



LAWS OF ALASKA

2010

Source
CSHB 126(FIN)

Chapter No.

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

Enrolled HB 126

001

AN ACT

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

3

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

14 (B) [AN] additional one-year **extensions of commitment**

1 [PERIOD OF STATE CUSTODY] past 19 years of age **that do not extend**
2 **beyond the person's 21st birthday** if the continued state custody is in the best
3 interests of the person and the person consents to it;

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

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

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

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

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

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

29 (1) consents to it;

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

1 own custody;

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

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

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

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

12 (A) under 18 years of age;

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

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

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

Register 200, Dec 10, 2012¹

HEALTH AND SOCIAL SERVICES

Part 4. Children's Services and Juvenile Justice.
Chapter 53. Social Services.

The heading for Article 1 of 7 AAC 53 is changed to read:

Article 1. Child Foster Care and Fostering Independence:
Standard Payment Rates and Augmentation [PAYMENTS].

The lead-in language of 7 AAC 53.010 is amended to read:

7 AAC 53.010. License required. To be eligible for [FOSTER CARE] payments **for**
foster care or for fostering independence, including payments to relatives under
7 AAC 53.090, a foster parent must be licensed to

...

(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 1/1/96, Register 136; am 3/1/98,
Register 145; am 4/13/2011, Register 198; am ____/____/2011, Register ____)

Authority: AS 44.29.020 AS 47.14.010 AS 47.14.120
AS 47.05.010 AS 47.14.100 AS 47.32.030

AS 47.10.080

7 AAC 53.020 is repealed and readopted to read:

7 AAC 53.020. Payment rates. (a) Subject to appropriation, and unless another source
of payment is available for the child's care, the department will provide payment for a child

- (1) placed in foster care by the department under AS 47.14.100 - 47.14.130; or
- (2) who is eligible for resumption of state custody under AS 47.10.080(v) for
fostering independence.

(b) The department will compute and establish standard payment rates yearly in accordance with 7 AAC 53.030 and 7 AAC 53.040. (Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am ____/____/2011, Register ____)

Authority:	AS 47.05.010	AS 47.14.010	AS 47.14.120
	<u>AS 47.10.080</u>	AS 47.14.100	AS 47.14.130

The lead-in language of 7 AAC 53.030(a) is amended to read:

(a) Subject to (b) of this section, the department will pay a standard rate for foster care **or fostering independence** for **a child** [CHILDREN] placed by the department. The standard rate is to assist in meeting **reasonable and age-appropriate** [THE] costs for

...

7 AAC 53.030(a)(7) is amended to read:

(7) games, toys, books, recreational equipment, and other items costing less than \$100 per item that are **age-appropriate** [APPROPRIATE TO THE AGES OF CHILDREN IN CARE] and sufficient in quantity to promote normal growth and development;

7 AAC 53.030(a)(11) is amended to read:

(11) [AND] child care, except as provided in 7 AAC 53.050(b)(5); and

7 AAC 53.030(b) is repealed and readopted to read:

(b) The department may propose to the legislature each year a standard rate for child foster care or fostering independence after reviewing the current United States Health and Human Services Poverty Guidelines for an Alaska family unit of one and the current state cost-of-living differentials determined by the Department of Administration under AS 39.27.030. Based on appropriation, the department will establish a standard rate. A change in the standard rate takes effect the following state fiscal year. The standard rate will be applied to an individual child placement in accordance with the following:

(1) a percentage of the standard rate will apply for foster care to the following age ranges:

(A) birth through 29 months: 90 percent;

(B) 30 months through 11 years: 80 percent;

(C) 12 years through 18 years: 95 percent;

(2) a percentage of the standard rate will apply for fostering independence from 19 years through 20 years: 95 percent;

(3) the standard rate adjusted by percentage for age will be multiplied by the geographic cost-of-living differential as set by the arbitrated decision on Alaska Geographic Wage Differentials dated October 24, 1986, and adopted by reference, except in a location where the rate calculated under the differential would be below the rate in effect on July 1, 2008; in such a location, the department's rate in effect on July 1, 2008 applies.

7 AAC 53.030(d) is amended to read:

(d) The department will publish the in-state [CHILD FOSTER CARE] rate schedule, containing rates to be paid under this section, before the state fiscal year to which they apply.

