

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Ramras, Rokeberg, Kelly, McGuire, Lynn

Introduced: 3/2/05

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child-in-need-of-aid proceedings; amending the construction of**
2 **statutes pertaining to children in need of aid; relating to a duty and standard of care for**
3 **services to children and families, to the confidentiality of investigations, court hearings,**
4 **and public agency records and information in child-in-need-of-aid matters and certain**
5 **child protection matters, to immunity regarding disclosure of information in child-in-**
6 **need-of-aid matters and certain child protection matters, to the retention of certain**
7 **privileges of a parent in a relinquishment and termination of a parent and child**
8 **relationship proceeding, to eligibility for permanent fund dividends for certain children**
9 **in the custody of the state, and to juvenile delinquency proceedings and placements;**
10 **establishing a right to a trial by jury in termination of parental rights proceedings;**
11 **reestablishing and relating to state citizens' review panels for certain child protection**
12 **and custody matters; amending the duty to disclose information pertaining to a child in**

1 need of aid; authorizing additional family members to consent to disclosure of
2 confidential or privileged information about children and families involved with
3 children's services within the Department of Health and Social Services to officials for
4 review or use in official capacities; relating to reports of harm and to adoptions and
5 foster care; mandating reporting of the medication of children in state custody;
6 prescribing the rights of grandparents related to child-in-need-of-aid cases and
7 establishing a grandparent priority for adoption in certain child-in-need-of-aid cases;
8 modifying adoption and placement procedures in certain child-in-need-of-aid cases;
9 amending treatment service requirements for parents involved in child-in-need-of-aid
10 proceedings; amending Rules 9 and 13, Alaska Adoption Rules; amending Rules 3, 18,
11 and 22, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective
12 date."

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

14 * **Section 1.** AS 25.23 is amended by adding a new section to read:

15 **Sec. 25.23.127. Grandparent's preference to adopt.** Notwithstanding a
16 child's stated preference under AS 25.23.125 and 25.23.040(a)(5), a grandparent who
17 has had physical custody of a child for at least two consecutive years when the
18 parental rights to the child have been terminated under AS 47.10.080(c)(3), shall be
19 permitted to adopt the child before any other person upon the filing of a petition by the
20 grandparent under AS 25.23.080 unless the court finds that the grandparent is not fit to
21 raise the child.

22 * **Sec. 2.** AS 25.23.180 is amended by adding a new subsection to read:

23 (j) In a relinquishment of parental rights executed under (a) of this section, a
24 parent may retain privileges with respect to the child, including the ability to have
25 future contact, communication, and visitation with the child. A retained privilege
26 must be stated with specificity in writing, and, if a termination order is entered
27 following the relinquishment, the court shall incorporate a retained privilege into the

1 termination order. A relinquishment may not be withdrawn or invalidated, and a
 2 termination order may not be vacated, on the grounds that a retained privilege has
 3 been withheld from the relinquishing parent or that the relinquishing parent has been
 4 unable, for any reason, to act upon a retained privilege.

5 * **Sec. 3.** AS 43.23.005(f) is amended to read:

6 (f) **The** [IN A TIME OF NATIONAL MILITARY EMERGENCY, THE]
 7 commissioner may waive the requirement of (a)(4) of this section for an individual
 8 absent from the state

9 **(1) in a time of national military emergency** under military orders
 10 while serving in the armed forces of the United States, or for the spouse and
 11 dependents of that individual; **or**

12 **(2) while in the custody of the Department of Health and Social**
 13 **Services in accordance with a court order under AS 47.10 or AS 47.12 and placed**
 14 **outside of the state by the Department of Health and Social Services for purposes**
 15 **of medical or behavioral treatment.**

16 * **Sec. 4.** AS 47.10.005 is amended to read:

17 **Sec. 47.10.005. Construction.** The provisions of this chapter shall be
 18 liberally construed to

19 **(1) achieve** the end that a child coming within the jurisdiction of the
 20 court under this chapter may receive the care, guidance, treatment, and control that
 21 will promote the child's welfare;

22 **(2) recognize that a parent possesses inherent individual rights to**
 23 **direct and control the education and upbringing of the parent's child;**

24 **(3) promote and protect the safety, welfare, health, and good of**
 25 **children, grandparents, and relatives living in the state;**

26 **(4) benefit future generations;**

27 **(5) bring fairness and equality to biological family members and**
 28 **children in the state; and**

29 **(6) recognize that a parent is held to a standard of care and that**
 30 **the state must be held to the same standard.**

31 * **Sec. 5.** AS 47.10.020(a) is amended to read:

1 (a) Whenever circumstances subject a child to the jurisdiction of the court
 2 under AS 47.10.005 - 47.10.142, the court shall appoint a competent person or agency
 3 to make a preliminary inquiry and report for the information of the court to determine
 4 whether the best interests of the child require that further action be taken. **The court**
 5 **shall make the appointment on its own motion or at the request of a person or**
 6 **agency having knowledge of the child's circumstances.** If, under this subsection,
 7 the court appoints a person or agency to make a preliminary inquiry and to report to it,
 8 **or if the department is conducting an investigation of a report of child abuse or**
 9 **neglect, the court may issue any orders necessary to aid the person, the agency,**
 10 **or the department in its investigation or in making the preliminary inquiry and**
 11 **report.** **Upon** [THEN, UPON THE] receipt of the report **under this subsection,** the
 12 court may

13 (1) close the matter without a court hearing;

14 (2) determine whether the best interests of the child require that further
 15 action be taken; or

16 (3) authorize the person or agency having knowledge of the facts of the
 17 case to file with the court a petition setting out the facts.

18 * **Sec. 6.** AS 47.10.020 is amended by adding a new subsection to read:

19 (e) Nothing in this section requires the department to obtain authorization
 20 from the court before

21 (1) conducting an investigation of a report of child abuse or neglect; or

22 (2) filing a petition.

23 * **Sec. 7.** AS 47.10 is amended by adding a new section to read:

24 **Sec. 47.10.025. Biological grandparent's rights.** (a) A biological
 25 grandparent of a child who has been adjudicated a child in need of aid under this
 26 chapter may initiate special proceedings by filing a petition to obtain custody of the
 27 child if

28 (1) one or both of the child's parents are dead; and

29 (2) the child has been abandoned by a remaining parent.

30 (b) In a proceeding initiated under (a) of this section, the court shall presume
 31 that awarding custody to a biological grandparent is in the best interest of the child. A

1 presumption under this subsection may be overcome by evidence of abuse, neglect, or
2 other harm to the child attributable to the biological grandparent.

3 (c) The department shall attempt to locate all living biological grandparents of
4 a child and to investigate the biological grandparent's ability to care for the child
5 before placing the child or approving an adoption of the child under this chapter. The
6 department shall provide written notice to all identified biological grandparents of
7 their rights under this chapter and of the procedures necessary to gain custody of the
8 child. The biological grandparents shall sign a receipt of the notice and, if the
9 biological grandparent is competent, state that the biological grandparent understands
10 the biological grandparent's right to initiate proceedings to gain custody of the child
11 and either intends or declines to proceed.

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

13 **Sec. 47.10.065. Right to demand jury trial in certain cases.** A party has the
14 right to demand a jury trial for a hearing under this chapter on a petition to terminate
15 parental rights. If a hearing to adjudicate whether a child is a child in need of aid
16 under AS 47.10.011 is consolidated with a hearing on a petition to terminate parental
17 rights, the right to a jury trial under this section applies only to the issue of whether
18 parental rights should be terminated after the court enters a finding under
19 AS 47.10.080(a). In this section, "party" has the meaning given in Rule 2, Alaska
20 Child in Need of Aid Rules of Procedure.

