

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 191
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES VANCE, Wilson

Introduced: 2/21/20

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

"An Act relating to church attendance of a child who is in state custody."

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

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

(q) If the court orders a child committed to the department under (c) of this section and the department places the child in licensed foster care, the department shall

(1) provide the foster parent with a copy of

(A) appropriate information held by the department regarding the child to the extent required by AS 47.12.310(b)(2)(H);

(B) all initial, updated, and revised case service plans for the child, court orders relating to the child, and the child's medical, mental, and education reports prepared by or for the department, including reports compiled before the child was placed with the foster parent; and

(C) supplements to the plans, orders, and reports described in (B) of this paragraph;

(2) require the foster parent to

(A) maintain and update records regarding medical, mental, educational, and behavioral services provided to the child;

(B) provide all records described in (A) of this paragraph to the department when the child leaves the foster home placement; and

(C) maintain the confidentiality of records regarding a child placed in the foster home except when disclosure of the records is allowed under regulations of the department or when disclosure is reasonably necessary to ensure continuation of care for the child through appropriate medical, mental, educational, and behavioral services;

(3) make reasonable efforts to permit a child who was attending church before the child was committed to the custody of the department to attend the child's current church; in this paragraph, "reasonable efforts" includes contacting the church and arranging transportation for and supervision of the child during church attendance unless transportation and supervision of the child

(A) unduly burdens the foster parents, the department, or an agency with which the child is placed; or

(B) interferes with the foster parents' own church attendance.

* **Sec. 2.** AS 47.10.080(r) is amended to read:

(r) If the court orders a child committed to the department under (c) of this section, the court shall order the child's parent or guardian to provide the department with

(1) the names, addresses, and telephone numbers of all of the child's medical providers;

(2) the names, addresses, and telephone numbers of mental health providers that have provided services to the child;

(3) the names, addresses, and telephone numbers of schools, preschools, or day care facilities that the child was attending before the child was committed to the department;

(4) a description of special needs of the child, if any; [AND]

(5) the names and locations of relatives who may be willing to have the child placed in their home; and

(6) the names, addresses, and telephone numbers of churches that the child was attending before the child was committed to the department.

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

(x) In any team-decision meeting the department holds to address the potential or actual transfer of a child from one placement setting to another, the department shall ask the participants for input regarding whether it is in the child's best interest

(1) for the child to remain in the child's current school for the remainder of the school term; and

(2) if the child attends church, for the child to remain in the child's current church.

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

(y) If the department transfers a child from one placement setting to another and it is reasonable and in the child's best [EDUCATIONAL] interests, the department shall immediately, and in advance of the transfer if possible,

(1) coordinate with the school the child is attending to ensure the child is permitted to attend that school through the end of the school term if the child's new placement is in the same municipality and connected by road to the school; if [. IF] federal funds and school district transportation funds are not available to pay for the cost of transportation for the child, the department shall pay the costs of transporting the child to school; the [. THE] department shall work with the family or agency where the child is placed to arrange for transportation; the [. THE] department shall consult with the school district regarding the child's best interests, but the school district may not override the department's decision to allow a child to remain in the current school through the end of the school term; and

(2) make reasonable efforts to permit the child to attend the child's current church as provided in AS 47.10.080(q)(3).

* **Sec. 5.** AS 47.10.084(d) is amended to read:

(d) When the child is placed in foster care, the foster parent has the right and responsibility to use a reasonable and prudent parent standard to make decisions

1 relating to the child. **Subject to AS 47.10.080(q) and (v), the** [THE] foster parent
2 may make decisions under (a) or (b) of this section that include decisions relating to
3 the child's participation in age-appropriate or developmentally appropriate activities,
4 including travel, sports, field trips, overnight activities, and extracurricular,
5 enrichment, cultural, and social activities. The department shall provide foster parents
6 with training regarding the reasonable and prudent parent standard. In this subsection,
7 "reasonable and prudent parent standard" means a standard characterized by careful
8 and sensible decisions to maintain the health, safety, and best interests of the child
9 while encouraging the emotional and developmental growth of the child.