

# ALASKA STATE LEGISLATURE

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North to the Future

**Senator Cathy Giessel**  
Senate District N

## Sectional Analysis

### SB 180 “Parent-Guardian/Child: Temporary Power of Attorney”

**Section 1:** Amends AS 13.26.020 (Delegation of powers by parent or guardian)

This section removes the delegation of powers over minors from this section. This section now only applies to the delegation of powers over an incapacitate person by a parent or guardian.

**Section 2:** Adds a new section under AS 13.26

This creates a new section (AS 13.26.023 Delegation of powers over minor child) for the delegation of powers over minors. Gives parents or guardians the authority to execute a power of attorney to delegate to another person one or more powers regarding the care, custody or property of the minor child. With the exception of the marriage or adoption of the child, performance of an abortion or the termination of parental rights to the minor child. Parent or guardians have the right to revoke the power of attorney at any time. The power of attorney for no more than one year, however a new power of attorney can be executed at the end of the one year period. Parents or guardians in the military may execute a power of attorney for greater than one year if the parent is on active duty, the power of attorney is then equal to the length of the active duty plus 30 days. No compensation will be given for the duration of the power of attorney. The form for a parent or guardian appointing an attorney-in-fact for their child is provided in this section. Designation of a power of attorney does not terminate parental rights or obligations of the parent or guardian to the minor child, however it does not constitute abandonment, abuse or neglect, unless the parent fails to retake custody after the power of attorney expires and fails to execute a new one. Under a power of attorney a child is not considered in foster care and the attorney in fact is not considered to be providing foster care and does not need to be licensed as a child care facility or foster care (AS 47.32). The power of attorney also does not constitute as an out-of-home placement under AS 47.10. Definitions are provided at the end of this section.

Chair Senate Resources Committee | Vice-Chair Health & Social Services | Vice-Chair Labor & Commerce

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**Section 3:** Amends AS 25.23.060(c) (Execution of consent; consent as power of attorney)

This section amends AS 25.23.060(c) to insert references to the new section added in AS 13.26 which was created in Section 2 of this bill.

**Section 4:** Amends AS 47.10.086(a) (Reasonable efforts)

This section allows the department to distribute information to the parent or guardian of a child in need of aid about community based family support services including the use of a power of attorney to select an individual to care for the child temporarily.