7 AAC 53.030(e) is amended to read:

(e) Notwithstanding (b) of this section, if a reduction in the standard rate becomes necessary because [LEGISLATIVE] appropriations are insufficient, the number of children needing foster care **or fostering independence** increases, or appropriations are withdrawn, reduced, or limited in any way for payment of standard rates [FOR FOSTER CARE] under the formula described in (b) of this section, the department will notify foster parents, in advance and in writing, of the amount of the reduction. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am ____/____/20____, Register ____)

Authority: AS 47.05.010 AS 47.10.970 AS 47.14.120
AS 47.10.080 AS 47.14.010

7 AAC 53.050(a) is amended to read:

(a) The department may pay ongoing direct costs for foster care **or for fostering independence** for a child placed by the department if those costs are in addition to standard rate costs incurred in **providing for the necessary care of the child** [CARING FOR THE FOSTER CHILD].

7 AAC 53.050(b)(5)(D) is amended to read:

(D) special circumstances or a serious shortage of foster parent resources require payment to **begin or continue providing** [GAIN OR KEEP A] foster care [PLACEMENT] when the foster parent is working or actively seeking work; or

7 AAC 53.050(b)(6) is amended to read:

(6) other services essential to success of the foster care placement or success in school, including **frequent visitation with siblings and educational stability; these services may include reasonable and age-appropriate costs associated with**

(A) electronic communication to facilitate frequent contact with siblings;

(B) mentoring programs;

(C) extracurricular activities before or after school;

(D) summer camp experiences; and

(E) educational recovery opportunities [VOCATIONAL TRAINING, TUTORING, SUMMER CAMP EXPERIENCE, OR AFTER-SCHOOL EXPERIENCE], but not private school tuition; **for purposes of this subparagraph, "educational recovery opportunities" means activities and services that encourage academic success and stability, including grade level or credit recovery to meet promotional or graduation requirements.**

(Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am ____/____/2011, Register ____)

Register _____, _____, 2012 HEALTH AND SOCIAL SERVICES

Authority: AS 47.05.010 AS 47.14.010 AS 47.14.120

AS 47.10.080

The heading is changed, and the lead-in language of 7 AAC 53.060(a) is amended to read:

7 AAC 53.060. Specialized [FOSTER CARE] services for foster care or fostering independence. (a) The department may authorize specialized foster care or fostering independence services if

• • •

7 AAC 53.060(c) is amended to read:

(c) The department will determine the specialized foster care or fostering independence services rates based upon an assessment of the child's level-of-care needs. The department will determine the foster parent's role in meeting the child's needs during the assessment process.

7 AAC 53.060(d) is amended to read:

(d) The specialized foster care or fostering independence [AND] services rate may [WILL] range from 100 [150] percent up to 500 percent of the standard rate.

7 AAC 53.060(e) is amended to read:

(e) The department will approve specialized foster care or fostering independence services based on documented assessed need and the availability of appropriations from the legislature.

Register _____, _____, 2012

HEALTH AND SOCIAL SERVICES

7 AAC 53.060(f) is amended to read:

(f) If appropriate, the department will authorize payment of both

(1) ongoing direct costs under 7 AAC 53.050; and

(2) specialized foster care or fostering independence under this section [FOR A FOSTER CHILD].

7 AAC 53.060(g) is amended to read:

(g) The department will review the assessments required by (a) of this section at least every six months, and will compute any necessary rate change. If a rate reduction is appropriate, the department will provide at least a 30-day notice to the foster parents of the reduction. A child is normally expected to improve with the provision of [UNDER] specialized foster care or fostering independence services, and rate reductions are to be anticipated as appropriate. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 1/1/96, Register 136; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am ____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.14.010 AS 47.14.120

AS 47.10.080

7 AAC 53.080(a) is amended to read:

(a) The department will pay the appropriate rate established under 7 AAC 53.030 - 7 AAC 53.060 multiplied by the number of days of care provided [THE DEPARTMENT WILL PAY] for a child placed by the department in a child foster home with which the department has entered into a child foster care agreement. [THE DEPARTMENT WILL PAY

Register _____, _____, 2012

HEALTH AND SOCIAL SERVICES

THE APPROPRIATE RATE ESTABLISHED UNDER 7 AAC 53.030 –
7 AAC 53.060 MULTIPLIED BY THE NUMBER OF DAYS OF CARE PROVIDED.]