21 * **Sec. 9.** AS 47.10.070(a) is amended to read:

22 (a) The court may conduct the hearing on the petition in an informal manner.
23 The court shall give notice of the hearing to the department, and it may send a
24 representative to the hearing. The court shall also transmit a copy of the petition to the
25 department. The department shall send notice of the hearing to the persons for whom
26 notice is required under AS 47.10.030(b) and to each grandparent of the child entitled
27 to notice under AS 47.10.030(d). The department and the persons to whom the
28 department must send notice of the hearing are entitled to be heard at the hearing.

29 **Except as provided in (c) of this section, and unless prohibited by federal or state**
30 **law, court order, or court rule, a hearing is open to the public** [HOWEVER, THE
31 COURT MAY LIMIT THE PRESENCE OF THE FOSTER PARENT OR OTHER

1 OUT-OF-HOME CARE PROVIDER AND OF ANY GRANDPARENT OF THE
 2 CHILD TO THE TIME DURING WHICH THE PERSON'S TESTIMONY IS BEING
 3 GIVEN IF IT IS (1) IN THE BEST INTEREST OF THE CHILD; OR (2)
 4 NECESSARY TO PROTECT THE PRIVACY INTERESTS OF THE PARTIES
 5 AND WILL NOT BE DETRIMENTAL TO THE CHILD. THE PUBLIC SHALL BE
 6 EXCLUDED FROM THE HEARING, BUT THE COURT, IN ITS DISCRETION,
 7 MAY PERMIT INDIVIDUALS TO ATTEND A HEARING IF THEIR
 8 ATTENDANCE IS COMPATIBLE WITH THE BEST INTERESTS OF THE
 9 CHILD].

10 * **Sec. 10.** AS 47.10.070 is amended by adding new subsections to read:

11 (c) Except as provided in (e) of this section, the following hearings in child-in-
 12 need-of-aid cases are closed to the public:

13 (1) the initial court hearing after the filing of a petition to commence
 14 the child-in-need-of-aid case;

15 (2) a hearing following the initial hearing in which a parent, child, or
 16 other party to the case is present but has not had an opportunity to obtain legal
 17 representation;

18 (3) a hearing, or a part of a hearing, for which the court issues a written
 19 order finding that allowing the hearing, or part of the hearing, to be open to the public
 20 would reasonably be expected to

21 (A) stigmatize or be emotionally damaging to a child;

22 (B) inhibit a child's testimony in that hearing;

23 (C) disclose matters otherwise required to be kept confidential
 24 by state or federal statute or regulation, court order, or court rule; or

25 (D) interfere with a criminal investigation or proceeding or a
 26 criminal defendant's right to a fair trial in a criminal proceeding; before ruling
 27 on a request under this subparagraph, the court shall give notice and an
 28 opportunity to be heard to the state or a municipal agency that is assigned to
 29 the criminal investigation or to the prosecuting attorney.

30 (d) If a hearing, or part of a hearing, in a child-in-need-of-aid case is not
 31 closed under (c) of this section, the court shall hear in camera any information offered

1 regarding the location, or readily leading to the location, of a parent, child, or other
 2 party to the case who is a victim of domestic violence. Access to testimony heard in
 3 camera under this subsection is limited to the court and authorized court personnel.

4 (e) The grandparents of the child and the foster parents or other out-of-home
 5 care provider may attend hearings that are otherwise closed to the public under (c) of
 6 this section. However, the court shall limit the presence of these persons in a hearing
 7 closed to the public to the time during which the person's testimony is being given if
 8 the court determines that the limitation is necessary under (c)(3) of this section. In this
 9 subsection, "out-of-home care provider" means an agency or person, other than the
 10 child's legal parents, with whom a child who is in the custody of the state under
 11 AS 47.10.080(c)(1) or (3), 47.10.142, or AS 47.14.100(c) is currently placed; "agency
 12 or person" includes a foster parent, a relative other than a parent, a person who has
 13 petitioned for adoption of the child, and a residential child care facility.

14 (f) Notwithstanding any other provision of this chapter, a person attending a
 15 hearing open to the public may not disclose a name, picture, or other information that
 16 would readily lead to the identification of a child who is the subject of the child-in-
 17 need-of-aid case. At the beginning of the hearing, the court shall issue an order
 18 specifying the restrictions necessary to comply with this subsection. If a person
 19 violates the order, the court may impose any appropriate sanction, including contempt
 20 and closure of any further hearings in the case to the person.

21 (g) Nothing contained in this section limits the rights of grandparents under
 22 this title.

23 * **Sec. 11.** AS 47.10.080(c) is amended to read:

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

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

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

1 (B) an additional one-year period of state custody past [AGE]
 2 19 years of age if the continued state custody is in the best interests of the
 3 person and the person consents to it;

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

20 (3) unless a jury trial has been requested by a party, order, under
 21 the grounds specified in (o) of this section or AS 47.10.088, the termination of
 22 parental rights and responsibilities of one or both parents and commit the child to the
 23 custody of the department, and the department shall report quarterly to the court on
 24 efforts being made to find a permanent placement for the child; if a jury trial has
 25 been requested by a party, the court shall conduct a jury trial on the termination
 26 of parental rights under this section.

27 * **Sec. 12.** AS 47.10.080(p) is amended to read:

28 (p) If a child is removed from the parental home, the department shall provide
 29 reasonable visitation between the child and the child's parents, guardian, and family.
 30 When determining what constitutes reasonable visitation with a family member, the
 31 department shall consider the nature and quality of the relationship that existed

1 between the child and the family member before the child was committed to the
 2 custody of the department. The court may require the department to file a visitation
 3 plan with the court. The department may deny visitation to the parents, guardian, or
 4 family members if there is clear and convincing evidence that visits are not in the
 5 child's best interests. **If the department denies visitation to a parent or family**
 6 **member of a child, the department shall inform the parent or family member of a**
 7 **reason for the denial and of the parent's or family member's right to request a**
 8 **review hearing.** A parent, **family member,** or guardian who is denied visitation may
 9 request a review hearing.

10 * **Sec. 13.** AS 47.10.080 is amended by adding new subsections to read:

11 (t) The court or a jury, if a jury trial is requested, may not terminate parental
 12 rights solely on the basis that the parent did not complete treatment required of the
 13 parent by the department for reunification with the child if the parent can show, by a
 14 preponderance of the evidence, that the treatment required was unavailable to the
 15 parent and the department did not provide the treatment.

16 (u) A child may not be placed in a foster home known to the department as a
 17 home requesting adoption of a child before

18 (1) 30 days after the date of the first permanency hearing;

19 (2) the decision of the department is made to seek termination of
 20 parental rights; and

21 (3) the court approves of the placement after a hearing.

22 (v) Within 60 days after the date a child is removed from the child's home by
 23 the department, the department shall notify the appropriate citizen review panel
 24 established under AS 47.14.205.

25 (w) Within 60 days after a court orders a child committed to the department
 26 under (c) of this section and at a review under (f) or (j) of this section, the department
 27 shall inform the parties about the citizen review panels established under
 28 AS 47.14.205.

29 (x) A hearing conducted under this section is open to the public unless an
 30 exception provided in AS 47.10.070(c) applies to make the hearing closed to the
 31 public or unless prohibited by federal or state statute or regulation.

