

CS FOR SENATE BILL NO. 27(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/7/09

Referred: Labor and Commerce, Finance

Sponsor(s): SENATORS DAVIS, Ellis, Paskvan

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to tuition waivers for a child who was in out-of-home care; relating to**
2 **out-of-home care for a child; amending the definition of 'child' in certain statutes; and**
3 **relating to out-of-home care transition to independent living."**

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

5 * **Section 1.** AS 14.43 is amended by adding a new section to read:

6 **Article 3A. Free Tuition for a Person Who Was in Out-of-home Care.**

7 **Sec. 14.43.086. Free tuition and fees for a person who was in out-of-home**
8 **care.** (a) A person who enrolls as a student in good standing in a state-supported
9 educational institution in the state is entitled to a waiver of tuition, fees, and room and
10 board expenses if the person provides adequate proof that the person

11 (1) was in the custody of the state under AS 47.10 or AS 47.14; and

12 (2) was placed in out-of-home care for a period of not less than six
13 consecutive months on or after the person became 16 years of age.

14 (b) The amount of the waiver to which a person is entitled under this section is

1 the amount of unmet need for tuition, room, and board expenses, as determined by the
 2 commission after deducting all available funding for the school year from education
 3 loans, grants, or scholarships for a person eligible for a waiver.

4 (c) The proceeds of an education loan, grant, or scholarship received by a
 5 person eligible for a waiver under this section must be paid to the educational
 6 institution to offset the person's tuition, fees, and room and board expenses.

7 (d) A state-supported educational institution in the state is required to provide
 8 a waiver under (a) of this section only if the legislature appropriates funds for the
 9 purpose of offsetting waivers under this section. If an appropriation is not sufficient to
 10 fully offset waivers for each person entitled to a waiver under (a) of this section, the
 11 institution may offer full or partial waivers to eligible applicants as funding permits
 12 and at the discretion of the institution.

13 * **Sec. 2.** AS 14.43.160 is amended by adding a new paragraph to read:

14 (7) "out-of-home care" has the meaning given in AS 47.14.400.

15 * **Sec. 3.** AS 36.30.850(b)(42) is amended to read:

16 (42) grants and contracts with qualified entities for services under
 17 AS 47.18.330 for the **out-of-home** [FOSTER] care transition program;

18 * **Sec. 4.** AS 47.07.020 is amended by adding a new subsection to read:

19 (o) In this section, "out-of-home care" has the meaning given in AS 47.14.400.

20 * **Sec. 5.** AS 47.10.080(c) is amended to read:

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

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

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

29 (B) **one-year extensions of commitment that do not extend**
 30 **beyond the child's 21st birthday** [AN ADDITIONAL ONE-YEAR PERIOD
 31 OF STATE CUSTODY PAST 19 YEARS OF AGE] if the continued state

1 custody is in the best interests of the person and the person consents to it;

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

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

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

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

23 * **Sec. 6.** AS 47.10.990(3) is amended to read:

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

25 (A) under 18 years of age;

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

29 (C) under 21 years of age if that person is living in out-of-
 30 home care;

31 * **Sec. 7.** AS 47.10.990 is amended by adding a new paragraph to read:

1 (33) "out-of-home care" has the meaning given in AS 47.14.400.

2 * **Sec. 8.** AS 47.18.300(a) is amended to read:

3 (a) The department, in coordination with local public and private agencies,
4 shall design, develop, and implement **an out-of-home care** [A FOSTER CARE]
5 transition program to provide support and services to individuals who

6 (1) reach or have reached the age of 16 or older while in state **custody**
7 **and placed in out-of-home** [FOSTER] care and have not yet reached 23 years of age;
8 and

9 (2) meet other eligibility criteria established by the department under
10 (b) of this section.

11 * **Sec. 9.** AS 47.18.310 is amended to read:

12 **Sec. 47.18.310. Program design.** The department, in coordination with local
13 public and private agencies, shall design the program as a continuation of the training
14 efforts related to independent living skills that were initiated **for a child in state**
15 **custody who was placed in out-of-home care and** [WHEN THE STATE FOSTER
16 CARE RECIPIENTS WERE] identified as being likely to remain in **out-of-home**
17 [STATE FOSTER] care until reaching **not less than** the age of 18. The program
18 design must require that program participants are directly involved in identifying the
19 program activities that will prepare them for independent living.

20 * **Sec. 10.** AS 47.18.320(a) is amended to read:

21 (a) Subject to the availability of an appropriation made for the purposes of
22 AS 47.18.300 - 47.18.390, the program may provide

23 (1) education and vocational training;

24 (2) assistance in obtaining basic education and training;

25 (3) career and employment services;

26 (4) training in basic life skills;

27 (5) housing and utility assistance;

28 (6) mentoring and counseling; and

29 (7) other appropriate services to complement the efforts of former state
30 foster care recipients **or a child who was in state custody and placed in out-of-**
31 **home care** to achieve self-sufficiency.

1 * **Sec. 11.** AS 47.18.390(1) is amended to read:

2 (1) "program" means the **out-of-home** [FOSTER] care transition
3 program authorized under AS 47.18.300 - 47.18.390;

4 * **Sec. 12.** AS 47.18 is amended by adding a new section to read:

5 **Sec. 47.18.335. Monetary living expense stipend.** The department shall
6 provide to an individual eligible for services under the program who has left out-of-
7 home care a monthly stipend in an amount set by the department that is not more than
8 the daily rate provided to a licensed foster parent for necessary living expenses. The
9 stipend shall continue for a period of not more than one year and shall end before the
10 individual is 23 years of age. The department may adopt regulations to implement this
11 section.

12 * **Sec. 13.** AS 47.18.390(3) is repealed and reenacted to read:

13 (3) "out-of-home care" has the meaning given in AS 47.14.400.