

CS FOR HOUSE BILL NO. 339(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/9/96

Offered: 3/21/96

Sponsor(s): REPRESENTATIVES ROKEBERG, Mulder, Robinson, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to children-in-need-of-aid proceedings; relating to the
2 termination of parental rights of incarcerated parents; and providing for an
3 effective date."

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

5 * Section 1. PURPOSE. The purpose of this Act is to respond to the Alaska Supreme
6 Court's invitation in A.M. v. State of Alaska, 891 P.2d 815 (Alaska 1995) and Nada A. v. State
7 of Alaska, 660 P.2d 436 (Alaska 1983) to create a statutory basis for making incarceration a
8 factor that can be considered in termination proceedings concerning children in need of aid.

9 * Sec. 2. AS 47.10.080 is amended by adding a new subsection to read:

10 (o) For purposes of terminating a parent's parental rights under the standards
11 in (c)(3) of this section, the court may determine that incarceration of the parent is
12 sufficient grounds for determining that a minor is a child in need of aid under
13 AS 47.10.010(a)(2)(A) as a result of parental conduct and that the conduct is likely to
14 continue if the court finds, based on clear and convincing evidence, that the

1 (1) period of incarceration that the parent is scheduled to serve during
2 the child's minority is significant considering the child's age and the child's need for
3 an adult's care and supervision; and
4 (2) parent has failed to make adequate provisions for care of the child
5 during the period of incarceration that will be during the child's minority.
6 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).