

Introduced: 2/6/80
Referred: Judiciary

1 IN THE HOUSE

BY GARDINER

2 HOUSE BILL NO. 682

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act regulating adoption and relinquishment pro-
7 cedures; and providing for an effective date."

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

9 * Section 1. AS 20.15.020 is amended by adding a new subsection to read:

10 (c) This section does not authorize the filing of a petition for
11 an adoption that does not comply with AS 20.15.025.

12 * Sec. 2. AS 20.15 is amended by adding new sections to read:

13 Sec. 20.15.025. JURISDICTION. (a) The superior court does not
14 have jurisdiction to accept or consider a petition to adopt a minor
15 under the age of 10 years unless parental rights to the minor have been
16 terminated under AS 20.15.180 or AS 47.10.080(c)(3) and the department
17 or agency concerned with the placement of the minor for adoption ap-
18 proves the petition.

19 (b) This section does not apply to a petition to adopt filed by a
20 relative of the minor or by a spouse of a parent of the minor.

21 Sec. 20.15.033. CUSTODY AND CONTROL OF MINOR. (a) The department
22 or an agency to which a minor has been relinquished or placed for adop-
23 tion is responsible for the care of the minor and is entitled to custody
24 and control of the minor. A placement for temporary care or for adop-
25 tion made by the department or the agency may be terminated in the
26 discretion of the department or agency at any time before approval to
27 file a petition to adopt has been granted. The minor shall be promptly
28 returned to the custody of the department or agency if placement for
29 temporary care or for adoption is terminated.

1 (b) After a petition to adopt meeting the requirements of this
2 chapter has been filed in the superior court, the department or the
3 agency concerned with the placement of the minor for adoption may remove
4 a minor from the prospective adoptive parent or parents only with the
5 approval of the superior court. The department or the agency shall
6 advise the court and the prospective adoptive parent or parents of the
7 grounds on which the removal is sought.

8 (c) The superior court may approve the petition to adopt despite
9 the objections of the department or the agency if the court finds that
10 the adoption is in the best interests of the minor.

11 Sec. 20.15.035. PETITION TO ADOPT. A petition to adopt a minor
12 relinquished to the department or to an agency may not be filed except
13 by the prospective adoptive parent or by the parents with whom the minor
14 has been placed for adoption. The petition shall contain the approval
15 to the adoption of the department or of the agency.

16 Sec. 20.15.175. TERMINATION OF PARENT AND CHILD RELATIONSHIP. The
17 parent and child relationship may not be terminated except

- 18 (1) in an adoption proceeding under this chapter;
19 (2) in a relinquishment proceeding under AS 20.15.180; or
20 (3) in a juvenile proceeding under AS 47.10.080(c)(3).

21 * Sec. 3. AS 20.15.180 is repealed and re-enacted to read:

22 Sec. 20.15.180. RELINQUISHMENT OF PARENTAL RIGHTS AND RESPONSIBILITIES. (a) A parent may petition the superior court to relinquish
23 parental rights and responsibilities regarding a child.

24 (b) A petition for relinquishment shall include

- 25 (1) the date and place of birth of the child;
26 (2) the full name, date of birth, and place of residence of
27 the petitioner;

- 28 (3) the relationship of the petitioner to the child; and
29

1 (4) other information required by rule of the supreme court.

2 (c) The court may conduct a hearing on the petition. The court
3 shall explain to the parent the meaning and consequences of relinquish-
4 ment and the right to withdraw relinquishment under (h) of this section.
5 The court shall issue a determination, if appropriate, that the parent
6 relinquishing rights and responsibilities understands the meaning of
7 relinquishment. If the court determines that the relinquishing parent
8 does not adequately understand the meaning of relinquishment, it may
9 continue the matter and direct that the parent be counseled regarding
10 relinquishment.

11 (d) During the relinquishment proceeding the court may consider
12 the application of a relative of the child for guardianship and legal
13 custody of the child or for the adoption of the child under this chap-
14 ter.

15 (e) If the court determines that a relinquishment is in the best
16 interests of the petitioner and the child, it shall enter an order
17 approving the relinquishment and terminating the parent and child re-
18 lationship.

19 (f) If the court determines that a relinquishment is in the best
20 interests of the petitioner and the child, the court shall order guardi-
21 anship and legal custody of the child transferred to the Department of
22 Health and Social Services or to an agency in the absence of a suitable
23 application under (d) of this section.

24 (g) A parent whose parental rights and responsibilities are re-
25 linquished under this section is not entitled to notice of a petition
26 for the adoption of the child.

27 (h) A petition for relinquishment may be withdrawn at any time
28 before the entry of the order terminating the parent and child relation-
29 ship.

