

Alaska Statutes Regarding Extended Care and Re-Entry into Custody

Eligibility

The court may commit a youth to the department's custody until age 19. The court may further grant one-year extensions until the youth's 21st birthday "if the continued state custody is in the best interests of the person and the person consents to it." Alaska Stat. § 47.10.080(c).

Voluntary Care Agreement Requirement

Youth may not re-enter if they . . . refuse to sign a resumption of care agreement. [Alaska Office of Children's Servs., Child Protective Services Manual § 3.14.4\(A\)\(2\) \(2017\)](#).

Case Management Requirements

OCS will not recommend that a youth aged 18-21 be released from custody if the youth needs out-of-home care and lacks supports to ensure self-sufficiency. [Alaska Office of Children's Servs., Child Protective Services Manual § 2.9.5 \(2017\)](#).

RE-ENTRY

Eligibility & Procedure

A youth who seeks resumption of state custody may request the department to petition the court for a hearing to determine eligibility for resumption of state custody; the petition may be submitted by the person, the department, or the person's legal representative or GAL. [Alaska Office of Children's Servs., Child Protective Services Manual § 3.14.4 \(2017\)](#).

The youth must sign aThe youth must sign a custody resumption

agreement prepared by the department that includes a provision that the youth agrees to actively participate in developing the transition plan; and services designed to promote self-sufficiency. Id. Youth may not re-enter if they are married; reside out of state; fail to comply with probation or parole terms; are in or enter active military duty; have previously re-entered care after age 18; or refuse to sign a resumption of care agreement. Id. The court may, in a hearing, grant resumption of state custody that does not extend beyond a youth's 21st birthday if the youth: (1) consents; (2) was placed in out-of-home care by the Department immediately before release, when the person was: A youth who seeks resumption of state custody may request the department to petition the court for a hearing to determine eligibility for resumption of state custody; the petition may be submitted by the person, the department, or the person's legal

representative or GAL. [Alaska Office of Children's Servs., Child Protective Services Manual § 3.14.4 \(2017\)](#).

The youth must sign a custody resumption agreement prepared by the department that includes a provision that the youth agrees to actively participate in developing the transition plan; and services designed to promote self-sufficiency. *Id.* Youth may not re-enter if they are married; reside out of state; fail to comply with probation or parole terms; are in or enter active military duty; have previously re-entered care after age 18; or refuse to sign a resumption of care agreement. *Id.*

The court may, in a hearing, grant resumption of state custody that does not extend beyond a youth's 21st birthday if the youth: (1) consents; (2) was placed in out-of-home care by the Department immediately before release, when the person was: (A) at least 18; or (B) at least 16 and was released to: (i) his own custody after disabilities of minority were removed; or (ii) custody of a parent or guardian because the person refused out-of-home care; (3) is in need of out of home care: (A) to avoid personal harm; (B) because of person's

severe emotional disturbance, mental or physical disability, homelessness, or a combination of those conditions; (C) because the person is completing an educational or vocational program; or (D) to otherwise improve the person's successful transition to independent living; and (4) if requested by the department, agrees to reasonable terms for resuming state custody that may include matters relating to the person's education, attainment of a job or life skills, or other terms found by the court to be reasonable and in the person's best interest. Alaska Stat. § 47.10.100(v).

COURTS & RIGHTS

Court Oversight of Extended Care

Court may retain jurisdiction over a child adjudicated in need of aid until child's 19th birthday, except that "the department may apply for and court may grant additional one-year periods of custody that do not extend beyond the person's 21st birthday if continued custody or supervision is in the best interests of the person and the person consents to it." Alaska Stat. § 47.10.100(a), (c).

Termination of Extended Care

The department will petition for termination of custody of a youth if the youth gets married, requests custody to end, fails to comply with the terms of the custody re-entry agreement, moves out of state, dies, enters active military duty, is in runaway status for more than 30 consecutive days and there appears to be little likelihood of returning to care, engages in criminal activity resulting in incarceration, or turns 21. [Alaska Office of Children's Servs., Child Protective Services Manual § 4.14 \(2017\)](#).

However, the department will not recommend that a child 18 or older be released to their own custody unless the youth no longer needs out-of-home care; and the youth has obtained their high school diploma or equivalent; and the youth has supports in place to ensure self-sufficiency. [Id.](#)