

33RD ALASKA STATE LEGISLATURE

Session

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Interim

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House Military and Veterans
Affairs Committee

House Judiciary Committee

House Ways and Means Committee

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REPRESENTATIVE ANDREW GRAY

House Bill 363 Sponsor Statement

In *The Native Village of Kwinhagak v. State of Alaska Office of Children's Services*, the Supreme Court of the State of Alaska ruled on the legal process that applies when the Office for Children's Services (OCS) seeks to admit a child in its custody to a hospital for psychiatric care. In that opinion, it was stated:

"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 teenaged child at the center of the Supreme Court's case was hospitalized continuously for 46 days before the court held a hearing to decide whether her hospitalization was justified. The Alaska Supreme Court determined that the 46 day wait between the child's first admission to the hospital and the hearing held in this case was far too long to satisfy due process.

Alaska's interest in ensuring proper treatment for children's psychiatric emergencies permits the Office of Children's Services to first take the child to the hospital, then notify the court to have a hearing to determine if that placement is in the child's best interest. HB 363 would put specific time limits on this notification and court hearing. Requiring timely notice places little burden on OCS and reduces the risk that a child will spend a long time in a psychiatric hospital when it is not the appropriate place for her.

HB 363 will assure that youth in foster care who are placed in psychiatric hospitals will receive their constitutional right to due process in a timely manner.