

Alaska State Legislature House of Representatives

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SPONSOR STATEMENT

HB 10

"An Act relating to the duties of the Department of Health and Social Services; relating to child-in-need-of-aid proceedings; relating to child protection; and amending Rules 6(a), 6(b)(2) and (3), 10(c)(2) and (3), 10(e)(2), 10.1, 15(f)(2), 17(c), 17(d)(2), 17.1(b), 17.1(d)(3), 17.2(a), 17.2(e), 17.2(f), 17.3, 18(c), and 19.1(c), Alaska Child in Need of Aid Rules of Procedure, and repealing Rules 17.1(a), 17.1(c), and 17.1(d)(2), Alaska Child in Need of Aid Rules of Procedure."

Inequality should not be tolerated! Currently, the Office of Children Services (OCS) has two discriminatory standards for Alaska's children.

Congress passed the Indian Child Welfare Act (ICWA) in 1978 as a response to then-prevalent culturally insensitive state government child welfare practices that negatively impacted "Indian children", their families, and their tribes. The ICWA aims to ensure that Indian children are removed from their parents only after carefully crafted efforts have been made to maintain the Indian family.

In 1996, the Alaska Court System received a major federal grant to study and improve the state's handling of child protection cases, including child abuse, neglect, foster care, and adoption litigation. These cases are called child in need of aid cases, or CINA. The CINA guide describes how these cases are handled by the state, the roles played by various individuals, agencies, and courts.

The child's ethnicity changes the level of the State's duty. When the child in custody is Indian, the State has an affirmative duty to make "active efforts" to reunify the family (ICWA). When the child is non-Indian, the State must make "reasonable efforts" (CINA). "Active efforts" is a more stringent standard than "reasonable efforts," which embody duties that touch on important rights of parents.

HB 10 raises the standard so that all of Alaska's children are treated the same.

I would appreciate your support.