

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1792

Amending CINA Rule 17.2(e)(4)
to conform the permanency
hearing findings to the revised
statutory requirements in SB 82,
concerning establishing another
planned permanent living
arrangement as the permanent
plan

IT IS ORDERED:

CINA Rule 17.2 is amended to read as follows:

Rule 17.2. Permanency Hearing.

* * * * *

(e) **Findings.** The court shall make written findings, including findings related to

- (1) whether the child continues to be a child in need of aid;
- (2) whether the child should be returned to the parent or guardian, and when;
- (3) whether the child should be placed for adoption or legal guardianship and whether the Department is in compliance with AS 47.10.088(d) relating to the filing of a petition for termination of parental rights;
- (4) whether there is compelling reason that the most appropriate placement for the child is in another planned, permanent living arrangement and the department has recommended the arrangement under AS 47.14.100(p); the findings under this subsection must include the steps that are necessary to achieve the new arrangement; and

(5) in the case of a child who has attained age 16, the services needed to assist the child to make the transition from foster care to independent living or adult protective services.

If the court is unable to make a finding required under this subsection, the court shall schedule and hold another permanency hearing within a reasonable period of time as defined in AS 47.10.990(23).

(f) **Additional Findings.** In addition to the findings required under subsection (e), the court shall also make written findings related to

(1) whether the Department has made reasonable efforts required under AS 47.10.086 or, in the case of an Indian child, whether the Department has made active efforts to provide remedial services and rehabilitative programs as required by 25 U.S.C. Sec. 1912(d);

(2) whether the parent or guardian has made substantial progress to remedy the parent's or guardian's conduct or conditions in the home that made the child a child in need of aid;

(3) if the permanency plan is for the child to remain in out-of-home care, whether the child's out-of-home placement continues to be appropriate and in the best interests of the child; and

(4) whether the Department has made reasonable efforts to finalize the permanency plan that is in effect (whether the plan is reunification, adoption, legal guardianship, placement with a fit and willing relative, or placement in another planned permanent living arrangement).

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CROSS REFERENCE: AS 47.10.080(c), (f), (l); AS 47.10.088(f); AS 47.10.086(d); AS 47.14.100(p); 45 CFR § 1356.21(b).

DATED: November 1, 2012

EFFECTIVE DATE: *nunc pro tunc* September 9, 2012

/s/
Chief Justice Fabe

/s/
Justice Carpeneti

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen