

Sponsor Statement for HB 252

Standard of Care for CINA Services

An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; and providing for an effective date.

Released: January 11, 2002
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We must continue our work of balancing child protection with family preservation during government intervention. Parents are held to a standard of care by our state with the threat of losing parental rights if they fail in meeting these standards.

HB 252 is introduced with the purpose of recognizing parents in their God given role to raise their children as they see fit. This bill also recognizes that parents fail in varying degrees and the Division of Youth Services is called upon to protect the children while trying to preserve the family. Therefore we are adding the parent's participation in the event of a child coming under court jurisdiction.

Failing to properly care for children is not just a parental issue. Our State Division of Youth Services also is made up of humans that from time to time may fail in a standard of caring. Therefore HB 252 is requiring that a standard of care be instituted within our State so that each department employee is held to at least the same standard of care that we require of parents in Alaska.

Since we are invoking police and judicial powers to our agency personnel I believe that a higher standard of duty, conduct and care is needed. The requirements should be consistent with those stated in the Board of Social Workers in AS 08.95

Currently under AS 47.10.960 there is no duty or standard of care imposed department employees. The lack of a standard of care obscures the fiduciary duty of the State to the parents and children for which they are making these decisions.

HB 252 simply requires DFYS to implement through the regulatory process the scope of duty owed and the standard of care that must be met by department employees when dealing with CINA cases under Title 47. This legislation will provide for rules that can be understood by public employees and private citizens who may have this law applied to their lives.