits under the federal program designated as the successor to the aid to families with dependent children program, except that they have the care and support of both their natural and adoptive parents;

(9) pregnant women not covered under (a) of this section and who meet the income and resource requirements of the federal program designated as the successor to the aid to families with dependent children program;

(10) persons under 21 years of age not covered under (a) of this section who the department has determined cannot be placed for adoption without medical assistance because of a special need for medical or rehabilitative care and who the department has determined are hard-to-place children eligible for subsidy under AS 25.23.190 - 25.23.210;

(11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act) because they meet all of the following criteria:

(A) they are 18 years of age or younger and qualify as disabled individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);

(B) the department has determined that

(i) they require a level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded;
(ii) it is appropriate to provide their care outside of an institution; and

(iii) the estimated amount that would be spent for medical assistance for their individual care outside an institution is not greater than the estimated amount that would otherwise be expended individually for medical assistance within an appropriate institution;

(C) if they were in a medical institution, they would be eligible for medical assistance under other provisions of this chapter; and

(D) home and community-based services under a waiver approved by the federal government are either not available to them under this chapter or would be inappropriate for them;

(12) disabled persons, as described in 42 U.S.C. 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under applicable federal regulations or guidelines, is less than 250 percent of the official poverty line applicable to a family of that size according to the United States Department of Health and Human Services, and who, but for earnings in excess of the limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be individuals with respect to whom a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is not eligible under another provision of this section shall pay a premium or other cost-sharing charges according to a sliding fee scale that is based on income as established by the department in regulations;

(13) persons under 19 years of age who are not covered under (a) of this section and whose household income does not exceed 175 percent of the federal poverty line as defined by the United States Department of Health and Human Services and revised under 42 U.S.C. 9902(2);

(14) pregnant women who are not covered under (a) of this section and whose household income does not exceed 175 percent of the federal poverty line as defined by the United States Department of Health and Human Services and revised under 42 U.S.C. 9902(2);

(15) persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage under 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII).
(16) persons under 21 years of age who were in the custody of the
department under AS 47.10 or AS 47.14 and who were placed in out-of-home
care for a period of not less than six consecutive months on or after reaching 16
years of age.

* Sec. 7. AS 47.07.020 is amended by adding a new subsection to read:

(o) In this section, "out-of-home care" has the meaning given in AS 47.14.400.

* Sec. 8. 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 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) one-year extensions of commitment that do not extend
beyond the child's 21st birthday [AN ADDITIONAL ONE-YEAR PERIOD
OF STATE CUSTODY PAST 19 YEARS OF AGE] 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

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

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

(3) order, under the grounds specified in (o) of this section or AS 47.10.088, the termination of parental rights and responsibilities of one or both parents and commit the child to the custody of the department, and the department shall report quarterly to the court on efforts being made to find a permanent placement for the child.

* Sec. 9. AS 47.10.080 is amended by adding a new subsection to read:

(v) A social worker employed by or under contract with the department shall, not less than monthly, conduct visits with a child committed to the custody of the department under (c) of this section. The visits must be of sufficient substance and duration to address issues pertinent to case planning and service delivery to ensure the child's safety, permanency, and well-being. The majority of the visits conducted under this subsection must be at the location of the child's current placement. Nothing in this paragraph creates a private right of action against the department or the department's contractors. In this subsection, "visit" means face-to-face contact between social worker and child.

* Sec. 10. AS 47.10.990(3) is amended to read:

(3) "child" means a person who is

(A) under 18 years of age;

(B) [AND A PERSON] 19 years of age if that person was under 18 years of age at the time that a proceeding under this chapter was commenced; and

(C) under 21 years of age if that person is living in out-of-

home care;

* Sec. 11. AS 47.10.990 is amended by adding a new paragraph to read:

(33) "out-of-home care" has the meaning given in AS 47.14.400.

