



LAWS OF ALASKA

2000

Source
CSHB 392(HES)

Chapter No.
45

AN ACT

Relating to continuances for temporary custody hearings that follow emergency custody of a child; and amending Rule 10, Alaska Child in Need of Aid Rules.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May.11, 2000
Actual Effective Date: August 9, 2000

AN ACT

1 Relating to continuances for temporary custody hearings that follow emergency custody of a
2 child; and amending Rule 10, Alaska Child in Need of Aid Rules.

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

5 (d) The court shall immediately, and in no event more than 48 hours after
6 being notified unless prevented by lack of transportation, hold a temporary custody
7 hearing at which the child [MINOR], if the child's [MINOR'S] health permits, and the
8 child's [MINOR'S] parents or guardian, if they can be found, shall be permitted to be
9 present. If present at the hearing, a parent or guardian of the child may request
10 a continuance of the hearing for the purpose of preparing a response to the
11 allegation that the child is a child in need of aid. The court may grant the
12 request on a showing of good cause for why the parent or guardian is not
13 prepared to respond to the allegation. During a continuance, the child remains

Chapter 45

1 in the emergency custody of the department. When the temporary custody
2 hearing is held, the [THE] court shall determine whether probable cause exists for
3 believing the child [MINOR] to be a child in need of aid, as defined in AS 47.10.990.

4 The court shall inform the child [MINOR], and the child's [MINOR'S] parents or
5 guardian if they can be found, of the reasons given as constituting probable cause and
6 the reasons given as authorizing the child's [MINOR'S] temporary placement.

7 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 DIRECT COURT RULE AMENDMENT. Rule 10(a), Alaska Child in Need of Aid
10 Rules, is amended to read:

11 (a) **Time of Hearing.** At the request of the petitioner, the court shall schedule
12 a temporary custody hearing:

13 (1) within 48 hours, including weekends and holidays, of when the
14 court is notified by the filing of a petition that emergency custody was taken pursuant
15 to CINA Rule 6(a) or (b); on request of a parent or guardian who is present at the
16 hearing and a showing of good cause for why the parent or guardian is not
17 prepared to respond to the petition, the court may grant a continuance of the
18 hearing; or

19 (2) within a reasonable time following the filing of a petition when
20 emergency custody has not been taken.

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

23 DIRECT COURT RULE AMENDMENT. Rule 10(b)(2), Alaska Child in Need of Aid
24 Rules, is amended to read:

25 (2) **Advice of Rights.** The court shall advise the parties of their right
26 to counsel, including the right to court-appointed counsel if applicable; the child's right
27 to a guardian ad litem; their right to a hearing at which the state is required to present
28 evidence to prove the allegations in its petition; their right to confront and cross-
29 examine witnesses at such a hearing, to present witnesses on their own behalf, and to
30 compulsory process to compel these witnesses to attend; and their privilege against
31 self-incrimination. In cases involving an Indian child, the court shall also advise the

1 parties of an Indian custodian's or tribe's right to intervene. If the hearing is being
2 held because emergency custody was taken pursuant to CINA Rule 6(a) or (b), the
3 court shall also advise the child's parents or guardian, if they are present at the
4 hearing, that they each have the right to request a continuance of the hearing if
5 they are not prepared to respond to the allegation that the child is a child in need
6 of aid.

7 * Sec. 4. The uncoded law of the State of Alaska is amended by adding a new section
8 to read:

9 INDIRECT COURT RULE AMENDMENT. AS 47.10.142(d), as amended by sec. 1
10 of this Act, amends Rule 10, Alaska Child in Need of Aid Rules, by providing for a
11 continuance of a temporary custody hearing that follows emergency custody of a child.

12 * Sec. 5. The uncoded law of the State of Alaska is amended by adding a new section
13 to read:

14 APPLICABILITY. This Act applies to circumstances in which emergency custody of
15 a child is taken by the state on or after the effective date of this Act.