

HOUSE BILL NO. 363

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GRAY

Introduced: 2/20/24

Referred: Health and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the placement of foster children in psychiatric hospitals."**

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

3 * **Section 1.** AS 47.10.087(a) is amended to read:

4 (a) The court may authorize the department to place a child who is in the
5 custody of the department under AS 47.10.080(c)(1) or (3) or 47.10.142 in a secure
6 residential psychiatric treatment center or psychiatric hospital if the court finds,
7 based on the testimony of a mental health professional, that

8 (1) the child is gravely disabled or is suffering from mental illness and,
9 as a result, is likely to cause serious harm to the child or to another person;

10 (2) there is no reasonably available, appropriate, and less restrictive
11 alternative for the child's treatment or that less restrictive alternatives have been tried
12 and have failed; and

13 (3) there is reason to believe that the child's mental condition could be
14 improved by the course of treatment or would deteriorate if untreated.

15 * **Sec. 2.** AS 47.10.087(b) is amended to read:

1 (b) A court shall review a placement made under this section at least once
2 every 90 days. The court may authorize the department to continue the placement of
3 the child in a secure residential psychiatric treatment center **or psychiatric hospital** if
4 the court finds, based on the testimony of a mental health professional, that the
5 conditions or symptoms that resulted in the initial order have not ameliorated to such
6 an extent that the child's needs can be met in a less restrictive setting and that the
7 child's mental condition could be improved by the course of treatment or would
8 deteriorate if untreated.

9 * **Sec. 3.** AS 47.10.087(c) is amended to read:

10 (c) The department shall transfer a child from a secure residential psychiatric
11 treatment center **or psychiatric hospital** to another appropriate placement if the
12 mental health professional responsible for the child's treatment determines that the
13 child would no longer benefit from the course of treatment or that the child's treatment
14 needs could be met in a less restrictive setting. The department shall notify the child,
15 the child's parents or guardian, and the child's guardian ad litem of a determination and
16 transfer made under this subsection.