* Sec. 12. AS 47.18.300(a) is amended to read:

(a) The department, in coordination with local public and private agencies,
shall design, develop, and implement an out-of-home care transition program to provide support and services to individuals who

(1) reach or have reached the age of 16 or older while in state custody and placed in out-of-home care and have not yet reached 23 years of age; and

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

* Sec. 13. AS 47.18.310 is amended to read:

Sec. 47.18.310. Program design. The department, in coordination with local public and private agencies, shall design the program as a continuation of the training efforts related to independent living skills that were initiated for a child in state custody who was placed in out-of-home care and identified as being likely to remain in out-of-home care until reaching the age of 18. The program design must require that program participants are directly involved in identifying the program activities that will prepare them for independent living.

* Sec. 14. 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 basic education and 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 or a child who was in state custody and placed in out-of-home care to achieve self-sufficiency.

* Sec. 15. AS 47.18 is amended by adding a new section to read:

Sec. 47.18.335. Monetary living expense stipend. (a) The department shall provide a monthly monetary living expense stipend for a period not to exceed nine
months in an amount described in (b) of this section to an individual who

(1) has left out-of-home care at age 18 or older;
(2) is participating in services in the program; and
(3) has monthly contact with a social worker involved in the program.

(b) A stipend provided under this section shall be in an amount necessary to
meet an eligible individual's living expense as determined by the department. The
amount may not exceed

(1) for the first six months of eligibility, the daily rate provided to a
licensed foster parent; or
(2) for a period not to exceed three additional months during the period
that follows the first six months of eligibility, half of the daily rate provided to a
licensed foster parent.

(c) The department shall pay the stipend provided under this section until the
later of the date that the individual

(1) reaches 21 years of age; or
(2) has left out-of-home care for six months.

(d) The department may adopt regulations to implement this section.

* Sec. 16. AS 47.18.390(1) is amended to read:

(1) "program" means the out-of-home [FOSTER] care transition
program authorized under AS 47.18.300 - 47.18.390;

* Sec. 17. AS 47.18.390(3) is repealed and reenacted to read:

(3) "out-of-home care" has the meaning given in AS 47.14.400.
CS FOR SENATE BILL NO. 27(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/7/09
Referred: Labor and Commerce, Finance
Sponsor(s): SENATORS DAVIS, Ellis, Paskvan

A BILL

FOR AN ACT ENTITLED

"An Act relating to tuition waivers for a child who was in out-of-home care; relating to out-of-home care for a child; amending the definition of 'child' in certain statutes; and relating to out-of-home care transition to independent living."

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

* Section 1. AS 14.43 is amended by adding a new section to read:

  Article 3A. Free Tuition for a Person Who Was in Out-of-home Care.

  Sec. 14.43.086. Free tuition and fees for a person who was in out-of-home care. (a) A person who enrolls as a student in good standing in a state-supported educational institution in the state is entitled to a waiver of tuition, fees, and room and board expenses if the person provides adequate proof that the person

  (1) was in the custody of the state under AS 47.10 or AS 47.14; and

  (2) was placed in out-of-home care for a period of not less than six consecutive months on or after the person became 16 years of age.

  (b) The amount of the waiver to which a person is entitled under this section is
the amount of unmet need for tuition, room, and board expenses, as determined by the
commission after deducting all available funding for the school year from education
loans, grants, or scholarships for a person eligible for a waiver.

(c) The proceeds of an education loan, grant, or scholarship received by a
person eligible for a waiver under this section must be paid to the educational
institution to offset the person's tuition, fees, and room and board expenses.

(d) A state-supported educational institution in the state is required to provide
a waiver under (a) of this section only if the legislature appropriates funds for the
purpose of offsetting waivers under this section. If an appropriation is not sufficient to
fully offset waivers for each person entitled to a waiver under (a) of this section, the
institution may offer full or partial waivers to eligible applicants as funding permits
and at the discretion of the institution.

* Sec. 2. AS 14.43.160 is amended by adding a new paragraph to read:

(7) "out-of-home care" has the meaning given in AS 47.14.400.

* Sec. 3. AS 36.30.850(b)(42) is amended to read:

(42) grants and contracts with qualified entities for services under
AS 47.18.330 for the out-of-home [FOSTER] care transition program;

* Sec. 4. AS 47.07.020 is amended by adding a new subsection to read:

(o) In this section, "out-of-home care" has the meaning given in AS 47.14.400.

