

Introduced: 2/17/86
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY TAYLOR AND GRUENBERG

2

HOUSE BILL NO. 667

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to consent to adoption."

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

8 * Section 1. AS 25.23.040(a) is amended to read:

9 (a) Except as provided [UNLESS CONSENT IS NOT REQUIRED] under
10 AS 25.23.050, a petition to adopt a minor may be granted only if
11 written consent to the [A PARTICULAR] adoption has been executed by

12 (1) the mother of the minor;

13 (2) the father of the minor [, IF THE FATHER WAS MARRIED TO
14 THE MOTHER AT THE TIME THE MINOR WAS CONCEIVED OR AT ANY TIME AFTER
15 CONCEPTION, THE MINOR IS HIS CHILD BY ADOPTION, OR HE HAS OTHERWISE
16 LEGITIMATED THE MINOR UNDER THE LAWS OF THE STATE];

17 (3) a [ANY] person lawfully entitled to custody of the
18 minor or empowered to consent;

19 (4) the court having jurisdiction to determine custody of
20 the minor, if the legal guardian or custodian of the person of the
21 minor is not empowered to consent to the adoption;

22 (5) the minor, if more than 10 years of age, unless the
23 court in the best interest of the minor dispenses with the minor's
24 consent; and

25 (6) the spouse of the minor to be adopted.

26 * Sec. 2. AS 25.23.050 is repealed and reenacted to read:

27 Sec. 25.23.050. PERSONS AS TO WHOM CONSENT AND NOTICE NOT RE-
28 QUIRED. (a) Consent to the adoption of a minor is not required of

29 (1) a parent who has abandoned the minor for six months or

1 more;

2 (2) a parent who, without justifiable cause, has failed
3 significantly for one year or more to communicate meaningfully with
4 the minor or to provide for the care and support of the minor as
5 required by law or judicial decree, and who does not have custody of
6 the minor; in this paragraph, "justifiable cause" includes indigency;

7 (3) the father of the minor if the father

8 (A) was not married to the mother at the time the
9 minor was conceived or at any time after conception;

10 (B) has not adopted the minor; or

11 (C) has not legitimated the minor under the laws of
12 the state;

13 (4) a parent who has relinquished the right to consent
14 under AS 25.23.180;

15 (5) a parent whose parental rights have been terminated by
16 order of the court under AS 25.23.180(c) or AS 47.10.080(c)(3);

17 (6) a guardian or custodian of the minor if

18 (A) the guardian or custodian has failed to respond in
19 writing to a request for consent for a period of 60 days; or

20 (B) the court examines the guardian's or custodian's
21 written reasons for withholding consent and finds the withholding
22 to be unreasonable.

23 (b) The court may waive the consent of

24 (1) a parent judicially declared incompetent or mentally
25 defective;

26 (2) a parent, if the person to be adopted is 19 years of
27 age or older;

28 (3) the spouse of the person to be adopted, because of the
29 unavailability, incapacity, or prolonged unexplained absence of the

1 spouse, or an unreasonable withholding of consent by the spouse.

2 (c) Except as provided in AS 25.23.100, notice of a hearing on a
3 petition for adoption need not be given to a person whose consent is
4 waived by the court or is not required, or whose consent or relin-
5 quishment of parental rights has been filed with the petition.

6 * Sec. 3. AS 25.23.100(a) is amended to read:

7 (a) After the filing of a petition to adopt a minor, the court
8 shall fix a time and place for hearing the petition. At least 20 days
9 before the date of hearing, notice of the filing of the petition and
10 of the time and place of hearing shall be given by the petitioner to
11 (1) the department, unless the adoption is by a stepparent of the
12 minor [CHILD]; (2) each [ANY] agency or person whose consent to the
13 adoption is required by this chapter, but who has not consented; and
14 (3) a person whose consent is waived or not required under [DISPENSED
15 WITH UPON ANY GROUND MENTIONED IN] AS 25.23.050(a)(1), (2), (3), or
16 (6), or (b) [(7), (8) AND (9)], but who has not consented. The notice
17 to the department shall be accompanied by a copy of the petition. In
18 this subsection, "stepparent" means the spouse of a natural parent of
19 the minor [CHILD] residing in the same household.