

Offered: 4/7/89
Referred: Judiciary

6-0717E

Original sponsor: Health, Education and
Social Services Committee

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
2 CS FOR HOUSE BILL NO. 175 (HESS)
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 the construction of laws pertain-
7 ing to adoption; modifying policy statements relating
8 to removal of a child from the custody of the child's
9 parents and from the child's home; requiring the
10 court to make certain findings and conclusions of law
11 related to children who are delinquent or in need of
12 aid; modifying the definition of 'child abuse or
13 neglect'; and emphasizing that the best interests of
14 the child must be considered under certain programs
15 and during certain proceedings involving children."
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
17 * Section 1. AS 25.23 is amended by adding a new section to read:
18 Sec. 25.23.005. CONSTRUCTION OF CHAPTER; RIGHTS OF PERSONS
19 AFFECTED BY ADOPTION. This chapter shall be liberally construed to
20 the end that the best interests of adopted children are promoted. Due
21 regard shall be given to the rights of all persons affected by a
22 child's adoption.
23 * Sec. 2. AS 47.05.060 is amended to read:
24 Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The
25 purpose of this title as it relates to children is to secure for each
26 child the care and guidance, preferably in the child's own home, that
27 will serve the moral, emotional, mental, and physical welfare of the
28 child and the best interests of the community; to preserve and
29 strengthen the child's family ties unless those ties are not in the

1 best interests of the child [WHENEVER POSSIBLE], removing the child
2 from the custody of the parents only as a last resort when the child's
3 welfare or safety or the protection of the public cannot be adequately
4 safeguarded without removal; and, when the child is removed from the
5 family, to secure for the child adequate custody and care and adequate
6 planning for permanent placement of the child.

7 * Sec. 3. AS 47.10.080(f) is amended to read:

8 (f) A minor found to be delinquent or a child in need of aid is
9 a ward of the state while committed to the department or the depart-
10 ment has the power to supervise the minor's actions. The court shall
11 review an order made under (b) or (c)(1) or (2) of this section an-
12 nually, and may review the order more frequently to determine if
13 continued placement, probation, or supervision, as it is being pro-
14 vided, is in the best interest of the minor and the public. The
15 department, the minor, the minor's parents, guardian, or custodian are
16 entitled, when good cause is shown, to a review on application. If
17 the application is granted, the court shall afford these parties and
18 their counsel reasonable notice in advance of the review and hold a
19 hearing where these parties and their counsel shall be afforded an
20 opportunity to be heard. The minor shall be afforded the opportunity
21 to be present at the review. At a hearing held under this subsection,
22 the court shall make specific findings of fact and conclusions of law,
23 which shall be contained in an order relating to the hearing. regard-
24 ing whether or not

25 (1) the child is able to be returned to the child's home;
26 and

27 (2) the department has made reasonable efforts to avoid
28 removal of the child or to facilitate the return of the child to the
29 child's home.

1 * Sec. 4. AS 47.17.010 is amended to read:

2 Sec. 47.17.010. PURPOSE. In order to protect children whose
3 health and well-being may be adversely affected through the inflic-
4 tion, by other than accidental means, of harm through physical abuse
5 or neglect or sexual abuse or sexual exploitation, the legislature
6 requires the reporting of these cases by practitioners of the healing
7 arts and others to the appropriate public authorities. It is the
8 intent of the legislature that, as a result of these reports, protec-
9 tive services will be made available in an effort to prevent further
10 harm to the child, to safeguard and enhance the general well-being of
11 the children in this state, and to preserve family life unless it is
12 not in the best interests of the child to do so [WHENEVER POSSIBLE].

13 * Sec. 5. AS 47.17.070(2) is amended to read:

14 (2) "child abuse or neglect" means the physical injury or
15 neglect, mental injury, sexual abuse, sexual exploitation, or mal-
16 treatment of a child under the age of 18 by a person who is responsi-
17 ble for the child's welfare under circumstances which indicate that
18 the child's health or welfare is harmed or threatened thereby;