

BY REP. WALLIS

1 IN THE HOUSE

2

HOUSE BILL NO. 514

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 child-in-need-of-aid determina-
7 tions and orders."

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

9 * Section 1. AS 47.10.010(a) is amended to read:

10 (a) Proceedings relating to a minor under 18 years of age resid-
11 ing or found in the state are governed by this chapter, except as
12 otherwise provided in this chapter, when the court finds the minor

13 (1) to be a delinquent minor as a result of violating a
14 criminal law of the state or a municipality of the state; or

15 (2) to be a child in need of aid as a result of

16 (A) the child being habitually absent from home or
17 refusing to accept available care, or having no parent, guardian,
18 custodian, or relative caring or willing to provide care, includ-
19 ing physical abandonment by

20 (i) both parents,

21 (ii) the surviving parent, or

22 (iii) one parent if the other parent's rights and
23 responsibilities have been terminated under AS 25.23.180(c)
24 or AS 47.10.080 or voluntarily relinquished;

25 (B) the child being in need of medical treatment to
26 cure, alleviate, or prevent substantial physical harm, or in need
27 of treatment for mental harm as evidenced by failure to thrive,
28 severe anxiety, depression, withdrawal, or untoward aggressive
29 behavior or hostility toward others, and the child's parent,

1 guardian, or custodian has knowingly failed to provide the treat-
2 ment;

3 (C) the child having suffered substantial physical
4 harm within the five years preceding the filing of a petition
5 under this chapter, or if there is an imminent and substantial
6 risk that the child will suffer such harm as a result of the
7 actions done by or conditions created by the child's parent,
8 guardian, or custodian or the failure of the parent, guardian, or
9 custodian adequately to supervise the child;

10 (D) the child having been, within the five years
11 preceding the filing of a petition under this chapter, or being
12 in imminent and substantial danger of being [,] sexually abused
13 either by the child's parent, guardian, or custodian, or as a
14 result of conditions created by the child's parent, guardian, or
15 custodian, or by the failure of the parent, guardian, or cus-
16 todian adequately to supervise the child;

17 (E) the child committing delinquent acts as a result
18 of pressure, guidance, or approval from the child's parents,
19 guardian, or custodian;

20 (F) the child having suffered substantial physical
21 abuse or neglect within the five years preceding the filing of a
22 petition under this chapter as a result of conditions created by
23 the child's parent, guardian, or custodian.

24 * Sec. 2. AS 47.10.080 is amended by adding a new subsection to read:

25 (1) The court may not order a minor committed to the department
26 under (c)(1) or (3) of this section, but may direct the department to
27 supervise the minor's circumstances, if

28 (1) the finding that the minor is a child in need of aid is
29 based on evidence related to action or inaction by only one of the

1 minor's parents and that parent is not a member of the minor's house-
2 hold at the time of the order; and

3 (2) the other parent of the minor seeks to retain custody
4 of the child and demonstrates to the court's satisfaction that the
5 parent can adequately care for the minor.