The lead-in language of 7 AAC 53.080(c) is amended to read:

(c) For a child [CHILDREN] placed in a foster home [CARE] by the department, the department may authorize continued payment for a period up to 14 days if a child is absent from the home due to

...

(Eff. 7/1/90, Register 114; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am
____/____/2011, Register _____)

Authority: AS 44.29.020 AS 47.10.080 AS 47.14.100
 AS 47.05.010 AS 47.14.010 AS 47.14.120

7 AAC 53.090(a) is amended to read:

(a) Notwithstanding the licensure exemption for relatives under 7 AAC 50.010(a)(6), the department will provide [FOSTER CARE] payments for foster care or fostering independence to a relative of a foster child only if that relative is licensed under AS 47.32 and in compliance with the additional standards and requirements of 7 AAC 50 as a foster parent [FOR CHILDREN IN DEPARTMENT CUSTODY].

(Eff. 7/1/90, Register 114; am 1/1/96, Register 136; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am ____/____/2011, Register _____)

Authority: AS 47.05.010 AS 47.14.010 AS 47.14.120

AS 47.10.080

The lead-in language of 7 AAC 53.100(a) is amended to read:

(a) It is the policy of this state, through the division of risk management in the Department of Administration, to indemnify and defend a foster parent for an injury that occurs during the performance and within the scope of duty as a [OF THE] foster parent [CARE PROGRAM], including

...

7 AAC 53.100(c) is amended to read:

(c) In accordance with AS 09.65.255, a foster parent in the state is protected against liability for damage to the property of others caused by a child placed by the department with the foster [THAT] parent.

7 AAC 53.100(e) is amended to read:

(e) State liability protection is in effect only while a [FOSTER] child is placed by the department in a foster home [CARE]. (Eff. 11/23/78, Register 68; am 3/31/82, Register 81; am 7/1/90, Register 114; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am ____/____/2011, Register ____)

Authority: AS 09.65.255 **AS 47.10.080** AS 47.14.120

AS 47.05.010 AS 47.14.010

7 AAC 53.140(1) is amended to read:

(1) "child's placement plan" means a plan developed to ensure appropriate goals and objectives for a child placed **by the department** in a foster **home** [CARE], including identification of the person responsible for implementing provisions of the plan; however, a placement plan is not a full case plan for a family with a child in foster care;

7 AAC 53.140(4) is amended to read:

(4) "foster care" means care and services provided to a child **who is younger than 19 years of age and placed by the department** in a foster home [LICENSED UNDER AS 47.32 AND IN COMPLIANCE WITH THE ADDITIONAL APPLICABLE STANDARDS AND REQUIREMENTS OF 7 AAC 50];

7 AAC 53.140(5) is amended to read:

(5) "foster parent" means an individual providing care in a [LICENSED] foster home for **a child** [CHILDREN] who **is** [ARE] in the custody of the department and who **is** [ARE] placed by the department;

7 AAC 53.140(8) is amended to read:

(8) "specialized **care**", "**specialized foster care or fostering independence services**", [CARE] and "**specialized** services" are advanced [FOSTER] care **and** service levels **for foster care or fostering independence that are** designed to meet the higher difficulty-of-care levels of children and their families;

7 AAC 53.140 is amended by adding new paragraphs to read:

(10) "child" has the meaning given in AS 47.10.990;

(11) "foster home" means a home that

(A) is licensed under AS 47.32;

(B) is in compliance with the additional applicable standards and requirements of 7 AAC 50; and

(C) provides care for a child who is in the custody of the department;

(12) "fostering independence" means providing care and services to a child 19 years through 20 years of age in a foster home. (Eff. 11/23/78, Register 68; am 3/31/82, Register 81; am 7/1/90, Register 114; am 1/1/96, Register 136; 3/31/2005, Register 173; am 4/13/2011, Register 198; am ____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.14.010 AS 47.14.120
AS 47.10.080 AS 47.14.100 AS 47.14.130

Article 3. Children in Custody or Under Supervision: Needs and Income.

