

HOUSE BILL NO. 261

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE COGHILL

Introduced: 4/28/01

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the standards that must be used for terminating parental rights; and**
2 **amending Rule 18(c), Alaska Child in Need of Aid Rules of Procedure."**

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

4 *** Section 1.** AS 47.10.088(a) is amended to read:

5 (a) Except as provided in AS 47.10.080(o), the rights and responsibilities of
6 the parent regarding the child may be terminated for purposes of freeing a child for
7 adoption or other permanent placement if the court finds

8 (1) by clear and convincing evidence that

9 (A) the child has been subjected to conduct or conditions
10 described in AS 47.10.011; and

11 (B) the parent

12 (i) has not remedied the conduct or conditions in the
13 home that place the child at substantial risk of harm; or

14 (ii) has failed, within a reasonable time, to remedy the

1 conduct or conditions in the home that place the child in substantial
2 risk;

3 **(2) by evidence beyond a reasonable doubt, including testimony of**
4 **qualified expert witnesses, that the continued custody of the child by the parent is**
5 **likely to result in serious** [SO THAT RETURNING THE CHILD TO THE PARENT
6 WOULD PLACE THE CHILD AT SUBSTANTIAL RISK OF] physical or mental
7 injury; and

8 **(3)** [(2)] by preponderance of the evidence that the department has
9 complied with the provisions of AS 47.10.086 concerning reasonable efforts.

10 * **Sec. 2.** AS 47.10.088(b) is amended to read:

11 (b) In making a determination under (a)(1)(B) **or (2)** of this section, the court
12 may consider any fact relating to the best interests of the child, including

13 (1) the likelihood of returning the child to the parent within a
14 reasonable time based on the child's age or needs;

15 (2) the amount of effort by the parent to remedy the conduct or the
16 conditions in the home;

17 (3) the harm caused to the child;

18 (4) the likelihood that the harmful conduct will continue; and

19 (5) the history of conduct by or conditions created by the parent.

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

22 INDIRECT COURT RULE AMENDMENT. AS 47.10.088(a), as amended by sec. 1
23 of this Act, has the effect of amending Rule 18(c), Alaska Child in Need of Aid Rules of
24 Procedure, by changing the standards that must be met before parental rights may be
25 terminated.