* Sec. 5. 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 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) **one-year extensions of commitment that do not extend**
beyond the child's 21st birthday [AN ADDITIONAL ONE-YEAR PERIOD
OF STATE CUSTODY PAST 19 YEARS OF AGE] 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

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

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

(3) order, under the grounds specified in (o) of this section or
AS 47.10.088, the termination of parental rights and responsibilities of one or both
parents and commit the child to the custody of the department, and the department
shall report quarterly to the court on efforts being made to find a permanent placement
for the child.

* Sec. 6. AS 47.10.990(3) is amended to read:

(3) "child" means a person who is
(A) under 18 years of age;
(B) [AND A PERSON] 19 years of age if that person was
under 18 years of age at the time that a proceeding under this chapter was
commenced; and
(C) under 21 years of age if that person is living in out-of-
home care;

* Sec. 7. AS 47.10.990 is amended by adding a new paragraph to read:
(33) "out-of-home care" has the meaning given in AS 47.14.400.

* Sec. 8. AS 47.18.300(a) is amended to read:

(a) The department, in coordination with local public and private agencies, shall design, develop, and implement an out-of-home care transition program to provide support and services to individuals who

(1) reach or have reached the age of 16 or older while in state custody and placed in out-of-home care and have not yet reached 23 years of age; and

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

* Sec. 9. AS 47.18.310 is amended to read:

Sec. 47.18.310. Program design. The department, in coordination with local public and private agencies, shall design the program as a continuation of the training efforts related to independent living skills that were initiated for a child in state custody who was placed in out-of-home care and identified as being likely to remain in out-of-home care until reaching not less than the age of 18. The program design must require that program participants are directly involved in identifying the program activities that will prepare them for independent living.

* Sec. 10. 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 basic education and 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 or a child who was in state custody and placed in out-of-home care to achieve self-sufficiency.
* Sec. 11. AS 47.18.390(1) is amended to read:
   (1) "program" means the **out-of-home** care transition program authorized under AS 47.18.300 - 47.18.390;
* Sec. 12. AS 47.18 is amended by adding a new section to read:

   **Sec. 47.18.335. Monetary living expense stipend.** The department shall provide to an individual eligible for services under the program who has left out-of-home care a monthly stipend in an amount set by the department that is not more than the daily rate provided to a licensed foster parent for necessary living expenses. The stipend shall continue for a period of not more than one year and shall end before the individual is 23 years of age. The department may adopt regulations to implement this section.

* Sec. 13. AS 47.18.390(3) is repealed and reenacted to read:
   (3) "out-of-home care" has the meaning given in AS 47.14.400.
How States are Implementing the Fostering Connections Act

Alaska’s At-risk Children
During November 2009, Alaska’s Department of Health and Social Services Division of Office of Children Services investigated 1,226 allegations of abuse and neglect, with the majority of the cases being neglect (812). Of those investigated, 364 were substantiated during that month. These involved 263 Alaskan children.  

As of November 2009, there were 1,999 children, a significant number under 4 years of age, and young people in the state’s foster care system. This represents a slight decrease from the previous year of 2,090 children in care and comes mainly from the urban area of Anchorage. Approximately, 562 children live in a relative foster home and 856 live with a non-relative caregiver. Nearly 150 children were in an institutional setting and more than 150 are either in a pre-adoptive placement or a trial home visit. In 2009, Alaska received an Adoption Incentive award of $224,000 for increasing the numbers of adoptions from foster care.  

Alaska’s Budget Landscape
Oil revenue accounts for nearly 90 percent of the state’s general revenue and with crude prices falling the state is experiencing a budget deficit. For SFY 2010, Alaska needs to fill a $1.3 billion dollar gap hole. Anchorage alone faced a $9 million short fall and that is expected to double this year.  

Over the past five years, the state’s legislature has funded 70 additional front-line positions. However, there has been a hiring freeze last year, which was lifted in July 2009.  

P.L. 110-351 State Options
Guardianship Assistance Program
Alaska will implement the Guardianship Assistance Program, most likely in mid-2010. The state must make changes to its administrative code and estimates the implementation will take approximately six months to achieve. The state’s current program, which has been operating since 1990, allows children over the age of 10 to participate when adoption is not the best option. Families do not need to be licensed, but must pass criminal background checks.  

