

Offered: 4/29/89
Referred: Rules

6-0717J

Original sponsor: Health, Education and
Social Services Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 175 (Judiciary)
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 strengthening a child's family ties or family
9 life; relating to review of orders in certain chil-
10 dren's proceedings; and modifying the definition of
11 'child abuse or neglect'."

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

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

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

19 * Sec. 2. AS 47.05.060 is amended to read:

20 Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The
21 purpose of this title as it relates to children is to secure for each
22 child the care and guidance, preferably in the child's own home, that
23 will serve the moral, emotional, mental, and physical welfare of the
24 child and the best interests of the community; to preserve and
25 strengthen the child's family ties unless efforts to preserve and
26 strengthen the ties are likely to result in physical or emotional
27 damage to the child [WHENEVER POSSIBLE], removing the child from the
28 custody of the parents only as a last resort when the child's welfare
29 or safety or the protection of the public cannot be adequately

1 safeguarded without removal; and, when the child is removed from the
2 family, to secure for the child adequate custody and care and adequate
3 planning for permanent placement of the child.

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

5 (f) A minor found to be delinquent or a child in need of aid is
6 a ward of the state while committed to the department or the depart-
7 ment has the power to supervise the minor's actions. The court shall
8 review an order made under (b) or (c)(1) or (2) of this section an-
9 nually, and may review the order more frequently to determine if
10 continued placement, probation, or supervision, as it is being pro-
11 vided, is in the best interest of the minor and the public. If annual
12 review under this subsection would arise within 90 days of the hearing
13 required under (1) of this section, the court may postpone review
14 under this subsection until the time set for the hearing. The depart-
15 ment, 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 any review conducted under this
22 subsection, whether or not by hearing, the court shall make written
23 findings of fact and conclusions of law regarding the following is-
24 sues:

25 (1) why the child was removed from the home;

26 (2) what services have been provided to or offered to the
27 parents to facilitate reunion;

28 (3) what services were utilized by the parents to facili-
29 tate reunion;

1 (4) the visitation history between the parents and the
2 child;

3 (5) whether additional services are needed to facilitate
4 the return of the child to the child's parents;

5 (6) when return of the child can be expected;

6 (7) whether, under the circumstances of the case, reason-
7 able efforts are being made to promote family reunification or other-
8 wise address permanency planning.

9 * Sec. 4. AS 47.10.080 is amended by adding a new subsection to read:

10 (1) Within 18 months of the date a minor is initially committed
11 to the department under AS 47.10.142(e), the court shall hold a hear-
12 ing to review the placement and services provided and to determine the
13 future status of the minor. The court shall make appropriate written
14 findings, including findings related to the following:

15 (1) whether the child should be returned to the parent;

16 (2) whether the child should remain in foster care for a
17 specified period;

18 (3) whether the child should be placed for adoption;

19 (4) whether the child should remain in foster care on a
20 permanent or long-term basis because of special needs.

21 * Sec. 5. AS 47.17.010 is amended to read:

22 Sec. 47.17.010. PURPOSE. In order to protect children whose
23 health and well-being may be adversely affected through the inflic-
24 tion, by other than accidental means, of harm through physical abuse
25 or neglect or sexual abuse or sexual exploitation, the legislature
26 requires the reporting of these cases by practitioners of the healing
27 arts and others to the appropriate public authorities. It is the
28 intent of the legislature that, as a result of these reports, protec-
29 tive services will be made available in an effort to prevent further

1 harm to the child, to safeguard and enhance the general well-being of
2 the children in this state, and to preserve family life unless those
3 efforts are likely to result in physical or emotional damage to the
4 child [WHENEVER POSSIBLE].

5 * Sec. 6. AS 47.17.070(2) is amended to read:

6 (2) "child abuse or neglect" means the physical injury or
7 neglect, mental injury, sexual abuse, sexual exploitation, or mal-
8 treatment of a child under the age of 18 by a person who is responsi-
9 ble for the child's welfare under circumstances which indicate that
10 the child's health or welfare is harmed or threatened thereby; in this
11 paragraph, "mental injury" means an injury to the intellectual or
12 psychological capacity of a child, as evidenced by an observable and
13 substantial impairment in the child's ability to function within the
14 normal range of performance and behavior, with due regard to the
15 child's culture;

16 * Sec. 7. AS 47.10.083 is repealed.