1 * **Sec. 14.** AS 47.10.088(i) is amended to read:

2 (i) The department shall concurrently identify, recruit, process, and approve a
 3 qualified person or family for an adoption whenever a petition to terminate a parent's
 4 rights to a child is filed. **The department may not approve an adoption by a**
 5 **person or family who is not related to the child by blood if a relative of the child**
 6 **requests that the department approve the relative for the adoption unless the**
 7 **adoption by the child's relative is not in the child's best interest, is prohibited**
 8 **under (l) of this section, or is otherwise contrary to federal or state law.** If the
 9 court issues an order to terminate under (j) of this section, the department shall report
 10 within 30 days on the efforts being made to recruit a permanent placement for the
 11 child if a permanent placement was not approved at the time of the trial under (j) of
 12 this section. The report must document recruitment efforts made for the child.

13 * **Sec. 15.** AS 47.10.088 is amended by adding new subsections to read:

14 (l) The department may not approve an adoption by a person related to the
 15 child by blood if the department

16 (1) makes a determination, supported by clear and convincing
 17 evidence, that adoption of the child by the relative will result in physical or mental
 18 injury to the child; in making that determination, poverty, including inadequate or
 19 crowded housing, on the part of the person related to the child by blood is not
 20 considered prima facie evidence that physical or mental injury to the child will occur;

21 (2) determines that a member of the relative's household who is 12
 22 years of age or older was the perpetrator in a substantiated report of abuse under
 23 AS 47.17; or

24 (3) determines that a member of the relative's household who is 12
 25 years of age or older is under arrest for, is charged with, has been convicted of, or has
 26 been found not guilty by reason of insanity of, a serious offense; notwithstanding this
 27 paragraph, the department may approve an adoption by the relative if the relative
 28 demonstrates to the satisfaction of the department that conduct described in this
 29 paragraph occurred at least five years before the intended adoption and the conduct

30 (A) did not involve a victim who was under 18 years of age at
 31 the time of the conduct;

1 (B) was not a crime of domestic violence as defined in
2 AS 18.66.990; and

3 (C) was not a violent crime under AS 11.41.100 - 11.41.455 or
4 a law or ordinance of another jurisdiction having similar elements.

5 (m) For the purpose of determining whether the home of a relative meets the
6 requirements for adoption of the child, the department shall conduct a criminal
7 background check from state and national criminal justice information available under
8 AS 12.62. The department may conduct a fingerprint background check on any
9 member of the relative's household who is 12 years of age or older when the relative
10 requests adoption of the child. For the purposes of obtaining criminal justice
11 information under this subsection, the department is a criminal justice agency
12 conducting a criminal justice activity under AS 12.62.

13 (n) A person related to a child by blood who is denied a request for an
14 adoption under (i) of this section may request a review hearing by the court. If the
15 department denies a request by a person related to a child by blood to adopt a child
16 under (i) of this section, the department shall inform the relative of the reason for the
17 denial and of the relative's right to request a review hearing.

18 (o) A trial or hearing conducted under this section is open to the public unless
19 an exception provided in AS 47.10.070(c) applies to make the trial or hearing closed
20 to the public.

21 * **Sec. 16.** AS 47.10 is amended by adding a new section to read:

22 **Sec. 47.10.089. Report of prescription drugs.** (a) When a child is in the
23 custody of the department under AS 47.10.084 and the child is prescribed a
24 psychotropic or other mental health medication, the department shall prepare a report.
25 The report must include the

- 26 (1) child's name and date of birth;
27 (2) name and dosage of the medication;
28 (3) condition or diagnosis for which the medication is prescribed;
29 (4) name of the prescribing physician;
30 (5) assessment of the child's caseworker pertaining to the child's
31 response to the medication; and

1 (6) assessment of the child's caregiver pertaining to the child's
2 response to the medication, if available.

3 (b) A report prepared under (a) of this section shall be distributed to the
4 statewide supervisor of the caseworker of the child, the parent or guardian of the child,
5 and, to the extent allowed under applicable federal and state law, the intervening tribal
6 or tribal custodian for the child.

7 (c) A summary of the reports prepared under (a) of this section, excluding
8 identifying information of a child, shall be distributed to members of the Senate and
9 House Health and Social Service Committees by March 1 of each year.

10 (d) In this section, "caregiver" includes a parent, grandparent, foster parent,
11 relative, teacher, or child care provider.

12 * **Sec. 17.** AS 47.10.090(c) is amended to read:

13 (c) Within 30 days **after** [OF] the date of a **child's** [MINOR'S] 18th birthday
14 or, if the court retains jurisdiction of a **child** [MINOR] past the **child's** [MINOR'S]
15 18th birthday, within 30 days **after** [OF] the date on which the court releases
16 jurisdiction over the **child** [MINOR], the court shall order all the court's official
17 records pertaining to that **child** [MINOR] in a proceeding under this chapter sealed. A
18 person may not use these sealed records **unless authorized by order of** [FOR ANY
19 PURPOSE EXCEPT THAT] the court **upon a finding of** [MAY ORDER THEIR
20 USE FOR] good cause [SHOWN].

21 * **Sec. 18.** AS 47.10.090(d) is amended to read:

22 (d) **Except as provided in AS 47.10.070, 47.10.080(x), and 47.10.093, the**
23 [THE] name or picture of a **child** [MINOR] under the jurisdiction of the court may not
24 be made public in connection with the **child's** [MINOR'S] status as a child in need of
25 aid unless authorized by order of the court **or unless to implement the permanency**
26 **plan for a child after all parental rights of custody have been terminated. This**
27 **subsection does not prohibit the release of aggregate information for statistical or**
28 **other informational purposes if the identity of any particular person is not**
29 **revealed by the release.**

30 * **Sec. 19.** AS 47.10.092(a) is amended to read:

31 (a) Notwithstanding AS 47.10.090 and 47.10.093, **an adult family member**

1 [A PARENT] or legal guardian of a child subject to a proceeding under AS 47.10.005
2 - 47.10.142 may disclose confidential or privileged information about the child or the
3 child's family, including information that has been lawfully obtained from agency or
4 court files, to the governor, the lieutenant governor, a legislator, the ombudsman
5 appointed under AS 24.55, the attorney general, and the **commissioner**
6 [COMMISSIONERS] of health and social services, administration, or public safety, or
7 an employee of these persons, for review or use in their official capacities. The
8 department shall disclose additional confidential or privileged information and make
9 copies of documents available for inspection about the child or the child's family to
10 these state officials or employees for review or use in their official capacities upon
11 request of the official or employee and submission of satisfactory evidence that **an**
12 **adult family member** [A PARENT] or legal guardian of the child has requested the
13 state official's assistance in the case as part of the official's duties. A person to whom
14 disclosure is made under this section may not disclose confidential or privileged
15 information about the child or the child's family to a person not authorized to receive
16 it.

17 * **Sec. 20.** AS 47.10.092 is amended by adding new subsections to read:

18 (d) The duty imposed on the department under (a) of this section to disclose
19 information to and make copies of documents available for inspection by state
20 officials and employees upon proof that a parent has requested the assistance of the
21 state official or employee with respect to a child's case does not lapse when the
22 parent's parental rights have been terminated with respect to the child. However, the
23 duty does lapse after termination of the parent's parental rights if another parent or
24 legal guardian of the child subsequently files a notice with the department that the
25 assistance of the state official or employee is no longer requested.

26 (e) If, in response to a requirement of federal law or a request made by an
27 official identified in (a) of this section, the department initiates an internal review or
28 evaluation of its activities under this chapter, notwithstanding AS 47.10.090 and
29 47.10.093, the department shall either provide a copy of a report resulting from that
30 internal review or evaluation to the official or prepare a report of that internal review
31 and evaluation when requested to do so by an official identified in (a) of this section.