The authority line for 7 AAC 53.300 is changed to read:

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010
[AS 47.05.010]

7 AAC 53.310(a) is amended to read:

(a) The division will pay for adequate clothing as determined by the division at the time of the initial placement of a child in an out-of-home care setting. If the child is placed in successive settings, the division will determine the adequacy of clothing at the time of each placement and will pay for the purchase of additional clothing if

(1) the division has provided prior authorization for that purchase; and

(2) the cost is not already covered by another program or by the standard rate under 7 AAC 53.030 [NECESSARY].

(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am ____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

The lead-in language of 7 AAC 53.350 is amended to read:

7 AAC 53.350. Independent living. In order to successfully facilitate the transition of adolescents from the out-of-home care system to independent living, the following services will be authorized, if funding is available and if consistent with the child's placement plan or case plan, before department release of custody of the child:

...

7 AAC 53.350(2) is amended to read:

(2) financial assistance for housing up to 100 percent of the foster care or fostering independence rate; and

(Eff. 7/1/90, Register 114; am ____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.360 is repealed and readopted to read:

7 AAC 53.360. Unearned income of children in state custody. (a) Unearned income received by a foster parent for a child under 18 years of age who is in state custody under AS 47.10 or 47.14 and has been placed by the department in a foster home must be forwarded directly to the division, unless otherwise provided by court order for a specific child.

(b) Unearned income received by the division for a child in department custody who is older than 17 years of age will be included in the child's case plan with consideration toward transferring the receipt of the income to the child or a responsible representative, based on child's needs.

(c) For purposes of this section, "unearned income" includes income such as social security benefit payments, adult public assistance, social security, and other similar income. (Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am ____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.365(b) is amended to read:

(b) The division will pay for the cost of foster care **or fostering independence** to a child placement agency under **an** agreement that meets the requirements of (a) of this section. The division will list the rates in the agreement to be paid by the child placement agency to the foster parents and for associated expenses related to child placement services. The child placement agency is responsible for direct payment to the foster parents.

7 AAC 53.365(d) is amended to read:

(d) In this section, "child placement services" includes

- (1) planning for a child's care and treatment;
- (2) selection of a particular foster home [CARE], guardianship, or adoption setting for a child;
- (3) carrying out activities of the agency specified in the child's care and treatment plan **and, if applicable, the child's case plan**;
- (4) supervision of a child's care; and
- (5) training and technical assistance [TECHNICAL/ASSISTANCE] of the care setting for a child. (Eff. 1/1/2001, Register 156; am 4/13/2011, Register 198; am ____/____/2011, Register ____)

Authority: AS 25.23.200 AS 47.10.080 AS 47.14.100
AS 25.23.210 AS 47.14.010

7 AAC 53.370(6) is amended to read:

(6) "representative of the division" means a social worker, social services associate, probation officer, or other staff member of the division with authority to authorize purchase of foster care **or fostering independence**; [.]

7 AAC 53.370 is amended by adding new paragraphs to read:

(7) "case plan" means a plan that addresses the activities and services that are needed to implement permanency for a child and to ensure the child's safety and well-being; a subsection of the case plan is the transition plan, which is a plan that is personalized at the direction of the child in foster care or fostering independence and is intended to assist the child in

preparing for the time when the child is no longer in department custody; a transition plan is developed before the child attains 18 years of age or, for a child resuming custody under AS 47.10.080(v), before the child attains 21 years of age;

(8) "child" has the meaning given in AS 47.10.990;

(9) "foster home" has the meaning given in 7 AAC 53.140;

(10) "fostering independence" has the meaning given in 7 AAC 53.140. (Eff. 7/1/90, Register 114; am 1/1/96, Register 136; am 3/1/98, Register 145; am 4/13/2011, Register 198; am ____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53 is amended by adding new sections to read:

Article 4. Resumption of State Custody.

Section

400. Eligibility for resumption of state custody

410. Petition for resumption of state custody

415. Petition for termination of state custody that was resumed under AS 47.10.080(v)

7 AAC 53.400. Eligibility for resumption of state custody. (a) A person who is no longer in state custody, including a person emancipated before 18 years of age while in state custody under AS 47.10, is eligible to petition the court for resumption of state custody if that person

(1) meets the requirements of AS 47.10.080(v); and

(2) signs a custody resumption agreement prepared by the department that includes a provision that the person agrees to actively participate in

(A) developing the transition plan; and

(B) services designed to promote self-sufficiency.

