

Offered: 3/21/90
Referred: Rules

6-0717P

Original sponsor(s): HESS Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 175 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND 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 AS 47.10.083 is repealed and reenacted to read:

5 Sec. 47.10.083. REVIEW OF ORDERS, REQUESTS FOR EXTENSIONS. In a
6 review under AS 47.10.080(f) and in a hearing related to a request for
7 extended commitment or extended supervision under AS 47.10.080(c)(1)
8 or (2), the court shall, in addition to the requirements of those
9 provisions and the requirements of court rules, determine whether a
10 child continues to be a child in need of aid at the time of the review
11 or hearing. The court may not continue or extend state custody or
12 supervision of the child unless the court finds that the child contin-
13 ues to be a child in need of aid except that, if the child is no
14 longer a child in need of aid, the court may establish a specific
15 timetable for gradual reunification of the family and termination of
16 state custody or supervision if the court makes a finding that immedi-
17 ate reunification would be detrimental to the child.

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

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

27 (1) prevent further harm to the child; [,]

28 (2) [TO] safeguard and enhance the general well-being of
29 [THE] children in this state; [,] and

1 (3) [TO] preserve family life unless that effort is likely
2 to result in physical or emotional damage to the child [WHENEVER
3 POSSIBLE].

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

5 (2) "child abuse or neglect" means the physical injury or
6 neglect, mental injury, sexual abuse, sexual exploitation, or mal-
7 treatment of a child under the age of 18 by a person [WHO IS RESPONS-
8 IBLE FOR THE CHILD'S WELFARE] under circumstances that [WHICH] indi-
9 cate that the child's health or welfare is harmed or threatened there-
10 by; in this paragraph, "mental injury" means an injury to the emotion-
11 al well-being, or intellectual or psychological capacity of a child,
12 as evidenced by an observable and substantial impairment in the
13 child's ability to function;