1 The report must contain a summary of the complaint, the review or evaluation process
 2 used, and the outcome of the review or evaluation, including any recommendations
 3 made as a result of the review. Before being disclosed, the department shall modify a
 4 report prepared or produced under this subsection to exclude all personal identifying
 5 information of a child, the child's family, and witnesses.

6 (f) In this section, "adult family member" means a person who is 18 years of
 7 age or older and who is related to the child as the child's biological or adoptive parent,
 8 grandparent, aunt, uncle, or sibling.

9 * **Sec. 21.** AS 47.10.093(a) is amended to read:

10 (a) Except as specified in AS 47.10.092 and **in (b) - (g) and (k) - (n)** [(b) -
 11 (g)] of this section, all information and social records pertaining to a **child** [MINOR]
 12 who is subject to this chapter or AS 47.17 prepared by or in the possession of a
 13 federal, state, or municipal agency or employee in the discharge of the agency's or
 14 employee's official duty are privileged and may not be disclosed directly or indirectly
 15 to anyone without a court order.

16 * **Sec. 22.** AS 47.10.093(b) is amended to read:

17 (b) A state or municipal agency or employee shall disclose appropriate
 18 **confidential** information regarding a case to

19 (1) a guardian ad litem appointed by the court;

20 (2) a person or an agency requested by the department or the child's
 21 legal custodian to provide consultation or services for a child who is subject to the
 22 jurisdiction of the court under AS 47.10.010 as necessary to enable the provision of
 23 the consultation or services;

24 (3) **a** foster **parent** [PARENTS] or **relative** [RELATIVES] with
 25 whom the child is placed by the department as [MAY BE] necessary to enable the
 26 foster **parent** [PARENTS] or **relative** [RELATIVES] to provide appropriate care **to**
 27 [FOR] the child [WHO IS THE SUBJECT OF THE CASE], to protect the safety of
 28 the child [WHO IS THE SUBJECT OF THE CASE], and to protect the safety and
 29 property of family members and visitors of the foster **parent** [PARENTS] or **relative**
 30 [RELATIVES];

31 (4) **a** school **official** [OFFICIALS] as [MAY BE] necessary to enable

1 the school to provide appropriate counseling and support services to **a** [THE] child
 2 who is the subject of the case, to protect the safety of the child [WHO IS THE
 3 SUBJECT OF THE CASE], and to protect the safety of school students and staff;

4 (5) a governmental agency as [MAY BE] necessary to obtain that
 5 agency's assistance for the department in its investigation or to obtain physical custody
 6 of a child;

7 (6) a law enforcement agency of this state or another jurisdiction as
 8 [MAY BE] necessary for the protection of any child or for actions by that agency to
 9 protect the public safety;

10 (7) **a member** [MEMBERS] of a multidisciplinary child protection
 11 team created under AS 47.14.300 as [MAY BE] necessary for the performance of **the**
 12 **member's** [THEIR] duties;

13 (8) the state medical examiner under AS 12.65 as [MAY BE]
 14 necessary for the performance of the duties of the state medical examiner;

15 (9) a person who has made a report of harm as required by
 16 AS 47.17.020 to inform the person that the investigation was completed and of action
 17 taken to protect the child who was the subject of the report; [AND]

18 (10) the child support services agency established in AS 25.27.010 as
 19 [MAY BE] necessary to establish and collect child support for a child who is a child in
 20 need of aid under this chapter;

21 **(11) a caregiver of a child or an entity responsible for ensuring the**
 22 **safety of children as necessary to protect the safety of a child; and**

23 **(12) a review panel established by the department for the purpose**
 24 **of reviewing the actions taken by the department in a specific case.**

25 * **Sec. 23.** AS 47.10.093(c) is repealed and reenacted to read:

26 (c) A state or municipal law enforcement agency shall disclose information
 27 regarding a case that is needed by the person or agency charged with making a
 28 preliminary investigation for the information of the court under AS 47.10.020.

29 * **Sec. 24.** AS 47.10.093(f) is amended to read:

30 (f) The department may release to a person with a legitimate interest
 31 **confidential** information relating to **children** [MINORS] not subject to the

1 jurisdiction of the court under AS 47.10.010. [THE DEPARTMENT SHALL ADOPT
2 REGULATIONS GOVERNING THE RELEASE OF INFORMATION AND
3 IDENTIFYING A SUFFICIENT LEGITIMATE INTEREST.]

4 * **Sec. 25.** AS 47.10.093(g) is amended to read:

5 (g) The department and affected law enforcement agencies shall work with
6 school districts and private schools to develop procedures for the disclosure of
7 **confidential** information to **a** school **official** [OFFICIALS] under (b)(4) of this
8 section. The procedures must provide a method for informing the principal or the
9 principal's designee of the school **that** the student attends as soon as it is reasonably
10 practicable.

11 * **Sec. 26.** AS 47.10.093 is amended by adding new subsections to read:

12 (k) The department may disclose to the public, upon request, confidential
13 information, as set out in (l) of this section, when

14 (1) the parent or guardian of a child who is the subject of a report of
15 harm under AS 47.17 has made a public disclosure concerning the department's
16 involvement with the family;

17 (2) the alleged perpetrator named in a report of harm under AS 47.17
18 has been charged with a crime concerning the alleged abuse or neglect; or

19 (3) a report of harm under AS 47.17 has resulted in the fatality or near
20 fatality of that child.

21 (l) The type of information that may be publicly disclosed under (k) of this
22 section is information related to the determination, if any, made by the department
23 regarding the validity of a report of harm under AS 47.17 and the department's
24 activities arising from the department's investigation of the report. The department

25 (1) may withhold disclosure of the child's name, picture, or other
26 information that would readily lead to the identification of the child if the department
27 determines that the disclosure would be contrary to the best interests of the child, the
28 child's siblings, or other children in the child's household; or

29 (2) after consultation with a prosecuting attorney, may withhold
30 disclosure of information that would reasonably be expected to interfere with a
31 criminal investigation or proceeding or a criminal defendant's right to a fair trial in a

1 criminal proceeding.

2 (m) Except for a disclosure made under (k) of this section, a person to whom
3 disclosure is made under this section may not disclose confidential information about
4 the child or the child's family to a person not authorized to receive it.

5 (n) The department may adopt regulations to implement and interpret its
6 duties under this section, including regulations governing the release of confidential
7 information and identifying a sufficient legitimate interest under (f) of this section.

8 * **Sec. 27.** AS 47.10 is amended by adding a new section to read:

9 **Sec. 47.10.094. Immunity from liability.** A person may not bring an action
10 for damages against the state, a municipality, or state or municipal agencies, officers,
11 employees, or agents based on the disclosure or nondisclosure of information in
12 accordance with this chapter.

13 * **Sec. 28.** AS 47.10.142 is amended by adding a new subsection to read:

14 (i) Within 60 days after a court orders a child committed to the department
15 under this section, the department shall inform the parties about the citizen review
16 panel established under AS 47.14.205.

17 * **Sec. 29.** AS 47.10 is amended by adding a new section to read:

18 **Sec. 47.10.145. Expert witness testimony regarding absent parent,**
19 **guardian, or custodian.** If the court finds by clear and convincing evidence that a
20 parent, guardian, or custodian of a child cannot be located after a reasonable search for
21 the parent, guardian, or custodian has been conducted by the department, the court
22 may conclude that the testimony of a qualified expert witness would support a finding
23 that continued custody of the child by the absent parent, guardian, or custodian is
24 likely to result in serious emotional or physical damage to the child.