(b) A person is not eligible under AS 47.10.080(v) or this chapter if that person

(1) is married;

(2) does not reside in this state;

(3) was released to the custody of a biological or adoptive parent, relative, or guardian;

(4) fails to comply with requirements of probation or parole, if any;

(5) is in or enters active duty in the military;

(6) has previously resumed state custody after 18 years of age; or

(7) refuses to sign the agreement referred to in (a)(2) of this section. (Eff.

____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.410. Petition for resumption of state custody. A person who seeks resumption of state custody under AS 47.10.080(v) and this chapter may request the department to petition the court for a hearing to determine eligibility for resumption of state custody. A request for a petition under this section also may be made to the department by the person's legal representative or guardian ad litem. (Eff. ____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.415. Petition for termination of state custody that was resumed under AS 47.10.080(v). The department will petition for the termination of state custody granted by the court under AS 47.10.080(v) if the individual for whom the resumption of state custody was granted

- (1) gets married;
- (2) requests custody to end;
- (3) fails to comply with the terms of the custody resumption agreement;
- (4) moves from ^{this state} Alaska;
- (5) dies;
- (6) enters active duty in the military;
- (7) is in runaway status for more than 30 consecutive days and there appears to be little likelihood of returning to care;
- (8) engages in criminal activity, resulting in incarceration; or
- (9) becomes 21 years of age. (Eff. ____/____/2011, Register ____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

3.14.4 RESUMPTION OF CUSTODY

AUTHORITY:

AS 47.10.080(v) Judgments and Orders
7 AAC 53.400-415 Resumption of State Custody

PURPOSE: To facilitate resumption of custody by youth who meet the requirements.

BACKGROUND INFORMATION:

- A. **State Law:** 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:
1. consents to it;
 2. was in an out-of-home placement and in department custody at the time the person was 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.
- B. **State Regulations:**
1. **Eligibility for petitioning for resumption of state custody:**
 - a. A person who is no longer in state custody, including a person emancipated before 18 years of age, is eligible to petition the court for resumption of state custody if that person:
 - 1) meets the requirements in state law regarding resumption of custody (see (A) above); and
 - 2) signs a custody resumption agreement prepared by the department that includes a provision that the person agrees to actively participate in
 - developing the transition plan; and
 - services designed to promote self-sufficiency.
 - b. A person is not eligible under state law or regulations if that person

- 1) is married;
 - 2) does not reside in this state;
 - 3) was released to the custody of a biological or adoptive parent, relative, or guardian;
 - 4) fails to comply with requirements of probation or parole, if any;
 - 5) is in or enters active duty in the military;
 - 6) has previously resumed state custody after 18 years of age; or
 - 7) refuses to sign the agreement referred to in (a)(2) of this section.
2. Petition for resumption of state custody: A person who seeks resumption of state custody under state law and regulations may request the department to petition the court for a hearing to determine eligibility for resumption of state custody. A request also may be made to the department by the person's legal representative or guardian ad litem.
3. Petition for release of state custody that was resumed under state law: The department will petition for release of state custody granted by the court under state law if the individual for whom the resumption of state custody was granted:
- a. gets married;
 - b. requests custody to end;
 - c. fails to comply with the terms of the custody resumption agreement;
 - d. moves from this state ;
 - e. dies;
 - f. enters active duty in the military;
 - g. is in runaway status for more than 30 consecutive days and there appears to be little likelihood of returning to care;
 - h. engages in criminal activity, resulting in incarceration;
 - i. becomes 21 years of age.

POLICY:

- A. Office of Children's Services (OCS) will facilitate resumption of custody for youth who request resumption and meet the requirements outlined in Background Information section (A) and (B)(1). Youth interested in resumption of custody may contact their local OCS office to request a Custody Resumption Request form (06-9676).
- B. The Children's Services Manager (CSM) or designee will determine whether the youth meets the requirements for petitioning for resumption of custody.
- C. The Regional Independent Living Specialist (RILS) will be the primary worker for youth who re-enter custody and will maintain the case file.

