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HB 12
SPONSOR STATEMENT

“An Act relating to the authority of the Department of Health and Social Services to take custody of a child and to remove a child from the child’s home.”

In a non-emergency taking of children by the Office of Children Services, a court order must be obtained. This safeguard will help protect children from the emotional trauma and mental damage of being unnecessarily removed from their parent/family.

Under the circumstances specified below, OCS PS Specialists are authorized to take emergency custody of a child without a prior court order. Emergency custody may be assumed and a petition filed when one of the following factors exists:

1. The child has been abandoned, as abandonment is described in AS 47.10.013; or
2. The child has been neglected by the child’s parents, Indian custodian, or guardian, as neglect is described in AS 47.10.014, and OCS determines that immediate removal from the child’s surroundings is necessary to protect the child’s life or provide immediate necessary medical attention; or
3. The child has been subjected to physical harm by a person responsible for the child’s welfare, and OCS determines that immediate removal from the child’s surroundings is necessary to protect the child’s life or that immediate medical attention is necessary; or
4. The child or a sibling has been sexually abused under circumstances listed in AS 47.10.011(7)

Non-emergency custody of a child may be sought by OCS when parental conduct or conditions described in AS 47.10.011 exist but immediate removal is not necessary to address abandonment (as defined in AS 47.10.013), neglect (as defined in AS 47.10.014, sexual abuse (AS 47.10.011(7), or to protect the child’s life or to provide immediate medical attention. See AS 47.10.142(a).

Studies have shown that removal of a child can cause a lifetime of emotional damage. This bill refers only to non-emergency removals and forces the Office of Children Services to prove first that probable cause exists before they can remove a child.