



# LAWS OF ALASKA

**2004**

**Source**  
CSSB 288(JUD)

**Chapter No.**  
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## **AN ACT**

Relating to temporary custody hearings, and to certain determinations concerning placement of a child in child-in-need-of-aid proceedings; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Relating to temporary custody hearings, and to certain determinations concerning placement  
2 of a child in child-in-need-of-aid proceedings; and providing for an effective date.

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4 \* **Section 1.** AS 47.10.142(d) is amended to read:

1       as otherwise provided in this subsection. At the first hearing under this  
2       subsection, regardless of whether a continuance is granted, the court shall make a  
3       preliminary determination of whether continued placement in the home of the  
4       child's parent or guardian would be contrary to the welfare of the child. If a  
5       court determines that continued placement in the home of the child's parent or  
6       guardian would not be contrary to the welfare of the child, the court shall return  
7       the authority to place the child to the child's parent or guardian pending a  
8       temporary custody hearing under (e) of this section [. WHEN THE  
9       TEMPORARY CUSTODY HEARING IS HELD, THE COURT SHALL  
10      DETERMINE WHETHER PROBABLE CAUSE EXISTS FOR BELIEVING THE  
11      CHILD TO BE A CHILD IN NEED OF AID, AS DEFINED IN AS 47.10.990. THE  
12      COURT SHALL INFORM THE CHILD, AND THE CHILD'S PARENTS OR  
13      GUARDIAN IF THEY CAN BE FOUND, OF THE REASONS GIVEN AS  
14      CONSTITUTING PROBABLE CAUSE AND THE REASONS GIVEN AS  
15      AUTHORIZING THE CHILD'S TEMPORARY PLACEMENT].

16      \* **Sec. 2.** AS 47.10.142(e) is amended to read:

17               (e) When the temporary custody hearing is held, the court shall  
18       determine whether probable cause exists for believing the child to be a child in  
19       need of aid, as defined in AS 47.10.990. If the court finds that probable cause exists,  
20      it shall order the child [MINOR] committed to the department for temporary  
21      placement, or order the child [MINOR] returned to the custody of the child's  
22      [MINOR'S] parents or guardian, subject to the department's supervision of the child's  
23      [MINOR'S] care and treatment. The court shall inform the child, and the child's  
24      parents or guardian if they can be found, of the reasons for finding probable  
25      cause, authorizing the child's temporary placement, and, if applicable, finding  
26      that continued placement in the home of the child's parents or guardian would be  
27      contrary to the welfare of the child. If the court finds no probable cause, it shall  
28      order the child [MINOR] returned to the custody of the child's [MINOR'S] parents or  
29      guardian.

30      \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
31      read:

1           APPLICABILITY. The changes made in secs. 1 and 2 of the Act apply to emergency  
2 custody and temporary placement hearings under AS 47.10 conducted on or after the effective  
3 date of this Act.

4           \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).