PROCEDURE:

- A. Responding to Requests:
 1. If a worker or a RILS is contacted by a youth who is requesting information regarding resumption of custody, the worker or RILS will provide the youth with the Custody Resumption Request form (06-9676).
 2. If the person contacted is a worker, the worker will also refer the youth to the RILS for the information listed in (3) below.
 3. The RILS will clarify for the youth:
 - a. the resumption requirements and process, including the legal process;
 - b. what independent living services are available to a youth who resumes custody; and
 - c. what independent living services are available to a youth who is not in custody.
- B. Determination of Whether the Youth Meets the Requirements for Petitioning for Resumption:
 1. Upon receipt of a Custody Resumption Request, the RILS will:
 - a. review the request, the youth's case information in ORCA, and, if available, the youth's case file to determine whether the youth meets the requirements; and
 - b. summarize the findings on a Custody Resumption Recommendation form (06-9677); and
 - c. submit the Custody Resumption Recommendation form to the CSM within 5 working days of receipt of the request;

2. Upon receipt of a Custody Resumption Recommendation form, the CSM will:
 - a. make a determination within 5 working days; and
 - b. document the determination on the Custody Resumption Recommendation form; and
 - c. return the form to the RILS.
3. If the youth does not meet the requirements, the RILS will:
 - a. notify the youth by phone, e-mail, or in person;
 - b. ensure that the youth is aware of what independent living services and funds are available to youth who are not in custody and the procedures for applying for such services; and
 - c. send a formal denial letter to the youth within 5 working days, both by mail to the address on the Custody Resumption Request and by e-mail.
4. If the youth meets the requirements the RILS will contact the youth to make arrangements to meet with the youth to sign a Custody Resumption Agreement (06-9678) and update the transition plan.

C. Petition for Resumption:

1. When the RILS has met with the youth and the youth has signed a Custody Resumption Agreement and the Transition Plan subsection of the case plan has been updated and signed by the youth, the RILS will:
 - a. contact the AG office to discuss filing a petition for resumption of custody.
 - b. write an affidavit that addresses that the youth meets the requirements for resumption and why resumption is in the youth's best interest.
 - c. attend any hearings scheduled by the court regarding the petition.
2. If the court dismisses the petition, the RILS will ensure that the youth is aware of what independent living services and funds are available to youth who are not in custody and the procedures for applying for such services.

D. Placement: Once custody has been ordered the RILS will make every effort to coordinate with the youth in order to identify a mutually agreed upon resource family based on available resources.

E. Monitoring Case Plan/Transition Plan Progress and Compliance with the Resumption Agreement:

1. Throughout the life of the case, the RILS will:

- a. provide support and coaching to assist the youth towards meeting the caseplan/transition plan goals; and
 - b. monitor overall compliance with the resumption agreement which includes progress towards caseplan/transition plan goals.
 2. If the youth is not in reasonable compliance with the resumption agreement, the RILS will consider whether a petition for release of custody should be filed.
- F. Petition for Release from Custody: If the youth is not in compliance with the resumption agreement or if one of the other grounds for releasing custody that are outlined in Background Information section (B)(3) occurs, the RILS will follow the procedures for requesting release of custody outlined in section 4.14.
- G. Documentation in ORCA:
1. When a RILS is contacted by a youth, the RILS will open an Independent Living Administrative case in ORCA, unless such a case already exists.
 2. The RILS will document in ORCA the result of the determination of whether the youth is eligible for petition for resumption of custody.
 3. Upon CSM approval of petitioning for resumption of custody the RILS will:
 - a. enter the request as a Services Intake; and
 - b. update ORCA when the petition has been filed with the court and when custody has been granted by the court.
 4. All of these Independent Living Cases will be assigned to the Independent Living Specialists.

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

* JUDICIAL DISTRICT AT *

IN THE MATTER OF)
)
 *) Case No.: *
)
 Child(ren) Under the Age)
 Of Eighteen (18) Years)

PETITION FOR RESUMPTION OF CUSTODY
OF YOUTH FORMERLY IN OCS CUSTODY

The State of Alaska, Department of Health and Social Services, Office of Children's Services (OCS), through _____, whose address is *, alleges that the youth named above wishes to return to OCS custody and in support of its petition states as follows:

1. This court has jurisdiction over this proceeding under AS 47.10.010(a); before _____ turned 18 years old s/he was determined to be a child in need of aid under AS 47.10.011.

2. _____ presently resides [*where in Alaska?*]

3. _____ was placed in out of home care by the department immediately before being released from state custody.

4. _____ was released to his/her own custody on [date].

