

Introduced: 2/15/89  
Referred: Health, Education &  
Social Services and Judiciary

6-0717A

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

HOUSE BILL NO. 175

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to programs and proceedings concern-  
7 ing children; and emphasizing that the best interests  
8 of the child must be considered under certain pro-  
9 grams and during certain proceedings involving chil-  
10 dren."

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

12 \* Section 1. AS 25.23 is amended by adding a new section to read:

13 Sec. 25.23.005. CONSTRUCTION OF CHAPTER: RIGHTS OF PERSONS  
14 AFFECTED BY ADOPTION. This chapter shall be liberally construed to  
15 the end that the best interests of adopted children are promoted. Due  
16 regard shall be given to the rights of all persons affected by a  
17 child's adoption.

18 \* Sec. 2. AS 47.05.060 is amended to read:

19 Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The  
20 purpose of this title as it relates to children is to secure for each  
21 child the care and guidance [, PREFERABLY IN THE CHILD'S OWN HOME,]  
22 that will serve the moral, emotional, mental, and physical welfare of  
23 the child and the best interests of the community; to preserve and  
24 strengthen the child's family ties to the extent that those ties are  
25 in the best interests of the child [WHENEVER POSSIBLE], removing the  
26 child from the custody of the parents only when necessary because [AS  
27 A LAST RESORT WHEN] the child's welfare or safety or the protection of  
28 the public cannot be adequately safeguarded without removal; and, when  
29 the child is removed from the family, to secure for the child adequate

1 custody and care.

2 \* Sec. 3. AS 47.10.080(c) is amended to read:

3 (c) If the court finds that the minor is a child in need of aid,  
4 it shall

5 (1) order the minor committed to the department for place-  
6 ment in an appropriate setting for a period of time not to exceed two  
7 years or in any event past the date the minor becomes 19 years of age,  
8 except that the department may petition for and the court may grant in  
9 a hearing (A) two-year extensions of commitment which do not extend  
10 beyond the minor's 19th birthday if the extension is in the best  
11 interests of the minor and the public; and (B) an additional one-year  
12 period of supervision past age 19 if the continued supervision is in  
13 the best interests of the person and the person consents to it; the  
14 department may transfer the minor, in the minor's best interests, from  
15 one placement setting to another, and the minor, the minor's parents  
16 or guardian, and the minor's attorney are entitled to reasonable  
17 notice of the transfer;

18 (2) order the minor released to the minor's parents, guard-  
19 ian, or some other suitable person, and, in appropriate cases, order  
20 the parents, guardian, or other person to provide medical or other  
21 care and treatment; if the court releases the minor, it shall direct  
22 the department to supervise the care and treatment given to the minor,  
23 but the court may dispense with the department's supervision if the  
24 court finds that the adult to whom the minor is released will ade-  
25 quately care for the minor without supervision; the department's  
26 supervision may not exceed two years or in any event extend past the  
27 date the minor reaches age 19, except that the department may petition  
28 for and the court may grant in a hearing

29 (A) two-year extensions of supervision which do not

1 extend beyond the minor's 19th birthday if the extension is in  
2 the best interests of the minor and the public; and

3 (B) an additional one-year period of supervision past  
4 age 19 if the continued supervision is in the best interests of  
5 the person and the person consents to it; or

6 (3) by order, upon a showing in the adjudication by clear  
7 and convincing evidence that there is a child in need of aid under  
8 AS 47.10.010(a)(2) as a result of parental conduct and upon a showing  
9 in the disposition by clear and convincing evidence that the parental  
10 conduct is likely to continue to exist if there is no termination of  
11 parental rights, terminate parental rights and responsibilities of one  
12 or both parents and commit the child to the department or to a legally  
13 appointed guardian of the person of the child, and the department or  
14 guardian shall report annually to the court on efforts being made to  
15 find a permanent placement for the child; there is a rebuttable pre-  
16 sumption in a proceeding under this paragraph that the parental con-  
17 duct is likely to continue if there is no termination of a person's  
18 parental rights upon a showing by clear and convincing evidence that  
19 the person has failed, without good cause, to substantially partici-  
20 pate in services offered by the department that were determined by a  
21 court to be appropriate for facilitating reunification of the child  
22 with the parent or in equivalent services; in order to establish the  
23 presumption described in this paragraph, the department shall also  
24 show by clear and convincing evidence that it provided assistance to  
25 the parent to enable the parent to participate in the services offered  
26 by the department.

27 \* Sec. 4. AS 47.17.010 is amended to read:

28 Sec. 47.17.010. PURPOSE. In order to protect children whose  
29 health and well-being may be adversely affected through the

1       infliction, by other than accidental means, of harm through physical  
2       abuse or neglect or sexual abuse or sexual exploitation, the legisla-  
3       ture requires the reporting of these cases by practitioners of the  
4       healing arts and others to the appropriate public authorities. It is  
5       the intent of the legislature that, as a result of these reports,  
6       protective services will be made available in an effort to prevent  
7       further harm to the child, to safeguard and enhance the general well-  
8       being of the children in this state, and to preserve family life to  
9       the extent that it is in the best interests of the child to do so  
10      [WHENEVER POSSIBLE].