

# 34<sup>TH</sup> ALASKA STATE LEGISLATURE

## Session

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## Interim

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Committee

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## REPRESENTATIVE ANDREW GRAY

### House Bill 36 (34-LS0358\Q) Sponsor Statement April 22, 2026

Due process is a basic constitutional right of every person in Alaska: adults, children, even children in the custody of the state.

HB 36 would require a judicial hearing within seven days of admission of a foster child to an acute psychiatric hospital.

In the 2015 case, *Hooper Bay v. Lawton*, the court recognized an absence of statutory guidance regarding children in the custody of the state. The findings in that case led to an injunction requiring a court hearing to be held within 30 days for children admitted to acute psychiatric facilities while in the custody of the Office of Children's Services (OCS).

In the 2024 Alaska Supreme Court case *Kwinhagak v. State* the court found that the lack of statutory guidance evident in *Hooper Bay* had not been ameliorated, and that 30 days was too long. In this case a child was held for 46 days without a judicial review. The Alaska Supreme Court concluded in its decision:

"There is no doubt that children in OCS custody are at substantial risk of being hospitalized for longer than they need, or when they do not need to be hospitalized at all." And further, "Clarifying the legal protections for a vulnerable population of children in state custody is of utmost importance."

The amended Q version now creates a new license for treatment foster homes. These homes (licensed in 49 other states) provide care for the most intense situations for foster children. The bill now also lowers the age of consent for access (up to 5 sessions prior to parental notification) to behavioral mental health from 18 to 16 years of age.

I appreciate your support.