25 * **Sec. 30.** AS 47.10.960 is amended to read:

26 **Sec. 47.10.960. Duty and standard of care [NOT] created. The**
27 **department shall adopt regulations establishing** [NOTHING IN THIS TITLE
28 CREATES] a duty **and** [OR] standard of care for services to children and their
29 families being served under **this chapter** [AS 47.10]. **The regulations must be**
30 **consistent in all relevant respects with the code of professional ethics and the**
31 **standards of practice for social workers adopted by the Board of Social Work**

1 **Examiners under AS 08.95.**

2 * **Sec. 31.** AS 47.10.990(16) is amended to read:

3 (16) "mental health professional" has the meaning given in
4 AS 47.30.915, **except that, if the child is placed in another state by the**
5 **department, "mental health professional" also includes a professional listed in**
6 **the definition of "mental health professional" in AS 47.30.915 who is not licensed**
7 **to practice by a board of this state but is licensed by a corresponding licensing**
8 **authority to practice in the state in which the child is placed;**

9 * **Sec. 32.** AS 47.10.990 is amended by adding a new paragraph to read:

10 (28) "near fatality" means physical injury or other harm, as certified by
11 a physician, caused by an act or omission that created a substantial risk of death.

12 * **Sec. 33.** AS 47.12.990(10) is amended to read:

13 (10) "mental health professional" has the meaning given in
14 AS 47.30.915, **except that, if the minor is placed in another state by the**
15 **department, "mental health professional" also includes a professional listed in**
16 **the definition of "mental health professional" in AS 47.30.915 who is not licensed**
17 **to practice by a board of this state but is licensed by a corresponding licensing**
18 **authority to practice in the state in which the minor is placed;**

19 * **Sec. 34.** AS 47.14.100(e) is amended to read:

20 (e) A child may not be placed in a foster home or in the care of an agency or
21 institution providing care for children if a relative by blood or marriage, **family**
22 **friend, or neighbor** requests placement of the child in the [RELATIVE'S] home **of**
23 **the relative, family friend, or neighbor and the parent or guardian of the child**
24 **agrees to the placement.** However, the department may retain custody of the child
25 and provide for its placement in the same manner as for other children if the
26 department

27 (1) makes a determination, supported by clear and convincing
28 evidence, that placement of the child with the relative, **family friend, or neighbor**
29 will result in physical or mental injury; in making that determination, poverty,
30 including inadequate or crowded housing, on the part of the [BLOOD] relative, **family**
31 **friend, or neighbor** is not considered prima facie evidence that physical or emotional

1 damage to the child will occur; this determination may be appealed to the superior
2 court to hear the matter de novo;

3 (2) determines that a member of the relative's, family friend's, or
4 neighbor's household who is 12 years of age or older was the perpetrator in a
5 substantiated report of abuse under AS 47.17; or

6 (3) determines that a member of the relative's, family friend's, or
7 neighbor's household who is 12 years of age or older is under arrest for, charged with,
8 has been convicted of, or has been found not guilty by reason of insanity of, a serious
9 offense; notwithstanding this paragraph, the department may place or continue the
10 placement of a child at the relative's, family friend's, or neighbor's home if the
11 relative, family friend, or neighbor demonstrates to the satisfaction of the department
12 that conduct described in this paragraph occurred at least five years before the
13 intended placement and the conduct

14 (A) did not involve a victim who was under 18 years of age at
15 the time of the conduct;

16 (B) was not a crime of domestic violence as defined in
17 AS 18.66.990; and

18 (C) was not a violent crime under AS 11.41.100 - 11.41.455 or
19 a law or ordinance of another jurisdiction having similar elements.

20 * **Sec. 35.** AS 47.14.100(f) is amended to read:

21 (f) If a blood relative of the child specified under (e) of this section exists and
22 agrees that the child should be placed elsewhere, before placement elsewhere, the
23 department shall fully communicate the nature of the placement proceedings to the
24 relative. Communication under this subsection shall be made in the relative's native
25 language, if necessary. [NOTHING IN THIS SUBSECTION OR IN (e) OF THIS
26 SECTION APPLIES TO CHILD PLACEMENT FOR ADOPTIVE PURPOSES.]

27 * **Sec. 36.** AS 47.14 is amended by adding a new section to article 3 to read:

28 **Sec. 47.14.205. Citizens' Review Panels for Permanency Planning.** (a)

29 There is created in the Department of Administration three Citizens' Review Panels for
30 Permanency Planning. Each state panel shall consist of five members appointed by
31 the governor from a broad representation of individuals located in the communities

1 served and including individuals with expertise in the prevention and treatment of
2 child abuse and neglect. The governor shall appoint at least one state panel member
3 from each judicial district. The governor may not appoint a person who has
4 committed a felony or violated AS 11.51.130 or a law with substantially similar
5 elements. The governor may designate an existing entity established under state or
6 federal law as a state panel if the entity performs the functions set out under
7 AS 47.14.205 - 47.14.295.

8 (b) Members of the state panels serve at the pleasure of the governor for
9 staggered terms of three years or until their successors are appointed.

10 (c) The members of each state panel shall elect from among the members a
11 chair who shall serve for one year. Three members of each state panel constitute a
12 quorum for the transaction of business. A panel may not take official action without
13 the affirmative vote of at least three of its members.

14 (d) Members of the state panels are entitled to reimbursement for actual
15 expenses necessary to perform their duties as state panel members. The
16 reimbursement may not exceed the amount of per diem and expenses authorized for
17 boards and commissions under AS 39.20.180.

18 (e) The state panels shall meet not less than every three months. Meetings
19 may take place telephonically.

20 (f) The state panels may employ a program manager and two assistant
21 managers who shall serve at the pleasure of the state panels. The program manager
22 shall employ staff as necessary to carry out the program manager's duties under state
23 panel directives and to provide clerical assistance to the state panels.

24 (g) When a person is appointed to serve on a state panel, the person shall
25 swear or affirm to keep confidential all information that comes before the state panel
26 except for nonidentifying case information included in a report required under
27 AS 47.17, or as required by court order for good cause shown. A state panel member
28 may also share confidential information with other members of the state panel and
29 staff who serve a state panel.

30 * **Sec. 37.** AS 47.14 is amended by adding a new section to article 3 to read:

31 **Sec. 47.14.215. Duties of the state panels.** The state panels shall

1 (1) by regulation adopt policies and procedures to carry out the panels'
2 duties;

3 (2) examine the policies, procedures, and practices of state and local
4 agencies involved in making or investigating a report of harm to a child;

5 (3) where appropriate, evaluate specific cases of a report of child abuse
6 or neglect to determine the extent to which the state and local child protection systems
7 are effectively discharging child protection responsibilities under

8 (A) the state plan submitted to the United States Department of
9 Health and Human Services;

10 (B) child protection standards under federal and state laws;

11 (C) any other criteria that the panel considers important to
12 ensuring the protection of children, including the level and efficiency of
13 coordination of foster care and adoption programs in the state and a review of
14 child fatalities and near fatalities; and

15 (4) report annually to the governor by the 10th day of each regular
16 legislative session, concerning the activities of the state panels during the previous
17 fiscal year; the report must include a summary of the information gathered and
18 recommendations made under paragraphs (2) and (3) of this section, the number of
19 cases reviewed by each panel, a description of the characteristics of the children
20 whose cases were reviewed by the panels, the number of children reunited with their
21 families, the number of children placed in other permanent homes, and the timeliness
22 of each review conducted under this section; the report may contain other information
23 on the experience of the panels.

