

Original

Public Welfare

1 IN THE HOUSE

BY MR. DUFFIELD

2 HOUSE BILL NO. 93

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to participation by the
7 the Department of Public Welfare in
8 adoption proceedings; and amending
9 Sections 21-3-15, 21-3-16 and 21-3-17
10 ACIA 1949."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Section 21-3-15 ACIA 1949 is amended to read as
13 follows:

14 Section 21-3-15. NOTICE OF HEARING. A consent filed
15 concurrently with the petition shall be deemed to be an
16 admission of all the material allegations of the petition
17 and a waiver of service of process and notice of hearing as
18 well as a consent to the exercise of jurisdiction. Upon the
19 filing of a petition and consents meeting the requirements
20 of this Act the Court shall by order fix the place and time
21 of hearing, which shall be not less than thirty (30) days
22 after the entry thereof. Notice of the time and place of
23 the hearing and a copy of the petition shall be served on
24 the custodian of the child not later than twenty (20) days
25 before the date set for the hearing unless a consent to
26 adoption by such custodian is filed prior to the hearing.
27 Notice of the hearing shall also be mailed to the Department
28 of Public Welfare not later than thirty (30) days before
29 the date set for the hearing (, BUT SUCH NOTICE TO SUCH

1 DEPARTMENT NEED BE GIVEN ONLY WHEN THE CHILD HAS BEEN
2 COMMITTED TO THE CUSTODY OF SUCH DEPARTMENT AS STATED IN
3 SECTION 2 (E) HEREOF (SECTION 21-3-12 (E) HEREIN)). All
4 notices of the hearing required by this Act shall be
5 accompanied by a true copy of the petition when service is
6 made. Prior to hearing, a return by affidavit as to
7 personal service or mailing of notice, as the case may be,
8 shall be filed in the action showing compliance herewith.
9 Section 2. Section 21-3-16 ACLA 1949 is amended to read as
10 follows:

11 Section 21-3-16. FILING OBJECTIONS. Any interested
12 person, including a duly designated representative of the
13 Department of Public Welfare, may file objection to the
14 granting of any adoption, but such objection shall not be
15 considered by the Court unless the person filing the same
16 shall appear and testify in support of the objection when
17 any parent, person having the custody of the child, or
18 person seeking adoption of a child shall require the
19 presence at such hearing of the person making the objection,
20 and in such event such person making such objection may be
21 subjected to cross-examination. Any interested person for
22 good cause shown may apply for a continuance of said
23 hearing, and the Court may defer, delay or continue any
24 hearing in the furtherance of justice upon good cause being
25 shown for such delay or continuance.

26 Section 3. Section 21-3-17 ACLA 1949 is amended to read
27 as follows:

28 Section 21-3-17. HEARING. A hearing in chambers shall
29 be had upon the petition at the time and place duly

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specified, and be conducted as in a proceeding of an equitable nature. Such proceeding shall be without a jury and the rules of evidence may be relaxed. The general public shall be excluded, but for good and sufficient reasons compatible with the best interest of the child, the Court may permit any person or persons to be present. The Court shall permit a duly designated representative of the Department of Public Welfare to be present and to give evidence or recommendations in any case.