

SENATE BILL NO. 396

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR COLLINS

Introduced: 2/12/92
Referred: HES, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 "An Act clarifying the responsibilities of the Department of Health and Social Services and
2 parents for children who are committed to the custody of the department and are placed
3 by the department with the parents; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 47.10.084(a) is amended to read:

6 (a) When a child is committed under AS 47.10.080(b)(1) or (c)(1) to the department or
7 released under AS 47.10.080(b)(2) or (3) or (c)(2) to the child's parents, guardian, or other
8 suitable person, a relationship of legal custody exists. This relationship imposes on the
9 department and its authorized agents or the parents, guardian, or other suitable person the
10 responsibility of physical care and control of the child, the determination of where and with
11 whom the child shall live, the right and duty to protect, train, and discipline the child, and the
12 duty of providing the child with food, shelter, education, and medical care. These obligations are
13 subject to any residual parental rights and responsibilities and rights and responsibilities of a
14 guardian if one has been appointed. When a child is committed to the department and the

1 department places the child with the child's parent, the parent has the right and duty to
2 protect, train, and discipline the child and the duty to provide and pay for food, shelter,
3 education, and medical care for the child. When parental rights have been terminated, or there
4 are no living parents and no guardian has been appointed, the responsibilities of legal custody
5 include those in (b) and (c) of this section. The department or person having legal custody of
6 the child may delegate any of the responsibilities under this section, except authority to consent
7 to marriage, adoption, and military enlistment may not be delegated. For purposes of this chapter
8 a person in charge of a placement setting is an agent of the department.

9 * Sec. 2. Section 1 of this Act is retroactive to August 30, 1991.

10 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).