

SENATE BILL NO. 112

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 4/16/15

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing procedures related to a petition for adoption of a child in state**
2 **custody; adding a definition of 'proxy for a formal petition'; amending Rule 6(a), Alaska**
3 **Adoption Rules; and providing for an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that due to the
8 number of Alaska Native children in state custody and the strong preference that those
9 children be adopted into Native homes, there is a need to provide the Department of Health
10 and Social Services additional authority to allow flexibility in the initiation of adoption
11 proceedings for a child in state custody.

12 (b) It is the intent of the legislature to authorize a more appropriate adoption process
13 for a child in state custody to allow adoption proceedings in an existing child-in-need-of-aid
14 proceeding. In enacting these provisions, the legislature does not intend to affect, nor do the

1 provisions of this Act apply to a

2 (1) tribal adoption proceeding performed under a tribe's inherent authority;

3 (2) tribal adoption proceeding following a transfer to the tribe of a foster care
4 placement, termination of parental rights, or adoption of an Indian child under 25 U.S.C.
5 1911(b); or

6 (3) an adoption under tribal custom.

7 * **Sec. 2.** AS 25.23.030 is amended by adding a new subsection to read:

8 (d) A proceeding for the adoption for a child in state custody must comply
9 with AS 47.10.111.

10 * **Sec. 3.** AS 47.10 is amended by adding a new section to read:

11 **Sec. 47.10.111. Petition for adoption of a child in state custody.** (a)

12 Notwithstanding AS 25.23.030, the adoption of a child in state custody under the
13 jurisdiction of this chapter must commence and be heard in the child-in-need-of-aid
14 proceeding.

15 (b) To initiate proceedings to adopt a child in state custody under the
16 jurisdiction of this chapter, a person must file a

17 (1) petition for adoption under AS 25.23.080; or

18 (2) proxy for a formal petition.

19 (c) In this section, "proxy for a formal petition" means a

20 (1) request by a relative, tribal member, or other Indian family
21 interested in immediate placement and adoption of a child at any court hearing in the
22 child-in-need-of-aid proceeding;

23 (2) a request by a relative, tribal member, or other Indian family
24 interested in immediate placement and adoption of a child, conveyed to the department
25 by telephone, mail, facsimile, electronic mail, or in person;

26 (3) request by the Indian child's tribe, or a tribe in which the Indian
27 child is eligible for enrollment, to the department on behalf of a relative or tribal
28 member; or

29 (4) a proxy for a formal petition as established by the department in
30 regulation.

31 (d) The department may adopt regulations to implement this section.

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

3 DIRECT COURT RULE AMENDMENT. Rule 6(a)(1), Alaska Adoption
4 Rules, is amended to read:

5 (1) An adoption petition must include the information required by
6 AS 25.23.080, **except as provided under (4) of this rule**. A separate petition must be
7 filed for each person to be adopted. If the proceeding involves a minor, the petition
8 must also state whether the minor to be adopted is an Indian child and whether any
9 other court cases involving the minor are known to be pending.

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

12 DIRECT COURT RULE AMENDMENT. Rule 6(a), Alaska Adoption Rules,
13 is amended by adding a new paragraph to read:

14 (4) A proceeding to adopt a child in state custody under the jurisdiction
15 of AS 47.10 must commence with a petition for adoption under AS 25.23.080 or with
16 a proxy for a formal petition under AS 47.10.111(b). A proceeding to adopt a child in
17 state custody under the jurisdiction of AS 47.10 shall be heard in the child-in-need-of-
18 aid proceeding.

19 * **Sec. 6.** The uncodified law of the State of Alaska is amended to read:

20 APPLICABILITY. AS 25.23.030(d), enacted by sec. 2 of this Act, and AS 47.10.111,
21 enacted by sec. 3 of this Act, apply to proceedings for adoption of a child in state custody
22 under the jurisdiction AS 47.10 filed on or after the effective date of this Act.

23 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 TRANSITION: REGULATIONS. The Department of Health and Social Services may
26 proceed to adopt regulations necessary to implement this Act. The regulations take effect
27 under AS 44.62 (Administrative Procedure Act), but not before the effective date of this Act.

28 * **Sec. 8.** Section 7 of this Act takes effective immediately under AS 01.10.070(c).