

CS FOR HOUSE BILL NO. 126(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/7/10

Referred: Finance

Sponsor(s): REPRESENTATIVES GARA, Crawford, Kerttula, Gardner, Harris, Richard Foster, Edgmon, Muñoz, Lynn, Herron, Dahlstrom, Johansen

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to residential shelters for runaway minors; relating to extensions of
2 state custody of children; and providing for an effective date."

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

4 * **Section 1.** AS 47.10.080(c) is amended to read:

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

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

11 (A) **two-year extensions of commitment that do not extend**
12 **beyond the person's 21st birthday if the continued custody is in the best**
13 **interests of the person and the person consents to it** [ONE-YEAR
14 EXTENSIONS OF COMMITMENT THAT DO NOT EXTEND BEYOND

1 THE CHILD'S 19TH BIRTHDAY IF THE EXTENSION IS IN THE BEST
2 INTERESTS OF THE CHILD]; and

3 (B) an additional [ONE-YEAR] period of state custody past 19
4 years of age **or, if the person is emancipated, past the date of emancipation,**
5 **that does not extend beyond the person's 21st birthday,** if the **resumption**
6 **of** [CONTINUED] state custody is in the best interests of the person and the
7 person

8 (i) consents to it;

9 (ii) **was placed in out-of-home care by the**
10 **department immediately before being released from state custody,**
11 **if the person was released for a reason other than court-ordered**
12 **reunification with the person's parent; in this sub-subparagraph,**
13 **"parent" means a biological or adoptive parent or a legal guardian**
14 **of the person;**

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

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

24 (2) order the child released to a parent, adult family member, or
25 guardian of the child or to another suitable person, and, in appropriate cases, order the
26 parent, adult family member, guardian, or other person to provide medical or other
27 care and treatment; if the court releases the child, it shall direct the department to
28 supervise the care and treatment given to the child, but the court may dispense with
29 the department's supervision if the court finds that the adult to whom the child is
30 released will adequately care for the child without supervision; the department's
31 supervision may not exceed two years or in any event extend past the date the child

1 reaches 19 years of age, except that the department or the child's guardian ad litem
2 may petition for and the court may grant in a hearing

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

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

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

14 * **Sec. 2.** AS 47.10.310 is amended by adding a new subsection to read:

15 (e) A program for runaway minors that operates a licensed residential shelter
16 in the state shall provide a shelter with a capacity designated in the license issued
17 under AS 47.10.300 - 47.10.390.

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

19 (3) "child" means a person who is

20 (A) under 18 years of age;

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

24 (C) under 21 years of age if that person is living in out-of-
25 home care as defined in AS 47.14.400;

26 * **Sec. 4.** This Act takes effect January 1, 2011.