

Original sponsors: Osterback and Parr

Offered: 5/17/77  
For Today's Calendar

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 2d CS FOR HOUSE BILL NO. 333

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 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 children in surroundings which are socially and culturally desirable  
10 and with persons who are able to meet their special needs. Placement of  
11 children with blood relatives will work to prevent loss of identity and self-  
12 esteem, and provide for increased family and cultural stability, security and  
13 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  
21 it, in writing verified by the parent, or guardian or other person  
22 having legal custody, for adoptive purposes, in a home for adoption in  
23 accordance with existing law.

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

25 (e) A child may not be placed in a foster home or in the care of  
26 an agency or institution providing care for children if a blood relative  
27 exists who requests custody of the child. However, the department may  
28 retain custody of the child and provide for its placement in the same  
29 manner as for other children if it makes a determination, supported by

1 clear and convincing evidence, that the custody of the child by the  
2 blood relative will result in physical or emotional damage. In making  
3 that determination, poverty, including inadequate or crowded housing,  
4 on the part of the blood relative, is not considered prima facie evidence  
5 that physical or emotional damage to the child will occur. This deter-  
6 mination may be appealed to the superior court to hear the matter de  
7 novo.

8 (f) If a blood relative of the child specified under (e) of this  
9 section exists and agrees that the child should be placed elsewhere,  
10 before placement elsewhere the department shall fully communicate the  
11 nature of the placement proceedings to the relative. Communication  
12 under this section shall be made in the relative's native language, if  
13 necessary. Nothing in this section or in (e) of this section applies to  
14 child placement for adoptive purposes.  
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