

**SENATE BILL NO. 88**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY SENATOR BJORKMAN**

**Introduced: 2/5/25**

**Referred: Health and Social Services, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to placement of a child in need of aid; relating to adoption; relating to**  
2 **variances for foster care licenses; relating to the medical records of children in foster**  
3 **care; and providing for an effective date."**

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

5 **\* Section 1.** AS 47.10.080(s) is amended to read:

6 (s) The department may transfer a child, in the child's best interests, from one  
7 placement setting to another, and the child, the child's parents or guardian, the child's  
8 foster parents or out-of-home caregiver, the child's guardian ad litem, the child's  
9 attorney, and the child's tribe are entitled to advance notice of a nonemergency  
10 transfer. A party **or child's foster parent who is** opposed to the proposed transfer may  
11 request a hearing and must prove by clear and convincing evidence that the transfer  
12 would be contrary to the best interests of the child for the court to deny the transfer. **A**  
13 **foster parent may obtain, at the foster parent's cost, a medical or psychological**  
14 **evaluation of the child for the purpose of providing evidence at the hearing. A**

1 **foster parent who requests a hearing to oppose a proposed transfer under this**  
 2 **subsection does not become a party to the case.** A foster parent or out-of-home  
 3 caregiver who requests a nonemergency change in placement of the child shall provide  
 4 the department with reasonable advance notice of the requested change. When the  
 5 department transfers a child from one out-of-home placement to another, the  
 6 department shall search **as provided under AS 47.10.145** for an appropriate  
 7 placement with an adult family member or a family friend who meets the foster care  
 8 licensing requirements established by the department. A supervisor at the department  
 9 shall certify in writing in the case file whether the department has searched for an  
 10 appropriate placement with an adult family member or family friend. If the department  
 11 has not complied with the search requirements under this subsection, the supervisor  
 12 shall work to ensure that the department completes the search in the shortest time  
 13 feasible.

14 \* **Sec. 2.** AS 47.10.084(d) is amended to read:

15 (d) When the child is placed in foster care, the foster parent has the right and  
 16 responsibility to use a reasonable and prudent parent standard to make decisions  
 17 relating to the child. The foster parent may make decisions under (a) or (b) of this  
 18 section that include decisions relating to the child's participation in age-appropriate or  
 19 developmentally appropriate activities, including travel, sports, field trips, overnight  
 20 activities, and extracurricular, enrichment, cultural, and social activities. **A health**  
 21 **care provider subject to the provisions of the Health Insurance Portability and**  
 22 **Accountability Act of 1996 (P.L. 104-191) who provides services to a child in**  
 23 **foster care shall provide the medical records of the child to the child's foster**  
 24 **parent upon the request of the foster parent.** The department shall provide foster  
 25 parents with training regarding the reasonable and prudent parent standard. In this  
 26 subsection, "reasonable and prudent parent standard" means a standard characterized  
 27 by careful and sensible decisions to maintain the health, safety, and best interests of  
 28 the child while encouraging the emotional and developmental growth of the child.

29 \* **Sec. 3.** AS 47.10.088(i) is amended to read:

30 (i) The department shall concurrently identify, recruit, process, and approve a  
 31 qualified person or family for an adoption whenever a petition to terminate a parent's

1 rights to a child is filed. Before identifying a placement of the child in an adoptive  
 2 home, the department shall [ATTEMPT TO] locate any [ALL] living adult family  
 3 members of the child **through a diligent search for adult family members as**  
 4 **described in AS 47.10.145** and, if an adult family member expresses an interest in  
 5 adopting the child, investigate the adult family member's ability to care for the child.  
 6 The department shall provide to all adult family members of the child located by the  
 7 department written notice of the adult family members' rights under this chapter and of  
 8 the procedures necessary to gain custody of the child, but the department's obligation  
 9 to provide written notice under this subsection does not apply to a parent of the child  
 10 whose parental rights are being or have been terminated or to an adult family member  
 11 who is known by the department to be ineligible for a foster care license under  
 12 AS 47.32 and regulations adopted under AS 47.32. If an adult family member of the  
 13 child requests that the department approve the adult family member for an adoption,  
 14 the department shall approve the request **if it is in the best interests of the child. In**  
 15 **determining the best interests of the child under this subsection, the department**  
 16 **shall consider the child's physical and psychological well-being. In determining**  
 17 **the best interests of a child under six years of age, the department shall consider**  
 18 **whether the child has resided for at least 12 consecutive months with a foster**  
 19 **family seeking adoption and whether an adult family member seeking adoption**  
 20 **has previously demonstrated an intent or desire to be considered for placement**  
 21 **for the child** [UNLESS THERE IS GOOD CAUSE NOT TO APPROVE THE  
 22 ADOPTION]. If the court issues an order to terminate under (j) of this section, the  
 23 department shall report within 30 days on the efforts being made to recruit a  
 24 permanent placement for the child if a permanent placement was not approved at the  
 25 time of the trial under (j) of this section. The report must document recruitment efforts  
 26 made for the child.

