

HOUSE BILL NO. 97

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced: 1/29/93

Referred: Health, Education & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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