24 * **Sec. 38.** AS 47.14 is amended by adding a new section to article 3 to read:

25 **Sec. 47.14.225. Cooperation with state panels.** The department, the
26 Department of Law, the Public Defender Agency, the office of public advocacy, and
27 the court system shall cooperate with the state panels to facilitate timely review of
28 plans for children whose cases are under the jurisdiction of the panels and to facilitate
29 access to records required under AS 47.14.235.

30 * **Sec. 39.** AS 47.14 is amended by adding a new section to article 3 to read:

31 **Sec. 47.14.235. Records; communications.** (a) Notwithstanding

1 AS 47.10.090, at the request of a state panel, the department, the child's guardian ad
 2 litem, and the court shall furnish to the state panel relevant records concerning a child
 3 and the child's family who are the subjects of a state panel review. At the conclusion
 4 of a review, all copies of records provided to a state panel under this section shall be
 5 returned to the staff that serves the state panel or to the agency from which the original
 6 copy was obtained, unless the panel members need the copies to prepare the reports
 7 required under AS 47.14.215. Copies retained for preparation of the reports shall be
 8 returned to the staff that serves the state panel or to the originating agency upon
 9 completion of the reports. Notwithstanding AS 44.62.310, records and reports of the
 10 state panel, testimony before the state panel, and deliberations of the state panel are
 11 confidential under AS 47.10.090.

12 (b) A state panel member may not reveal to another person, other than another
 13 member of the state panel or the staff serving the state panel, a communication made
 14 to the member while performing the member's duties under AS 47.14.205 - 47.14.295,
 15 except as required under AS 47.17 or as required by court order for good cause shown.
 16 A state panel member may disclose information related to the state panel member's
 17 performance of official duties if the state panel member omits identifying information.

18 (c) A state panel proceeding is not governed by AS 44.62.310.

19 * **Sec. 40.** AS 47.14 is amended by adding a new section to article 3 to read:

20 **Sec. 47.14.245. Court review of report.** (a) When a report is admissible
 21 under court rules, the court may consider the report of the state panel in its review
 22 under AS 47.10.080(f) and at other disposition hearings other than hearings related to
 23 delinquency proceedings.

24 (b) The court may refer to the state panel a case called for a special review
 25 under AS 47.10.080(f).

26 * **Sec. 41.** AS 47.14 is amended by adding a new section to article 3 to read:

27 **Sec. 47.14.255. Liability and indemnification of panel members.** (a) A
 28 state panel member shall be indemnified by the state for civil liability for a negligent
 29 act or omission of the panel member that occurs in the performance of the member's
 30 duties under AS 47.14.205 - 47.14.295, unless the civil liability results from the panel
 31 member's violation of

1 (1) AS 47.14.235(b); or

2 (2) the oath or affirmation required under AS 47.14.205(g).

3 (b) A violation of (a)(1) or (2) of this section is subject to a civil penalty of up
4 to \$2,500 for each violation.

5 * **Sec. 42.** AS 47.14 is amended by adding a new section to article 3 to read:

6 **Sec. 47.14.295. Definitions.** In AS 47.14.205 - 47.14.295,

7 (1) "state panel" or "state panels" means one or all of the Citizens'
8 Review Panels for Permanency Planning established under AS 47.14.205;

9 (2) "near fatality" has the meaning given in AS 47.10.990.

10 * **Sec. 43.** AS 47.17.025 is amended by adding a new subsection to read:

11 (c) Within 20 days after receiving a report of harm, whether or not the matter
12 is referred to a local government agency, the department shall notify the person who
13 made the report about the status of the investigation, without disclosing any
14 confidential information.

15 * **Sec. 44.** AS 47.17.027(a) is amended to read:

16 (a) If the department or a law enforcement agency provides written
17 certification to the child's school officials that (1) there is reasonable cause to suspect
18 that the child has been abused or neglected by a person responsible for the child's
19 welfare or as a result of conditions created by a person responsible for the child's
20 welfare; (2) an interview at school is a necessary part of an investigation to determine
21 whether the child has been abused or neglected; and (3) the interview at school is in
22 the best interests of the child, school officials shall permit the child to be interviewed
23 at school by the department or a law enforcement agency before notification of, or
24 receiving permission from, the child's parent, guardian, or custodian. A school official
25 shall be present during an interview at the school unless the child objects or the
26 department or law enforcement agency determines that the presence of the school
27 official will interfere with the investigation. **The interview shall be conducted as**
28 **required under AS 47.17.033.** Immediately after conducting an interview authorized
29 under this section, and after informing the child of the intention to notify the child's
30 parent, guardian, or custodian, the department or agency shall make every reasonable
31 effort to notify the child's parent, guardian, or custodian that the interview occurred

1 unless it appears to the department or agency that notifying the child's parent,
2 guardian, or custodian would endanger the child.

3 * **Sec. 45.** AS 47.17.033 is amended by adding new subsections to read:

4 (c) An investigation by the department of child abuse or neglect reported
5 under this chapter shall be conducted by a person trained to conduct a child abuse and
6 neglect investigation and without subjecting a child to more than one interview about
7 the abuse or neglect except when new information is obtained that requires further
8 information from the child.

9 (d) An interview of a child conducted as a result of a report of harm may be
10 audiotaped or videotaped. However, if an interview of a child is to be electronically
11 recorded and the interview concerns a report of sexual abuse of the child, the interview
12 shall be videotaped, except that an interview of a child may not be videotaped if
13 videotaping the interview is impracticable or will, in the opinion of the investigating
14 agency, result in trauma to the child.

15 (e) An interview of a child that is audiotaped or videotaped under (d) of this
16 section shall be conducted

17 (1) by a person trained and competent to conduct the interview;

18 (2) if available, at a child advocacy center; and

19 (3) by a person who is a party to a memorandum of understanding with
20 the department to conduct the interview or who is employed by an agency that is
21 authorized to conduct investigations.

22 (f) An interview of a child may not be videotaped more than one time unless
23 the interviewer or the investigating agency determines that one or more additional
24 interviews are necessary to complete an investigation. If additional interviews are
25 necessary, the additional interviews shall be conducted, to the extent possible, by the
26 same interviewer who conducted the initial interview of the child.

27 (g) A recorded interview of a child shall be preserved in the manner and for a
28 period provided by law for maintaining evidence and records of a public agency.

29 (h) A recorded interview of a child is subject to disclosure under the
30 applicable court rules for discovery in a civil or criminal case.

31 * **Sec. 46.** AS 47.35.015 is amended by adding a new subsection to read:

1 (j) If a person operates a foster home to provide care only for a relative and the
 2 department requires licensure under an agreement for services, the department shall
 3 issue a temporary license to an eligible person while an application for a license under
 4 this section is pending. The department shall issue the temporary license to the
 5 applicant within five days after receiving a complete application for a foster care
 6 license under AS 47.35.017. A temporary license is valid for 90 days or until a license
 7 is either issued under AS 47.35.017 or denied under AS 47.35.019, whichever is
 8 sooner.

9 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to
 10 read:

11 DIRECT COURT RULE AMENDMENT. Rule 3(c), Alaska Child in Need of
 12 Aid Rules of Procedure, is amended to read:

13 (c) **Presence of Grandparent or Foster Parent.** A **grandparent of a child**
 14 **and the** foster parent or other out-of-home care provider **are** [IS] entitled to be heard
 15 at any hearing at which the person is present. However, the court may limit the
 16 presence of **these persons in a hearing that has been closed to the public under**
 17 **(f)(2) of this rule** [THE FOSTER PARENT OR CARE PROVIDER] to the time
 18 during which the person's testimony is being given if **the court determines that such**
 19 **a limitation is necessary under the circumstances listed in (f)(2)(C) of this rule** [IT
 20 IS (1) IN THE BEST INTEREST OF THE CHILD; OR (2) NECESSARY TO
 21 PROTECT THE PRIVACY INTERESTS OF THE PARTIES AND WILL NOT BE
 22 DETRIMENTAL TO THE CHILD].

