

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 26, 2016

SUBJECT: CSSB 180() relating to the temporary delegation by a parent or guardian of powers related to a child and to nonprofit organizations that provide certain assistance to parents (Work Order No. 29-LS1431\H)

TO: Senator Cathy Giessel
Attn: Kari Nore

FROM:  Terry Bannister
Legislative Counsel

This memo accompanies the bill described above. This memo responds to the questions you have asked.

1. Judicial bypass. I am not sure what you mean by "bypass," but there does not appear to be a provision in the bill that would prevent a judge from handling any matter involving a child for which a power of attorney had been executed. The bill does address existing court orders in sec. 13.26.023(g).
2. Emancipation. The bill does not address emancipated minors. An emancipated minor whose disabilities have been removed under AS 09.55.590 would not be subject to parental authority or its transfer.
3. Both parents. The bill uses the term "a parent." Under AS 01.10.050(b), words in the singular also include the plural. So one or both parents could execute a power of attorney for their child. This bill allows one parent to transfer the authority. You may want to address whether or not both parents must sign the power of attorney, or what would happen if one parent disagreed with the other parent signing a power of attorney.
4. Suit for medical and dental costs. The bill does not address the recovery of any costs paid by the attorney-in-fact. If you want to address this, you may want to make the provision apply to any costs, not just medical or dental costs.
5. Permanent fund dividend. The power of attorney can either transfer all powers of the parent or guardian or only the ones specified in the power of attorney. If all powers are granted, then the attorney-in-fact may qualify as an "authorized individual" to claim the permanent fund dividend of an unemancipated minor under AS 43.23.005(d). If the

Senator Cathy Giessel
February 26, 2016
Page 2

parent or guardian itemizes the powers given, then the power to claim the dividend must be among those itemized powers.

If I may be of further assistance, please advise.

TLB:lem
16-180.lem

Attachment