



25th ALASKA STATE LEGISLATURE SENATE REPUBLICAN CAUCUS

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Fact Sheet for: Senate Bill 42

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Bill Version: CSSB 42 ()

Sponsor: Senator Fred Dyson

Short Title: PARENTAL LIABILITY FOR CHILD'S DAMAGE

Summary:

- Removes the \$15,000 cap that an entity may recover in civil damages and court costs from an unemancipated minor or an unemancipated minor's parent for damage intentionally caused by the minor.
- Makes the state liable for damages, to the same extent a parent would have been liable, if the minor causes the damage while in the legal custody of the state.
- Provides exemptions from liability for:
 - foster parents, social workers, agencies or institutions providing for children under State child protection laws.
 - nonprofit corporations that provide shelters for runaway children.
 - adoptive parents of a hard-to-place minor, except if the adoptive parent recklessly or intentionally violates the standard of care required with respect to the minor.
- Directs the court to set a payment schedule for each individual liable for damages that is fair and takes into account each individual's ability to make payments and the right of a victim to timely restitution.

Benefits:

- Allows the victims of vandalism to pursue reparation.
- Brings statute into conformance with the common definition of parenting.
- Avoids disincentives for recruiting foster parents and other child service providers.

Background:

- The Anchorage School District requested the removal of the \$15,000 liability cap in the fall of 2002 because of growing vandalism in the schools. The current version of SB 42 addresses issues that were raised during testimony on similar bills (SB 2 in 2003 and SB 10 in 2005-2006) by leaving the question of restitution at the discretion of the courts, and by exempting those that work with children who have no available parent.

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