Alaska’s law requires that relatives be considered first when an out-of-home placement is sought, so relatives are identified early on. The 2000 Census indicates that 10,423 grandparents were living in households with one or more of their grandchildren under the age of 18. The most recent Child and Family Service Review (CFSR) showed that Alaska provides resources to relative placements as needed. Particularly children in these arrangements are eligible for Alaska’s version of CHIP.  

Support to eligible young adults aged 19, 20, or 21.
Alaska would need legislative action in order to implement the older youth option. Several bills have been introduced, but nothing has passed yet. In November 2009 there were 68 young people ages 18 and older in Alaska’s foster care system. In most cases youth leave the state custody at the age of 18. However, instances occur where a young person may remain in care until 19 when it is in their best interests to do so. The youth’s consent is not needed. After 19, the young person must consent to remaining in care and this can continue until 20. If a young person leaves care at 18, they are unable to come back. The state created and implemented a judicial checklist to enable judges to more readily determine whether or not a youth is prepared to be released from state custody. The youth is always encouraged to participate in the court proceedings.  

Statistics indicate that 38 percent of young people who leave state custody at 18 become homeless. The state provides crisis housing assistance with a one-time financial support of up to $5,000 for rent. Alaska allows youth leaving custody
to apply for two months rent at 100 percent. The third month rent is paid at 50 percent and the fourth month is paid at 25 percent.  

Alaska has four Independent Living Specialists (ILS) one in each of the four regions and a Statewide Coordinator to provide assistance for youth transitioning to adulthood. The ILS monitor the youth while in custody and assist the primary caseworker in determining what services the youth needs while in custody and then become the primary worker once the youth leaves state custody. While in custody, the ILS can provide aid in funding for tutoring and accompanies youth to the annual education conference held at one of the state universities. The Coordinator and the Regional ILS also works with the Youth Advisory Group (Facing Foster Care in Alaska) to provide support for youth to advocate for themselves and other foster youth. Youth also have the opportunity to participate in IL training on topics that will aid them in dealing with life on their own. Participants are given a gift card to encourage their participation in these training opportunities.

Support to eligible youth who exit care to guardianship or adoption after age of 16.
It is unclear at this time if the state will be able to expand these programs.

Alaska Tribes
There are a few tribes interested in operating their own IV-E program however, the SACWIS requirements are a barrier. There are 226 federally recognized tribes in Alaska. Approximately 60 percent of children in state custody are Alaska Native. The Office of Children’s Services, in collaboration with tribal child welfare leaders and Casey Family Programs, is working to decrease this disparity.

The state’s new practice model includes guiding principles that collaboration with Alaska Native Tribes in fundamental to best practice. Ongoing efforts to improve outcomes for native children include strategic planning with the Tribal State Collaboration Group, local plans between tribal and state partners, and Undoing Racism Training. The Collaborative Leadership Program and the Breakthrough Series Collaboration offered by Casey Family Programs and implemented locally, is designed to build collaborative leaderships that will create better outcomes for children, families, tribes and communities.

In addition, in April of 2009, Central Council of Tlingit and Haida Indian Tribes of Alaska, together with 15 other Alaska Title IV-B tribes/tribal organizations, applied for and received an award for assistance to further tribal efforts related to disproportionality and building tribal capacity. The project will assist Tribes and Tribal organizations, the Office of Children Services and the Court System to develop a targeted strategy and action plan for addressing systems change with a keen focus on several crucial issues impacting Native families in the arena of Indian Child Welfare. Issues identified include:

- Reducing disproportionality in out of home placements through supporting full compliance with the Indian Child Welfare Act by the State of Alaska
- Building tribal/state cooperation and capacity in key Indian Child Welfare programs and institutions, including tribal courts, tribal foster care licensing, and tribal Indian Child Welfare data/reporting/evaluation systems

Through another collaboration OCS, the Cook Inlet Tribal Council and the Native Village of Eklutna received a grant of $500,000 a year for five years to provide prevention services to Native families and Native children in the Anchorage area.