5. _____ is in need of out-of-home care to [*avoid personal harm or homelessness, or enhance his ability to continue his education or training, or improve his successful transition to independent living.*] [*Describe why youth needs/wants to come back into care.*]

7. _____ agrees to reasonable terms for custody [*you may want to articulate here what the terms are; this may include matters relating to youth's education, attainment of a job or life skills*]. These terms are in _____ 's best interests.

8. _____ consents to the resumption of custody by

OCS.

WHEREFORE, the department requests the following relief:

1. For the court to conduct a hearing pursuant to AS 47.10.080(v) to determine whether resumption of state custody is reasonable and in _____'s best interest and to grant a resumption of state custody until further order of the court or until the youth's 21st birthday, which is [date], subject to the youth's continued consent.

2. For the court to find that the terms for resuming state custody as set out by the Office of Children's Services, are reasonable and in _____'s best interest.

3. For the court to reinstate the appointment of the guardian *ad litem*, and / or the appointment of counsel for the youth.

4. For the court to find that the permanency plan for _____ is another planned, permanent living arrangement of independent living, and that the department has made reasonable efforts to achieve the permanency goal by offering services to the youth to assist him/her with housing, education, and life skills.

DATED: _____

ALASKA DEPARTMENT OF HEALTH
AND SOCIAL SERVICES
OFFICE OF CHILDREN'S SERVICES

[Name], [Title]

STATE OF ALASKA
FOURTH JUDICIAL DISTRICT)

) ss.

_____ being under oath, states: I am the OCS caseworker who signed the above petition. The allegations therein are true upon information and belief.

DATED: _____

[Name], [Title]

SUBSCRIBED AND SWORN to before me this ____ day of _____,

201*.

Notary Public, State of Alaska
My Commission Expires: _____

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT BETHEL

In the Matter of:)
)
 *)
)
 A Child Under the Age)
 of Eighteen (18) Years.) Case No.: *

ORDER FOR RESUMPTION OF CUSTODY

This matter came before the court on *, for a resumption of custody hearing as required by AS 47.10.080(v). Parties present were: *, Children Services Specialist; *, assistant attorney general; and * [youth].

This matter was brought to the attention of the court by the department's filing of a petition for resumption of custody. The court, having considered the petition, the evidence presented, and the positions of the parties, finds that:

1. This court has jurisdiction over this proceeding under AS 47.10.010(a); before * turned 18 years old he was determined to be a child in need of aid under AS 47.10.011.
2. * was placed in out of home care by the department immediately before being released from state custody.
3. * was released to his/her own custody on *.
4. * is in need of out-of-home care to avoid personal harm or homelessness, or enhance his/her ability to continue his/her education or training, or improve his/her successful transition to independent living.
5. * consents to the resumption of custody by OCS.
6. The terms for resuming state custody as set out by the Office of Children's Services, and agreed to by *, are reasonable and in *'s best interest.
7. The permanency plan of Another Permanent Planned Living Arrangement (APPLA) is appropriate and in *s best interest.

8. The department has made reasonable efforts to achieve the permanency goal of APPLA.

Therefore it is ORDERED

1. * is committed to the custody of the Office of Children's Services until further order of the court or until the youth's 21st birthday, which is *, subject to the youth's continued consent.

2. * is appointed counsel in the court's forthcoming order.

3. A status hearing will be held _____ at _____ a.m/p.m. Parties located outside the court may participate telephonically by calling *, passcode *#.

EFFECTIVE DATE: *.

DATED: _____

*

SUPERIOR COURT JUDGE

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

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

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

8 (1) consents to it;

9 (2) was placed in out-of-home care by the department immediately
10 before being released from state custody and the person was

11 (A) at least 18 years of age and released to the person's own
12 custody; or

13 (B) at least 16 years of age and released to the

14 (i) person's own custody after the disabilities of
15 minority were removed under AS 09.55.590; or

16 (ii) custody of a parent or guardian because the
17 person refused out-of-home care;

18 (3) is in need of out-of-home care

19 (A) to avoid personal harm;

20 (B) because of the person's severe emotional disturbance,
21 mental disability, physical disability, [OR] homelessness, or a combination
22 of those conditions;

23 (C) because the person is completing an educational or
24 vocational program; or

25 (D) to [ENHANCE THE PERSON'S ABILITY TO
26 CONTINUE THE PERSON'S EDUCATION OR TRAINING OR] otherwise
27 improve the person's successful transition to independent living; and

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