



LAWS OF ALASKA

2008

Source
CSHB 354(JUD)

Chapter No.

AN ACT

Relating to adoptions, to subsidies for a hard-to-place child, to criminal sanctions for unlawful disclosure of confidential information pertaining to a child, to child support orders in child-in-need-of-aid and delinquency proceedings, and to civil actions on behalf of children in need of aid who are injured or die while in state custody; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to adoptions, to subsidies for a hard-to-place child, to criminal sanctions for unlawful
2 disclosure of confidential information pertaining to a child, to child support orders in child-in-
3 need-of-aid and delinquency proceedings, and to civil actions on behalf of children in need of
4 aid who are injured or die while in state custody; and providing for an effective date.

5

6 * **Section 1.** AS 25.23.050 is amended to read:

7 **Sec. 25.23.050. Persons as to whom consent and notice not required.** (a)

8 Consent to adoption is not required of

9 (1) for purposes of this section, a parent who has abandoned a child for
10 a period of at least six months;

11 (2) a parent of a child in the custody of another, if the parent for a
12 period of at least one year has failed significantly without justifiable cause, including

1 but not limited to indigency,

2 (A) to communicate meaningfully with the child, or

3 (B) to provide for the care and support of the child as required
4 by law or judicial decree;

5 (3) the father of a minor if the father's consent is not required by
6 AS 25.23.040(a)(2);

7 (4) a parent who has relinquished the right to consent under
8 AS 25.23.180;

9 (5) a parent whose parental rights have been terminated by order of the
10 court under AS 25.23.180(c)(3) or AS 47.10.080(c)(3);

11 (6) a parent judicially declared incompetent or mentally defective if the
12 court dispenses with the parent's consent;

13 (7) a parent of the person to be adopted, if the person is **18** [19] or
14 more years of age [, AND THE COURT DISPENSES WITH THE CONSENT OF
15 THE PARENT];

16 (8) a guardian or custodian specified in AS 25.23.040(a)(3) or (4) who
17 has failed to respond in writing to a request for consent for a period of 60 days or who,
18 after examination of the guardian's or custodian's written reasons for withholding
19 consent, is found by the court to be withholding consent unreasonably; or

20 (9) the spouse of the person to be adopted, if the requirement of
21 consent to the adoption is waived by the court by reason of prolonged unexplained
22 absence, unavailability, incapacity, or circumstances constituting an unreasonable
23 withholding of consent.

24 (b) Except as provided in AS 25.23.100, notice of a hearing on a petition for
25 adoption need not be given to a person whose consent is not required or to a person
26 whose consent or relinquishment has been filed with the petition.

27 * **Sec. 2.** AS 25.23.100(a) is amended to read:

28 (a) After the filing of a petition to adopt a minor, the court shall fix a time and
29 place for hearing the petition. At least 20 days before the date of hearing, the petitioner
30 shall give notice of the filing of the petition and of the time and place of hearing to (1)
31 the department, unless the adoption is by a stepparent of the child; (2) any agency or

1 person whose consent to the adoption is required by this chapter, but who has not
2 consented; and (3) a person whose consent is dispensed with upon any ground
3 mentioned in **AS 25.23.050(a)(1) - (3), (6), (8), and (9)** [AS 25.23.050(a)(1), (2), (3),
4 (6), (7), (8) AND (9)], but who has not consented. The notice to the department shall
5 be accompanied by a copy of the petition.

6 * **Sec. 3.** AS 25.23.210 is repealed and reenacted to read:

7 **Sec. 25.23.210. Amount and duration of subsidy payments.** (a) The
8 department may adopt regulations to set the amount and length of time that a subsidy
9 for a hard-to-place child may be granted.

10 (b) A subsidy granted by the department under this section may be

11 (1) paid for a specified length of time not to extend after the child's
12 18th birthday; and

13 (2) a deferred subsidy; in this paragraph, "deferred subsidy" means that
14 no monetary reimbursement is paid to a family but other benefits are paid for the
15 child.

16 (c) A subsidy granted under this section may not

17 (1) exceed the existing rate for foster care; or

18 (2) be changed without the written request or consent of the person
19 caring for the child.

20 (d) The department shall review whether the amount of a subsidy granted for a
21 child is appropriate on request of the person caring for the child.

22 (e) Subsidies shall be paid from the same public funds and in the same manner
23 as foster care payments.

24 * **Sec. 4.** AS 47.10.092(f) is amended to read:

25 (f) A person who **discloses confidential or privileged information in**
26 **violation of (a)** [VIOLATES A PROVISION] of this section is guilty of a
27 misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by
28 imprisonment for not more than one year, or by both.

29 * **Sec. 5.** AS 47.10.120(a) is amended to read:

30 (a) When a child in need of aid is committed under this chapter, the court **or**
31 **the child support services agency created in AS 25.27.010** shall, after giving the

1 parent a reasonable opportunity to be heard, **require** [ADJUDGE] that the parent pay
2 to the department in a manner that the court **or the child support services agency**
3 directs a sum to cover in full or in part the maintenance and care of the child. The
4 support obligation shall be calculated under Rule 90.3(i) of the Alaska Rules of Civil
5 Procedure.

6 * **Sec. 6.** AS 47.10.960 is amended by adding a new subsection to read:

7 (b) Nothing in this section shall be construed to prohibit a civil action for
8 common law negligence or an action under AS 09.55.580 on behalf of a child who is
9 injured or dies while in the custody of the state.

10 * **Sec. 7.** AS 47.12.230(a) is amended to read:

11 (a) When a delinquent minor is committed under this chapter, the court **or the**
12 **child support services agency created in AS 25.27.010** shall, after giving the parent
13 a reasonable opportunity to be heard, **require** [ADJUDGE] that the parent pay to the
14 department in a manner that the court **or the child support services agency** directs a
15 sum to cover in full or in part the maintenance and care of the minor. The support
16 obligation shall be calculated under Rule 90.3(i) of the Alaska Rules of Civil
17 Procedure.

18 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).