

Introduced: 3/10/77  
Referred: Judiciary

1 IN THE HOUSE

BY OSTERBACK AND PARR

2 *SS 2<sup>a</sup> CS* HOUSE BILL NO. 333 *ams*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to care for Native children."

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

8 \* Section 1. INTENT. It is the intent of this Act to provide for place-  
9 ment of Native children in surroundings which are socially and culturally  
10 desirable and with persons who are able to meet their special needs. Place-  
11 ment of children with blood relatives will work to prevent loss of identity  
12 and self-esteem, and provide for increased family and cultural stability,  
13 security and solidarity.

14 \* Sec. 2. AS 47.10.230(a) is amended to read:

15 (a) Subject to (e) and (f) of this section, the [THE] Department  
16 of Health and Social Services shall arrange for the care of every child  
17 committed to its custody by placing him in a foster home or in the care  
18 of an agency or institution providing care for children inside or out-  
19 side the state. The department may place a child in a suitable family  
20 home, with or without compensation, and may place a child released to it,  
21 in writing verified by the parent, or guardian or other person having  
22 legal custody, for adoptive purposes, in a home for adoption in accor-  
23 dance with existing law.

24 \* Sec. 3. AS 47.10.230 is amended by adding new subsections to read:

25 (e) Notwithstanding any other provision of law, no child who is a  
26 Native as Native is defined in the Alaska Native Claims Settlement Act  
27 (P.L. 92-203) may be placed in a foster home or in the care of an agency  
28 or institution providing care for children, if a blood relative exists  
29 who requests custody of the child. However, the department may retain

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1 custody of the child and provide for its placement in the same manner as  
2 for other children if it makes a determination, supported by the over-  
3 whelming weight of the evidence, that the custody of the child by the  
4 blood relative will result in serious physical or emotional damage. In  
5 making that determination, poverty, including inadequate or crowded  
6 housing, misconduct, and alcohol abuse on the part of the blood rela-  
7 tive, is not considered prima facie evidence that serious physical or  
8 emotional damage to the child will occur.

9 (f) If a blood relative of the child specified under (e) of this  
10 section exists and agrees that the child should be placed elsewhere,  
11 before placement elsewhere the department shall fully communicate the  
12 nature of the placement proceedings to the relative. Communication  
13 under this section shall be made in the relative's native language, if  
14 necessary.