

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 409(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/13/00

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES DYSON, Kookesh, Green, Murkowski, Croft, James, Rokeberg

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act prescribing the rights of grandparents related to child-in-need-of-aid  
2 hearings; and amending Rules 3, 7, 10, 15, and 19, Alaska Child in Need of Aid  
3 Rules."

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

5 \* **Section 1.** AS 47.10.030(b) is amended to read:

6 (b) In all cases under this chapter, the child, each parent, the tribe, foster  
7 parent or other out-of-home care provider, guardian, and guardian ad litem of the child  
8 **and, subject to (d) of this section, each grandparent of the child** shall be given  
9 notice adequate to give actual notice of the proceedings and the possibility of  
10 termination of parental rights and responsibilities, taking into account education and  
11 language differences that are known or reasonably ascertainable by the petitioner or  
12 the department. The notice of the hearing must contain all names by which the child  
13 has been identified. Notice shall be given in the manner appropriate under rules of  
14 civil procedure for the service of process in a civil action under Alaska law or in any

1 manner the court by order directs. Proof of the giving of the notice shall be filed with  
 2 the court before the petition is heard. The court may also subpoena the parent of the  
 3 child, or any other person whose testimony may be necessary at the hearing. A  
 4 subpoena or other process may be served by a person authorized by law to make the  
 5 service, and, where personal service cannot be made, the court may direct that service  
 6 of process be in a manner appropriate under rules of civil procedure for the service of  
 7 process in a civil action under Alaska law or in any manner the court directs.

8 \* **Sec. 2.** AS 47.10.030 is amended by adding a new subsection to read:

9 (d) The department shall give advance written notice of all court hearings in  
 10 a child's case to a grandparent of the child if the grandparent has contacted the  
 11 department, requested notice about the hearings in the child's case, and provided the  
 12 department with a current mailing address.

13 \* **Sec. 3.** AS 47.10.070(a) is amended to read:

14 (a) The court may conduct the hearing on the petition in an informal manner.  
 15 The court shall give notice of the hearing to the department, and it may send a  
 16 representative to the hearing. The court shall also transmit a copy of the petition to  
 17 the department. The department shall send notice of the hearing to the persons for  
 18 whom notice is required under AS 47.10.030(b) **and to each grandparent of the child**  
 19 **who has requested notice under AS 47.10.030(d)**. The department and the persons  
 20 to whom the department must send notice of the hearing are entitled to be heard at the  
 21 hearing. However, the court may limit the presence of the foster parent or other out-  
 22 of-home care provider **and of any grandparent of the child** to the time during which  
 23 the person's testimony is being given if it is (1) in the best interest of the child; or (2)  
 24 necessary to protect the privacy interests of the parties and will not be detrimental to  
 25 the child. The public shall be excluded from the hearing, but the court, in its  
 26 discretion, may permit individuals to attend a hearing if their attendance is compatible  
 27 with the best interests of the child.

28 \* **Sec. 4.** AS 47.10.080(f) is amended to read:

29 (f) A child found to be a child in need of aid is a ward of the state while  
 30 committed to the department or the department has the power to supervise the child's  
 31 actions. For an order made under (c)(1) of this section, the court shall hold a

1 permanency hearing as required by (l) of this section and at least annually thereafter  
2 during the continuation of foster care to determine if continued placement, as it is  
3 being provided, is in the best interest of the child. The department, the child, and the  
4 child's parents, guardian, and guardian ad litem are entitled, when good cause is  
5 shown, to a permanency hearing on application. If the application is granted, the court  
6 shall afford these persons and their counsel reasonable advance notice and hold a  
7 permanency hearing where these persons and their counsel shall be afforded an  
8 opportunity to be heard. The persons entitled to notice under AS 47.10.030(b) **and the**  
9 **grandparents of the child who have requested notice under AS 47.10.030(d)** are  
10 entitled to notice of a permanency hearing under this subsection and are also entitled  
11 to be heard at the hearing. The child shall be afforded the opportunity to be present  
12 and to be heard at the permanency hearing. After the permanency hearing, the court  
13 shall make the written findings that are required under (l) of this section. The court  
14 shall review an order made under (c)(2) of this section at least annually to determine  
15 if continued supervision, as it is being provided, is in the best interest of the child; this  
16 review is not considered to be a permanency hearing and is not governed by the  
17 provisions of this subsection that relate to permanency hearings.

18 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section  
19 to read:

20 **INDIRECT COURT RULE CHANGE.** (a) AS 47.10.030, as amended by secs. 1 and  
21 2 of this Act, AS 47.10.070(a), as amended by sec. 3 of this Act, and AS 47.10.080(f), as  
22 amended by sec. 4 of this Act, have the effect of amending Rules 3, 7, 10, 15, and 19, Alaska  
23 Child in Need of Aid Rules, by requiring that grandparents be given notice of and an  
24 opportunity to be heard at certain child-in-need-of-aid proceedings.

25 (b) Sections 1 - 4 of this Act take effect only if this section receives the two-thirds  
26 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.