

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1072

Amending CINA Rule 19 concerning
review and extension of
disposition orders.

IT IS ORDERED:

1. Paragraph (d) of CINA Rule 19 is rescinded and re-promulgated as follows:

(d) Findings. In any review conducted under paragraph (a) or (b) the court shall determine whether the child continues to be a child in need of aid and whether continued custody or supervision by the Department is in the best interests of the child. If the child is not returned home at the review, the court shall enter further findings as to the following:

(1) whether, under the circumstances of the case, reasonable efforts were made, or are being made, to make it possible for the child to return to the home;

(2) what services were utilized by the parents to make it possible to return the child to the home;

(3) what additional services are needed to make it possible to return the child to the home and, in the case of a child who has attained age 16, what additional services are needed to assist the child to make the transition from foster care to independent living;

(4) whether there is a case plan in effect which establishes one of the following:

(A) whether the child should be returned to the home or continue in foster case for a specified period;

(B) whether the child should be placed for adoption or guardianship;

(C) whether the child should, because of the child's special needs or circumstances, be continued in foster or relative care on a long-term or permanent basis.

2. Section (2) of paragraph (e) of CINA Rule 19 is revised as follows:

(e) Extension of Custody or Supervision.

. . . .

(2) Extension of Custody or Supervision. At the conclusion of the hearing the court shall determine whether the child continues to be a child in need of aid and whether continued custody or supervision by the Department is in the best interests of the child [MAKE FINDINGS INDICATING WHETHER THE EXTENSION OF CUSTODY IS IN THE BEST INTEREST OF THE CHILD AND THE PUBLIC].

3. New paragraph (f) is added to CINA Rule 19 as follows:

(f) Continuing Custody Pending Return. The court may not continue or extend state custody or supervision of the child unless the court finds that the child continues to be a child in need of aid. However, if the court does not find that the child continues to be a child in need of aid but finds that immediate reunification would be detrimental to the child, the court may establish a specific timetable for gradual reunification of the family and termination of state custody or supervision.

DATED: April 26, 1991

EFFECTIVE DATE: January 15, 1992

Chief Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton

Justice Moore