

HOUSE BILL NO. 250

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

BY REPRESENTATIVE GATTO

Introduced: 4/4/05

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child-in-need-of-aid proceedings."**

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

3 * **Section 1.** AS 47.10.011 is amended to read:

4 **Sec. 47.10.011. Children in need of aid.** Subject to AS 47.10.019, the court
5 may find a child to be a child in need of aid if it finds by a preponderance of the
6 evidence that [THE CHILD HAS BEEN SUBJECTED TO] any of the following **is**
7 **true**:

8 (1) a parent or guardian has abandoned the child as described in
9 AS 47.10.013, and the other parent is absent or has committed conduct or created
10 conditions that cause the child to be a child in need of aid under this chapter;

11 (2) a parent, guardian, or custodian is incarcerated, the other parent is
12 absent or has committed conduct or created conditions that cause the child to be a
13 child in need of aid under this chapter, and the incarcerated parent has not made
14 adequate arrangements for the child;

15 (3) a custodian with whom the child has been left is unwilling or

1 unable to provide care, supervision, or support for the child, and the whereabouts of
2 the parent or guardian is unknown;

3 (4) the child is in need of medical treatment to cure, alleviate, or
4 prevent substantial physical harm or is in need of treatment for mental injury and the
5 child's parent, guardian, or custodian has knowingly failed to provide the treatment;

6 (5) the child is habitually absent from home or refuses to accept
7 available care and the child's conduct places the child at substantial risk of physical or
8 mental injury;

9 (6) the child has suffered substantial physical harm, or there is a
10 substantial risk that the child will suffer substantial physical harm, as a result of
11 conduct by or conditions created by the child's parent, guardian, or custodian or by the
12 failure of the parent, guardian, or custodian to supervise the child adequately;

13 (7) the child has suffered sexual abuse, or there is a substantial risk that
14 the child will suffer sexual abuse, as a result of conduct by or conditions created by the
15 child's parent, guardian, or custodian or by the failure of the parent, guardian, or
16 custodian to adequately supervise the child; if a parent, guardian, or custodian has
17 actual notice that a person has been convicted of a sex offense against a minor within
18 the past 15 years, is registered or required to register as a sex offender under AS 12.63,
19 or is under investigation for a sex offense against a minor, and the parent, guardian, or
20 custodian subsequently allows a child to be left with that person, this conduct
21 constitutes prima facie evidence that the child is at substantial risk of being sexually
22 abused;

23 (8) conduct by or conditions created by the parent, guardian, or
24 custodian have

25 (A) resulted in mental injury to the child; or

26 (B) placed the child at substantial risk of mental injury as a
27 result of

28 (i) a pattern of rejecting, terrorizing, ignoring, isolating,
29 or corrupting behavior that would, if continued, result in mental injury;

30 or

31 (ii) exposure to conduct by a household member, as

1 defined in AS 18.66.990, against another household member that is a
 2 crime under AS 11.41.100 - 11.41.220, 11.41.230(a)(1) or (2), or
 3 11.41.410 - 11.41.432, an offense under a law or ordinance of another
 4 jurisdiction having elements similar to a crime under AS 11.41.100 -
 5 11.41.220, 11.41.230(a)(1) or (2), or 11.41.410 - 11.41.432, an attempt
 6 to commit an offense that is a crime under AS 11.41.100 - 11.41.220 or
 7 11.41.410 - 11.41.432, or an attempt to commit an offense under a law
 8 or ordinance of another jurisdiction having elements similar to a crime
 9 under AS 11.41.100 - 11.41.220 or 11.41.410 - 11.41.432; or

10 (iii) repeated exposure to conduct by a household
 11 member, as defined in AS 18.66.990, against another household
 12 member that is a crime under AS 11.41.230(a)(3) or 11.41.250 -
 13 11.41.270 or an offense under a law or ordinance of another jurisdiction
 14 having elements similar to a crime under AS 11.41.230(a)(3) or
 15 11.41.250 - 11.41.270;

16 (9) conduct by or conditions created by the parent, guardian, or
 17 custodian have subjected the child or another child in the same household to neglect;

18 (10) the parent, guardian, or custodian's ability to parent has been
 19 substantially impaired by the addictive or habitual use of an intoxicant, and the
 20 addictive or habitual use of the intoxicant has resulted in a substantial risk of harm to
 21 the child; if a court has previously found that a child is a child in need of aid under this
 22 paragraph, the resumption of use of an intoxicant by a parent, guardian, or custodian
 23 within one year after rehabilitation is prima facie evidence that the ability to parent is
 24 substantially impaired and the addictive or habitual use of the intoxicant has resulted
 25 in a substantial risk of harm to the child as described in this paragraph;

26 (11) the parent, guardian, or custodian has a mental illness, serious
 27 emotional disturbance, or mental deficiency of a nature and duration that places the
 28 child at substantial risk of physical harm or mental injury;

29 (12) the child has committed an illegal act as a result of pressure,
 30 guidance, or approval from the child's parent, guardian, or custodian;

31 **(13) the child has committed an illegal act that would be a felony if**

1 committed by an adult but, due to the extreme youth of the child, criminal and
2 delinquency proceedings would be inappropriate.