



# LAWS OF ALASKA

2001

**Source**

CSHB 164(JUD)

**Chapter No.**

43

**AN ACT**

Prescribing the rights of grandparents related to child-in-need-of-aid hearings; and amending Rules 3, 7, 10, 15, 17, and 19, Alaska Child in Need of Aid Rules of Procedure.

---

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 25, 2001

**Actual Effective Date:** September 23, 2001

AN ACT

1 Prescribing the rights of grandparents related to child-in-need-of-aid hearings; and amending  
2 Rules 3, 7, 10, 15, 17, and 19, Alaska Child in Need of Aid Rules of Procedure.

3

4 \* **Section 1.** AS 47.10.030(b) is amended to read:

5 (b) In all cases under this chapter, the child, each parent, the tribe, foster  
6 parent or other out-of-home care provider, guardian, and guardian ad litem of the child  
7 and, subject to (d) and (e) of this section, each grandparent of the child shall be  
8 given notice adequate to give actual notice of the proceedings and the possibility of  
9 termination of parental rights and responsibilities, taking into account education and  
10 language differences that are known or reasonably ascertainable by the petitioner or  
11 the department. The notice of the hearing must contain all names by which the child  
12 has been identified. Notice shall be given in the manner appropriate under rules of  
13 civil procedure for the service of process in a civil action under Alaska law or in any

## Chapter 43

1 manner the court by order directs. Proof of the giving of the notice shall be filed with  
2 the court before the petition is heard. The court may also subpoena the parent of the  
3 child, or any other person whose testimony may be necessary at the hearing. A  
4 subpoena or other process may be served by a person authorized by law to make the  
5 service, and, where personal service cannot be made, the court may direct that service  
6 of process be in a manner appropriate under rules of civil procedure for the service of  
7 process in a civil action under Alaska law or in any manner the court directs.

8 \* **Sec. 2.** AS 47.10.030 is amended by adding new subsections to read:

9 (d) Except as provided in (e) of this section, the department shall give advance  
10 written notice of all court hearings in a child's case to a grandparent of the child if

11 (1) the grandparent has contacted the department, provided evidence  
12 acceptable to the department of being the child's grandparent, requested notice about  
13 the hearings in the child's case, and provided the department with a current mailing  
14 address; or

15 (2) the department is aware that the child has a grandparent and the  
16 grandparent's mailing address is on file with the department.

17 (e) Notwithstanding (d) of this section, the department is not required to give  
18 advance notice to a grandparent about hearings in a child's case if the grandparent

19 (1) has been convicted of a crime in which the child was the victim; or

20 (2) is prohibited by a court order from having contact with the child.

21 \* **Sec. 3.** AS 47.10.070(a) is amended to read:

22 (a) The court may conduct the hearing on the petition in an informal manner.  
23 The court shall give notice of the hearing to the department, and it may send a  
24 representative to the hearing. The court shall also transmit a copy of the petition to the  
25 department. The department shall send notice of the hearing to the persons for whom  
26 notice is required under AS 47.10.030(b) **and to each grandparent of the child**  
27 **entitled to notice under AS 47.10.030(d)**. The department and the persons to whom  
28 the department must send notice of the hearing are entitled to be heard at the hearing.  
29 However, the court may limit the presence of the foster parent or other out-of-home  
30 care provider **and of any grandparent of the child** to the time during which the  
31 person's testimony is being given if it is (1) in the best interest of the child; or (2)

1 necessary to protect the privacy interests of the parties and will not be detrimental to  
2 the child. The public shall be excluded from the hearing, but the court, in its  
3 discretion, may permit individuals to attend a hearing if their attendance is compatible  
4 with the best interests of the child.

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

6 (f) A child found to be a child in need of aid is a ward of the state while  
7 committed to the department or the department has the power to supervise the child's  
8 actions. For an order made under (c)(1) of this section, the court shall hold a  
9 permanency hearing as required by (l) of this section and at least annually thereafter  
10 during the continuation of foster care to determine if continued placement, as it is  
11 being provided, is in the best interest of the child. The department, the child, and the  
12 child's parents, guardian, and guardian ad litem are entitled, when good cause is  
13 shown, to a permanency hearing on application. If the application is granted, the court  
14 shall afford these persons and their counsel reasonable advance notice and hold a  
15 permanency hearing where these persons and their counsel shall be afforded an  
16 opportunity to be heard. The persons entitled to notice under AS 47.10.030(b) **and**  
17 **the grandparents entitled to notice under AS 47.10.030(d)** are entitled to notice of a  
18 permanency hearing under this subsection and are also entitled to be heard at the  
19 hearing. The child shall be afforded the opportunity to be present and to be heard at  
20 the permanency hearing. After the permanency hearing, the court shall make the  
21 written findings that are required under (l) of this section. The court shall review an  
22 order made under (c)(2) of this section at least annually to determine if continued  
23 supervision, as it is being provided, is in the best interest of the child; this review is  
24 not considered to be a permanency hearing and is not governed by the provisions of  
25 this subsection that relate to permanency hearings.

26 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
27 read:

28 DIRECT COURT RULE AMENDMENT. Rule 17(b), Alaska Child in Need of Aid  
29 Rules of Procedure is amended to read:

30 (b) **Statements.** The parties may offer evidence in aid of disposition at the  
31 hearing. The court shall also afford the parties, **a grandparent of the child who is in**

Chapter 43

1            **attendance at the hearing**, and any foster parents or other out-of-home care providers  
2            an opportunity to be heard.

3        \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
4        read:

5            COURT RULE CHANGES. (a) Section 5 of this Act, AS 47.10.030, as amended by  
6        secs. 1 and 2 of this Act, AS 47.10.070(a), as amended by sec. 3 of this Act, and  
7        AS 47.10.080(f), as amended by sec. 4 of this Act, have the effect of amending Rules 3, 7, 10,  
8        15, 17, and 19, Alaska Child in Need of Aid Rules of Procedure, by requiring that  
9        grandparents be given notice of and an opportunity to be heard at certain child-in-need-of-aid  
10       proceedings.

11            (b) Sections 1 - 5 of this Act take effect only if this section receives the two-thirds  
12       majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.