

HB

438

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 24, 1990

FURTHER REFERRALS:

JUDICIARY

Date of Committee Action: 3/14/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 438

HOUSE BILL NO. 438

PARENTAL RIGHTS AFTER ADOPTION

"An Act relating to adoption."

RECOMMENDATIONS:

- be replaced with CS HB 438 (HESS) the same title
 have attached amendment(s) a new title
 do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
 zero fiscal note DHSS
 zero with analysis _____

- fiscal note(s) _____
 zero fiscal note(s) _____
 zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass No Rec Amend

Peter J. ...
...
...

	Do Not Pass	No Rec	Amend
<u>George ...</u>		X	

J. Ellis
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Health & Social Services
 Title: An Act relating to adoption BRU: _____
 Sponsor: Ulmer Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY92	FY93	FY94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact in FY 90

Prepared by: *Russell Webb*
 Division: Family and Youth Services
 Approved by Commissioner: *Myra M. Munson*
 Agency: Department of Health and Social Services

Phone: 465-3170
 Date: 3/14/90
 Date: 3/16/90

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



Alaska State Legislature

Please enter into the record my testimony to the HESS
 committee name
 committee on HB 438, dated 12 Mar 90
 bill/subject

If fewer disrupted adoptions and compliance with federal law are the underlying goals of HB 438, then I suggest you let this bill die and get out into the Native communities to view an alternate perspective from your own.

HB 438 ignores P.L. 95-608, Nov. 8, 1978, Title I, sections 101 (c) and (d), sections 102 (c) and (d), section 104, section 106, and section 107. Your proposed bill ignores the Congressional assurances of continued intervention toward family reunification of Native people.

Your efforts toward a State/Tribal ICWA agreement signature would ensure fewer disruptive adoptions and compliance with the law including protection of the best interest of the Indian child. Thank you for your time and consideration.

Signed: Karen L. Roberts (Hearing)

Testifier

SCA - Human Services Dept.

Representing (Optional)

P.O. Box 1450 Sitka, Ak 99835

Address

(907) 747-3207

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the H E S S
committee name

committee on H. B. 438 , dated March 7, 1990
bill/subject

On behalf of Tanana Chiefs Conference, I would like to express support for H.B. 438. The bill closely tracks Athabascan traditional customary adoption principles which allow adoption without total extinguishment of parental rights. T.C.C. will continue to review bill to determine if the terms are adequate to reflect this custom.

Signed: Michael J. Walker
Testifier

Tanana Chiefs Conference
Representing (Optional)

122 First Ave., Fbks Alc. 99709
Address

(907) 452-8251
Phone No.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: DHSS
 Title: An Act Relating to Adoption BRU: _____
 Sponsor: Illmer Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact FY 90.

Prepared by: Russell Webb, Director Phone: 465-3170
 Division: Family and Youth Services Date: _____
 Approved by Commissioner: Myra M. Munson, Commissioner Date: 2/22/90
 Agency: Department of Health and Social Services

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 27, 1990

TO: Rep. Johnny Ellis, Chair
House Health, Education and Social Services
Committee

FROM: Rep. Fran Ulmer

RE: HB 438, relating to parental rights after adoption

.....

HB 438 allows a person to adopt a child, at the request of the child's parent, and allows retention of the natural parents' rights and responsibilities unless those rights have been terminated by the court. This will allow multiple, parental relationships to be established and will provide an opportunity for a person who is unable or unwilling to marry the child's legal parent(s) to adopt the child. Under current law, in order for an adoptive decree to be issued, the adoptive parent must be married to the natural or legal parent. The court must also find that the adoption is in the best interests of the child.

This bill is in accord with the purposes of Alaska's adoption act which generally permits a court to issue adoptive decrees in accord with the child's best interests.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
FAIRBANKS, ALASKA 99811
907.463.3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 3-1-50

H. HESS 3-11-50

Original sponsor(s): REP. ULMER

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 438 ()
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 adoption."

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

8 * Section 1. AS 25.23.130(a) is amended to read:

9 (a) A final decree of adoption, whether issued by a court of
10 this state or of any other state, has the following effect as to
11 matters within the jurisdiction or before a court of this state:

12 (1) except with respect to a spouse of the petitioner and
13 relatives of the spouse and except as provided in (c) and (f) of this
14 section, to relieve the natural parents of the adopted person of all
15 parental rights and responsibilities [,] and [, EXCEPT AS PROVIDED IN
16 (c) OF THIS SECTION,] to terminate all legal relationships between the
17 adopted person and the natural parents and other relatives of the
18 adopted person, so that the adopted person thereafter is a stranger to
19 the former relatives for all purposes including inheritance, unless
20 the decree of adoption specifically provides for continuation of
21 inheritance rights, and the interpretation or construction of docu-
22 ments, statutes, and instruments, whether executed before or after the
23 adoption is decreed, which do not expressly include the person by name
24 or by some designation not based on a parent and child or blood rela-
25 tionship; and

26 (2) to create the relationship of parent and child between
27 petitioner and the adopted person, as if the adopted person were a
28 legitimate blood descendant of the petitioner, for all purposes in-
29 cluding inheritance and applicability of statutes, documents, and

1 instruments, whether executed before or after the adoption is decreed,
2 which do not expressly exclude an adopted person from their operation
3 or effect.

4 * Sec. 2. AS 25.23.130 is amended by adding a new subsection to read:

5 (f) A court may issue an adoption decree granting an adoption by
6 a petitioner who is not married to a natural parent of the adopted
7 person without terminating the parental rights and responsibilities of
8 the natural parent if the court makes a specific finding that re-
9 tention of the natural parent's rights and responsibilities is in the
10 best interests of the adopted person and the natural parent consents.
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