23 * **Sec. 48.** The uncodified law of the State of Alaska is amended by adding a new section to
 24 read:

25 DIRECT COURT RULE AMENDMENT. Rule 3(f), Alaska Child in Need of
 26 Aid Rules of Procedure, is repealed and reenacted to read:

27 (f) **General Public Access to Hearings.**

28 (1) Except as provided in (2) of this paragraph, and unless prohibited
 29 by federal or state statute or regulation, court order, or other court rule, hearings are
 30 open to the public.

31 (2) The following hearings are closed to the public:

1 (A) the initial court hearing after the filing of a petition that
2 begins the child-in-need-of-aid case;

3 (B) a hearing following the initial hearing in which a parent,
4 child, or other party to the case is present but has not had an opportunity to
5 obtain legal representation;

6 (C) a hearing, or a part of a hearing, for which the court issues
7 a written order finding that allowing the hearing, or part of the hearing, to be
8 open to the public would reasonably be expected to stigmatize or be
9 emotionally damaging to a child; inhibit a child's testimony in the hearing;
10 disclose matters otherwise required to be kept confidential by state or federal
11 statute or regulation, court order, or court rule; or interfere with a criminal
12 investigation or proceeding or a criminal defendant's right to a fair trial in a
13 criminal proceeding.

14 (3) Before ruling on a request under (2)(C) of this paragraph
15 concerning potential interference with a criminal investigation or proceeding, the court
16 shall give notice and an opportunity to be heard to the state or a municipal agency that
17 is assigned to the criminal investigation or to the prosecuting attorney.

18 (4) If the court closes a hearing to the public under (2)(C) of this
19 paragraph, the court shall close only the portions of the hearing necessary to prevent
20 the potential harm listed in (2)(C) of this paragraph. If a hearing, or part of a hearing,
21 is open to the public, the court shall hear in camera any information offered regarding
22 the location, or readily leading to the location, of a parent, child, or other party to the
23 case who is a victim of domestic violence. Access to testimony heard in camera under
24 this subparagraph is limited to the court and authorized court personnel.

25 (5) Notwithstanding any other provision of this rule, the court shall
26 issue an order to prohibit all persons in a hearing open to the public from disclosing to
27 any person a name, picture, or other information that would readily lead to the
28 identification of a child who is the subject of the proceeding. If a person violates the
29 order, the court may impose any appropriate sanction, including contempt and closure
30 of any further hearings in the proceeding to the person.

31 (6) A party to the proceeding may move the court to close to the public

1 a hearing, or part of the hearing, to avoid the harm specified in (2)(C) of this
 2 paragraph. A member of the public may request in writing to be served with a motion
 3 filed under this subparagraph. If such a request has been filed in advance of the filing
 4 of the motion, the party filing the motion must also serve the member of the public
 5 who requested notice under this subparagraph. The court may waive the service
 6 required under this subparagraph to a member of the public if a motion to close the
 7 hearing, or part of the hearing, is made under this subparagraph immediately before or
 8 during the hearing and the court finds that

9 (A) the need for closure was not reasonably foreseeable
 10 sufficiently in advance of the hearing to allow for notice;

11 (B) there is good cause not to delay the hearing in order to
 12 achieve notice, taking into consideration the age of the child and the potential
 13 adverse effect that a delay could have on the child; and

14 (C) whatever notice is practicable under the circumstances has
 15 occurred.

16 * **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
 17 read:

18 DIRECT COURT RULE AMENDMENT. Rule 3, Alaska Child in Need of
 19 Aid Rules of Procedure, is amended by adding a new subsection to read:

20 (j) **Use of Child's Name and Identifying Information Prohibited.**
 21 References to a child shall be made using the child's first name only. All identifying
 22 information of the child, including the child's last name, address, and the names of the
 23 child's immediate family members, shall be protected during the hearing so that only
 24 the confidential record contains that information. If a child appears at the hearing, the
 25 child shall be located away from view of the public.

26 * **Sec. 50.** The uncodified law of the State of Alaska is amended by adding a new section to
 27 read:

28 DIRECT COURT RULE AMENDMENT. Rule 18(e), Alaska Child in Need
 29 of Aid Rules of Procedure, is amended to read:

30 (e) **Trial.** A trial on the petition to terminate parental rights

31 (1) shall be held within six months after the date on which the petition

1 to terminate parental rights is filed, unless the court finds that good cause is shown for
 2 a continuance; **when** [. WHEN] determining whether to grant a continuance for good
 3 cause, the court shall take into consideration the age of the child and the potential
 4 adverse effect that the delay may have on the child; **the** [. THE] court shall make
 5 written findings when granting a continuance;

6 **(2) shall be by jury when a jury trial has been demanded and not**
 7 **waived by a party as provided in Rules 38 and 39, Alaska Rules of Civil**
 8 **Procedure.**

9 * **Sec. 51.** The uncodified law of the State of Alaska is amended by adding a new section to
 10 read:

11 DIRECT COURT RULE AMENDMENT. Rule 18(g), Alaska Child in Need
 12 of Aid Rules of Procedure, is amended to read:

13 (g) **Judgment.** The court shall make findings of fact **for matters tried to the**
 14 **court** and **shall** enter an order within 90 days after the last day of trial on the petition
 15 to terminate parental rights. The court shall commit the child to the custody of the
 16 Department if parental rights are terminated.

17 * **Sec. 52.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 DIRECT COURT RULE AMENDMENT. Rule 22(c), Alaska Child in Need
 20 of Aid Rules of Procedure, is amended to read:

21 (c) **Child's Name or Picture.** The name or picture of a child who is the
 22 subject of a CINA proceeding may not be made available to the public unless
 23 authorized by court order accompanied by a written statement reciting the
 24 circumstances which support such authorization, **or unless to implement the**
 25 **permanency plan for the child after all parental rights of custody have been**
 26 **terminated.**

27 * **Sec. 53.** The uncodified law of the State of Alaska is amended by adding a new section to
 28 read:

29 DIRECT COURT RULE AMENDMENT. Rule 9(a), Alaska Adoption Rules,
 30 is amended to read:

31 (a) **Form.** A consent or relinquishment must be in writing and must include:

1 (1) notice of the person's right to withdraw the consent or
2 relinquishment as provided by paragraphs (g) and (h) of this rule;

3 (2) the address and telephone number of the court in which the
4 adoption or relinquishment proceeding has or is expected to be filed;

5 (3) a statement of the right to counsel as stated in Rule 8;

6 (4) a statement concerning whether or not any visitation rights **or**
7 **other parental privileges** are sought to be retained after the adoption;

8 (5) if a consent, the information required in AS 25.23.060; and

9 (6) if signed by a parent, a statement of whether the parent is a minor.

10 * **Sec. 54.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 DIRECT COURT RULE AMENDMENT. Rule 13(a), Alaska Adoption
13 Rules, is amended to read:

14 (a) **Voluntary Relinquishment.** A decree terminating parental rights may be
15 entered after a voluntary relinquishment pursuant to AS 25.23.180. The court shall
16 enter findings of fact which must include a statement concerning whether visitation
17 rights are being allowed under AS 25.23.130(c) **or AS 25.23.180, whether other**
18 **privileges are being retained under AS 25.23.180,** and whether the time limit for
19 withdrawal of the relinquishment has elapsed. If the relinquishment was signed in the
20 presence of the court, findings also must be entered as to whether the parent
21 understood the consequences of the relinquishment, and whether the relinquishment
22 was voluntarily signed.

