

SENATE BILL NO. 162

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

BY SENATOR GARDNER

Introduced: 1/29/16
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the appointment of guardians ad litem for parents; relating to**
2 **petitions for termination of parental rights; relating to the scope of the Alaska Adoption**
3 **Rules; and amending Rules 1 and 6, Alaska Adoption Rules."**

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

5 * **Section 1.** AS 25.23.125(b) is amended to read:

6 (b) The court may appoint a guardian ad litem or attorney, or both, under
7 AS 25.24.310 for a minor who is to be adopted **or for a minor whose parent is the**
8 **subject of a petition to terminate parental rights under AS 25.23.180(c).**

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

11 **DIRECT COURT RULE AMENDMENT.** Rule 1(b), Alaska Adoption Rules,
12 is amended to read:

13 (b) **Scope.** These rules govern practice and procedure in the trial courts in all
14 phases of adoption proceedings **and other proceedings** brought under AS 25.23.010

1 through 25.23.240.

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

4 DIRECT COURT RULE AMENDMENT. Rule 6(c), Alaska Adoption Rules,
5 is amended to read:

6 (c) **Petition for Involuntary Termination.** A petition for termination based
7 on the involuntary termination of parental rights pursuant to AS 25.23.180(c)(1)-(3)
8 **that is filed in connection with an adoption proceeding or a proceeding under**
9 **AS 47.10** must state, in addition to the information required by paragraph (a), the
10 specific statutory and factual basis of the claim that parental rights should be
11 involuntarily terminated.

12 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 DIRECT COURT RULE AMENDMENT. Rule 6, Alaska Adoption Rules, is
15 amended by adding a new subsection to read:

16 (e) **Petition for Termination; Independent Proceeding.**

17 (1) A petition for termination based on the involuntary termination of
18 parental rights under AS 25.23.180(c)(3) may be filed to initiate an independent
19 proceeding not connected to a petition for adoption or a proceeding under AS 47.10. A
20 petition filed under this paragraph must include information substantially similar to the
21 information required under (a) and (c) of this rule, except that a petition filed under
22 this paragraph is not required to include the information described under
23 AS 25.23.080(b)(3) and (5) - (8) and AS 25.23.090.

24 (2) In a petition for termination of parental rights under this paragraph,
25 the term

26 (A) "person to be adopted" in AS 25.23.080(b) shall be
27 interpreted to mean the person who was conceived as a result of an act
28 described under AS 25.23.180(c)(3); and

29 (B) "petitioner" in AS 25.23.080(b) shall be interpreted to
30 mean the parent who was the victim of an act described under
31 AS 25.23.180(c)(3) that resulted in the conception of the person who is the

1 subject of the petition.