P.L. 110-351 Mandatory Provisions
Relative Notification
New forms are being developed to ensure compliance. Alaska is working on streamlining the process for all notifications and anticipates the process which includes the new relative notification requirement to be implemented within six to nine months.

Education stability
Alaska has had programs in place for some time that address educational needs of foster children. OCS meets with Attorneys General, Guardians ad litem, local school administrators, foster youth, foster parents, and local judges to help improve educational outcomes for children in custody. Independent Living funds are used for tutors when concerns about education are brought to the social workers’ attention.
Sibling Connections
Alaska’s policy and practice is that all youth should be assisted in compiling documents that list known relatives, their addresses, and their phone numbers, including siblings. Visitation between siblings has always been important to the agency. Foster care recruitment is being redesigned in order to identify adults willing to care for large sibling groups. Sibling connections are identified as a strength for the state in the Child and Family Service Reviews (CFSRs).

Transition plan for children aging out of foster care
ILS participate in six month reviews of youth sixteen and older. Exit plans are developed for all youth seventeen and older and a final plan is developed prior to the youth being released from state custody. The exit plan includes the needs of the youth and a list of services available to address the needs. IL resources are also explained to the youth prior to leaving state custody. Prior to leaving custody, policy and procedures requires that youth have an exit plan that addresses the issue of family resources. Attempts are made to give youth physical addresses, phone numbers, and email addresses so they can maintain contact.

Health oversight and coordination
Alaska requires that all children in foster care receive a medical evaluation and that any recommendations from the EPSDT screening are dealt with. The state tries to keep the child with the same doctor throughout the life of the case. In Alaska, youth can receive Medicaid up to the age of 21 if they meet the financial requirements. Over 60 percent of the youth in state custody are Alaska Natives. Alaska Natives are eligible for care from the native health care system. Additionally, the state’s SACWIS system interfaces with the state’s Medicaid system, which maintains immunization records. Records can be obtained electronically and are part of the case file.

Family Connections Grants
Alaska did not receive a Family Connections Grant.

Opportunities & Challenges
A major challenge for Alaska has been the vast area to cover. The state relies heavily on alternate means of transportation, such as boats, ATV’s, snow machines and sea planes in order to visit children and support at-risk families.

In the end of 2009, the state began to implement a new practice model which is child safety intervention driven and defines how families are treated in the system. This is seen as an opportunity to help strengthen the state’s child welfare system. The practice model has been integrated into the state’s Program Improvement Plan which implementation started during the same time frame.

Conclusion
Alaska recently submitted an updated Child and Family Services Plan (CFSP) which included a list of accomplishments. Over the last five years, the state has made measurable strides and decreased the number of children in out-of-home placement and increase the number of children achieving permanency, particularly with adoptions. Front-end staff have worked diligently to keep children from coming into care in the first place by providing up-front services, particularly to those from native cultures. Additionally, Alaska has decreased the number of children placed out-of-state in residential treatment facilities and decreased the number of children in in-state congregate care. Over the past two years overall caseloads have decreased by 7 percent.

1 Statistical Information, State of Alaska, Department of Health and Social Services, Office of Children Services.
2 Ibid.
3 Reuters February 4, 2009
5 Pipeline, Department of Health and Social Services, Issue 36, January 2010.
6 Interview with Office of Children’s Services, November 18, 2009.
7 Ibid.
8 GrandsPlace.org-For Grandparents and Special Others Parenting Children, Legal Resources Information (pulled January 4, 2010)
9 Interview with Office of Children’s Services, November 18, 2009.
10 Pipeline, Department of Health and Social Services, Issue 36, January 2010.
11 Interview with Office of Children’s Services, November 18, 2009.
12 NAPCWA, 2004 Youth Services Survey.
13 Ibid.
14 Interview with Office of Children’s Services, November 18, 2009.
15 NAPCWA, 2004 Youth Services Survey.
Ibid.

17 Interview with Office of Children’s Services, November 18, 2009.

18 NAPCWA, 2004 Youth Services Survey.

19 Ibid.

20 Pipeline, Department of Health and Social Services, Issue 36, January 2010.

21 Interview with Office of Children’s Services, November 18, 2009.