27 \* **Sec. 4.** AS 47.10.142(i) is amended to read:

28 (i) When the department takes emergency custody of a child under this section  
 29 or a court orders a child committed to the department for temporary placement under  
 30 this section, the department shall, to the extent feasible and consistent with the best  
 31 interests of the child, place the child according to the criteria specified under

1 AS 47.14.100(e). A supervisor at the department shall certify in writing in the case file  
 2 whether the department has **conducted a diligent search as described in**  
 3 **AS 47.10.145** [SEARCHED] for an appropriate placement with an adult family  
 4 member or family friend. If the department has not complied with the search  
 5 requirements under this subsection, the supervisor shall work to ensure that the  
 6 department completes the search in the shortest time feasible if it is consistent with the  
 7 best interests of the child.

8 \* **Sec. 5.** AS 47.10 is amended by adding a new section to read:

9 **Sec. 47.10.145. Diligent search.** (a) Within 30 days after removing a child  
 10 from a parent's home under AS 47.14.100(e), taking emergency custody of a child,  
 11 receiving a court order committing a child to the department for temporary placement  
 12 under AS 47.10.142, or transferring a child from one placement setting to another  
 13 under AS 47.10.080(s), the department shall conduct a diligent search for an adult  
 14 family member or family friend of the child suitable for placement. In conducting the  
 15 diligent search, the department shall

16 (1) interview

17 (A) the child's parent during the course of an investigation  
 18 while department services are provided and the child is in the care of the  
 19 department;

20 (B) the child;

21 (C) relatives of the child identified during the case; and

22 (D) any other person who is likely to have information about  
 23 the identity or location of adult family members or family friends;

24 (2) conduct comprehensive searches of databases and other resources  
 25 available to the department likely to identify and locate adult family members or  
 26 family friends; and

27 (3) conduct any other reasonable investigation that is likely to identify  
 28 adult family members or family friends who are appropriate for placement.

29 (b) The department shall provide all adult family members of the child  
 30 identified in the diligent search, subject to exceptions for family with domestic  
 31 violence or other safety concerns as determined by the department, a notice

1 (1) stating the child has been or is being removed from parental  
2 custody;

3 (2) explaining the options that the family member has to participate in  
4 the care and placement of the child and the results of failing to respond to the notice;

5 (3) describing the process for becoming a licensed foster home and the  
6 additional services and supports available for children placed in approved foster  
7 homes; and

8 (4) describing any financial assistance for which a family member may  
9 be eligible upon obtaining custody of the child.

10 (c) The department shall report to the court in writing regarding the actions  
11 taken by the department under (a)(1) - (3) of this section at any scheduled disposition,  
12 case review, or permanency hearing or as otherwise required by the court.

13 (d) The department shall continue to diligently search for adult family  
14 members or family friends suitable for placement of the child until the court orders  
15 that the department is excused from conducting a diligent search or the department  
16 finalizes the permanent placement of the child. The court may excuse the department  
17 from considering an adult family member for placement of a child if the adult family  
18 member does not demonstrate an interest in and willingness to be considered for  
19 placement of the child within 90 days from the date of receiving the required notice  
20 under (b) of this section.

21 \* **Sec. 6.** AS 47.14.100(e) is amended to read:

22 (e) When a child is removed from a parent's home, the department shall search  
23 for an appropriate placement **as provided under AS 47.10.145** [WITH AN ADULT  
24 FAMILY MEMBER OR FAMILY FRIEND. A SUPERVISOR AT THE  
25 DEPARTMENT SHALL CERTIFY IN WRITING IN THE CASE FILE WHETHER  
26 THE DEPARTMENT HAS SEARCHED FOR AN APPROPRIATE PLACEMENT  
27 WITH AN ADULT FAMILY MEMBER OR FAMILY FRIEND]. If the department  
28 has not complied with the search requirements [UNDER THIS SUBSECTION], the  
29 supervisor shall work to ensure that the department completes the search in the  
30 shortest time feasible. The department shall place the child, in the absence of clear and  
31 convincing evidence of good cause to the contrary,

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

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

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

6 (A) an adult family member, **or, if the child is under six years**  
7 **of age and it is in the best interests of the child, a licensed foster home that**  
8 **has provided at least 12 consecutive months of care to the child;**

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

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

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

15 \* **Sec. 7.** AS 47.14.100(m) is amended to read:

16 (m) Prima facie evidence of good cause not to place a child with an adult  
17 family member or family friend under AS 47.10.088(i) or under (e) of this section  
18 includes the failure to meet the requirements for a foster care license under AS 47.32  
19 and regulations adopted under AS 47.32, taking into account a waiver, variance, or  
20 exemption allowed under AS 47.32.030(a)(3) and 47.32.032. Prima facie evidence of  
21 good cause not to place a child, **or that it is not in the best interests of a child to**  
22 **place the child,** with an adult family member or adult family friend does not include  
23 poverty or inadequate or crowded housing. If the department denies a request for  
24 placement with an adult family member or a family friend, the department shall  
25 inform the adult family member or family friend of the basis for the denial and the  
26 right to request a hearing to review the decision. A non-party [ADULT FAMILY  
27 MEMBER OR FAMILY FRIEND] requesting a review hearing under  
28 **AS 47.10.080(s), 47.10.088(i),** [AS 47.10.088(i)] or [UNDER] (e) of this section is not  
29 eligible for publicly appointed legal counsel.

30 \* **Sec. 8.** AS 47.32.032 is amended by adding new subsections to read:

31 (d) The department shall assist an adult family member or family friend in

1 gathering the information necessary to submit a request for a variance under this  
2 section.

3 (e) In this section, "department" means the Department of Family and  
4 Community Services.

5 \* **Sec. 9.** This Act takes effect January 1, 2026.