23 In the case of a voluntary relinquishment of parental rights to an Indian child,
24 the court shall make additional findings concerning whether any notice required by
25 Rule 10(e) was timely given; whether the relinquishment was voluntary and in
26 compliance with the requirements of 25 U.S.C. Section 1913; and whether the child's
27 placement complies with the preferences set out in 25 U.S.C. Section 1915 or good
28 cause exists for deviation from the placement preference.

29 * **Sec. 55.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 INDIRECT COURT RULE AMENDMENT. AS 25.23.180(j), added by sec. 2 of this

1 Act, amends Rules 9 and 13, Alaska Adoption Rules, by requiring retained privileges to be set
2 out in the relinquishment form and order.

3 * **Sec. 56.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 **INDIRECT COURT RULE AMENDMENT.** (a) Sections 9 and 10 of this Act
6 AS 47.10.080(x), enacted by sec. 13 of this Act, and AS 47.10.088(o), enacted by sec. 15 of
7 this Act, have the effect of changing Rule 3, Alaska Child in Need of Aid Rules of Procedure,
8 by allowing members of the public to attend court hearings except in certain circumstances.

9 (b) AS 47.10.065, enacted by sec. 8 of this Act, and AS 47.10.080(c), as amended by
10 sec. 11 of this Act, have the effect of changing Rule 18, Alaska Child in Need of Aid Rules of
11 Procedure, by providing for a right to a jury trial on a petition to terminate parental rights.

12 (c) Sections 18 and 21 - 26 of this Act have the effect of changing Rule 22, Alaska
13 Child in Need of Aid Rules of Procedure, by allowing the disclosure of confidential
14 information pertaining to a child, including a child's name or picture to be made public in
15 certain circumstances.

16 * **Sec. 57.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **TWO-THIRDS VOTE NOT REQUIRED FOR CERTAIN AMENDMENTS.**
19 Because the enactment of AS 47.10.065 and the amendments to AS 47.10.080(c) and Rules
20 18(e) and 18(g), Alaska Child in Need of Aid Rules of Procedure, to the extent that the
21 enactment and amendments provide a right to a jury trial on a petition to terminate parental
22 rights, affect a substantive right, secs. 8, 11, 50, 51, and 56 of this Act do not require a two-
23 thirds vote of the legislature to confer the right to a jury trial on a petition to terminate
24 parental rights.

25 * **Sec. 58.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **INITIAL MEMBERS OF STATE PANEL.** (a) Notwithstanding AS 47.14.205(b),
28 enacted by sec. 36 of this Act, the governor shall appoint the initial public members of each of
29 the Citizens' Review Panel for Permanency Planning so that one member of each panel serves
30 a one-year term, two members of each panel serve two-year terms, and two members of each
31 panel serve three-year terms.

1 (b) The initial public members must be persons who have experience, special
2 knowledge, or a demonstrated interest in the welfare of children.

3 * **Sec. 59.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 APPLICABILITY. (a) AS 47.10.065, enacted by sec. 8 of this Act, 47.10.080(c), as
6 amended by sec. 11 of this Act, and Rules 18(e) and 18(g), Alaska Child in Need of Aid Rules
7 of Procedure, as amended by secs. 50 and 51 of this Act, apply to petitions to terminate
8 parental rights that are filed on or after the effective date of secs. 8, 11, 50, and 51 of this Act.

9 (b) The amendments to Rule 3, Alaska Child in Need of Aid Rules of Procedure,
10 made by secs. 47 - 49 of this Act, apply to hearings that are conducted on or after the effective
11 date of secs. 47 - 49 of this Act.

12 (c) Sections 9 - 11, 13, 15, 17, 18, 21 - 27, 32, 47 - 49, and 52 of this Act apply to all
13 proceedings and hearings conducted on or after the effective date of those sections.

14 (d) Sections 9, 10, 13, 15, and 18 - 27 of this Act apply to all information, records,
15 and files created on or after the effective date of those sections; however, if a file contains
16 information and records that were created before the effective date of secs. 9, 10, 13, 15, and
17 18 - 27 of this Act, that information and those records retain the confidentiality status that
18 they had under the law on the day before the effective date of secs. 9, 10, 13, 15, and 18 - 27
19 of this Act.

20 * **Sec. 60.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITION: REGULATIONS. The Department of Health and Social Services
23 may proceed to adopt regulations necessary to implement the changes made by this Act. The
24 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
25 effective date of the relevant statutory change.

26 * **Sec. 61.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 REPORT. By December 1, 2006, the governor shall issue a report, including any
29 recommendations for statutory changes, to the public and the legislature on the
30 implementation of this Act.

31 * **Sec. 62.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 CONDITIONAL EFFECT. (a) That portion of Rule 18(e)(2), Alaska Child in Need
3 of Aid Rules of Procedure, added by sec. 50 of this Act, that reads "and not waived by a party
4 as provided in Rules 38 and 39, Alaska Rules of Civil Procedure," takes effect only if sec. 50
5 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
6 Constitution of the State of Alaska.

7 (b) The amendments to Rule 3, Alaska Child in Need of Aid Rules of Procedure,
8 made by secs. 47 - 49 of this Act, take effect only if secs. 47 - 49 of this Act receive the two-
9 thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
10 Alaska.

11 (c) The amendments to Rule 22(c), Alaska Child in Need of Aid Rules of Procedure,
12 made by sec. 52 of this Act take effect only if sec. 52 of this Act receives the two-thirds
13 majority vote of each house required by Art. IV, sec. 15, Constitution of the State of Alaska.

14 (d) Sections 9 and 10 of this Act, AS 47.10.080(x), enacted by sec. 13 of this Act,
15 AS 47.10.088(o), enacted by sec. 15 of this Act, and secs. 18 and 21 - 27 of this Act, take
16 effect only if secs. 47 - 49, 52, and 56(a) and (c) of this Act receive the two-thirds majority
17 vote of each house as required by art. IV, sec. 15, Constitution of the State of Alaska.

18 (e) Rule 9(a), Alaska Adoption Rules, as amended by sec. 53 of this Act, takes effect
19 only if sec. 53 of this Act receives the two-thirds majority vote of each house required by art.
20 IV, sec. 15, Constitution of the State of Alaska.

21 (f) Rule 13(a), Alaska Adoption Rules, as amended by sec. 54 of this Act, takes effect
22 only if sec. 54 of this Act receives the two-thirds majority vote of each house required by art.
23 IV, sec. 15, Constitution of the State of Alaska.

24 (g) AS 25.23.180(j), added by sec. 2 of this Act, takes effect only if sec. 55 of this Act
25 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
26 of the State of Alaska.

27 * **Sec. 63.** AS 47.10.960, as amended by sec. 30 of this Act, takes effect 180 days after the
28 effective date of sec. 1 of this Act.

29 * **Sec. 64.** If, under sec. 62 of this Act, secs. 9 and 10 of this Act, AS 47.10.080(x), enacted
30 by sec. 13 of this Act, AS 47.10.088(o), enacted by sec. 15 of this Act, and secs. 18 and 21 -
31 27 of this Act take effect, they take effect July 1, 2005.

1 * **Sec. 65.** Except as provided in secs. 63 and 64 of this Act, this Act takes effect
2 immediately under AS 01.10.070(c).