



LAWS OF ALASKA

1996

Source
CSHB 339(JUD) am

Chapter No.
89

AN ACT

Relating to children-in-need-of-aid proceedings; relating to the termination of parental rights of incarcerated parents; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 20, 1996
Actual Effective Date: June 21, 1996

AN ACT

1 Relating to children-in-need-of-aid proceedings; relating to the termination of parental rights
2 of incarcerated parents; and providing for an effective date.

3

4 * **Section 1.** PURPOSE. The purpose of this Act is to respond to the Alaska Supreme
5 Court's invitation in *A.M. v. State of Alaska*, 891 P.2d 815 (Alaska 1995) and *Nada A. v. State*
6 of Alaska, 660 P.2d 436 (Alaska 1983) to create a statutory basis for making incarceration a
7 factor that can be considered in termination proceedings concerning children in need of aid.

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

9 (o) For purposes of terminating a parent's parental rights under the standards
10 in (c)(3) of this section, the court may determine that incarceration of the parent is
11 sufficient grounds for determining that a minor is a child in need of aid under
12 AS 47.10.010(a)(2)(A) as a result of parental conduct and that the conduct is likely to
13 continue if the court finds, based on clear and convincing evidence, that the

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1 (1) period of incarceration that the parent is scheduled to serve during
2 the child's minority is significant considering the child's age and the child's need for
3 an adult's care and supervision; and

4 (2) parent has failed to make adequate provisions for care of the child
5 during the period of incarceration that will be during the child's minority.

6 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).