

EXCERPTED STATUTES CHILDREN IN NEED OF AID

Sec. 47.10.011. Children in need of aid. Subject to [AS 47.10.019](#), the court may find a child to be a child in need of aid if it finds by a preponderance of the evidence that the child has been subjected to any of the following:

(1) a parent or guardian has abandoned the child as described in [AS 47.10.013](#), and the other parent is absent or has committed conduct or created conditions that cause the child to be a child in need of aid under this chapter;

(2) a parent, guardian, or custodian is incarcerated, the other parent is absent or has committed conduct or created conditions that cause the child to be a child in need of aid under this chapter, and the incarcerated parent has not made adequate arrangements for the child;

(3) a custodian with whom the child has been left is unwilling or unable to provide care, supervision, or support for the child, and the whereabouts of the parent or guardian is unknown;

(4) the child is in need of medical treatment to cure, alleviate, or prevent substantial physical harm or is in need of treatment for mental injury and the child's parent, guardian, or custodian has knowingly failed to provide the treatment;

(5) the child is habitually absent from home or refuses to accept available care and the child's conduct places the child at substantial risk of physical or mental injury;

(6) the child has suffered substantial physical harm, or there is a substantial risk that the child will suffer substantial physical harm, as a result of conduct by or conditions created by the child's parent, guardian, or custodian or by the failure of the parent, guardian, or custodian to supervise the child adequately;

(7) the child has suffered sexual abuse, or there is a substantial risk that the child will suffer sexual abuse, as a result of conduct by or conditions created by the child's parent, guardian, or custodian or by the failure of the parent, guardian, or custodian to adequately supervise the child; if a parent, guardian, or custodian has actual notice that a person has been convicted of a sex offense against a minor within the past 15 years, is registered or required to register as a sex offender under [AS 12.63](#), or is under investigation for a sex offense against a minor, and the parent, guardian, or custodian subsequently allows a child to be left with that person, this conduct constitutes prima facie evidence that the child is at substantial risk of being sexually abused;

(8) conduct by or conditions created by the parent, guardian, or custodian have

(A) resulted in mental injury to the child; or

(B) placed the child at substantial risk of mental injury as a result of

(i) a pattern of rejecting, terrorizing, ignoring, isolating, or corrupting behavior that would, if continued, result in mental injury; or

(ii) exposure to conduct by a household member, as defined in [AS 18.66.990](#), against another household member that is a crime under [AS 11.41.100](#) - 11.41.220, 11.41.230(a)(1) or (2), or 11.41.410 - 11.41.432, an offense under a law or ordinance of another jurisdiction having elements similar to a crime under [AS 11.41.100](#) - 11.41.220, 11.41.230(a)(1) or (2), or 11.41.410 - 11.41.432, an attempt to commit an offense that is a crime under [AS 11.41.100](#) - 11.41.220 or 11.41.410 - 11.41.432, or an attempt to commit an offense under a law or ordinance of another jurisdiction having elements similar to a crime under [AS 11.41.100](#) - 11.41.220 or 11.41.410 - 11.41.432; or

(iii) repeated exposure to conduct by a household member, as defined in [AS 18.66.990](#), against another household member that is a crime under [AS 11.41.230\(a\)\(3\)](#) or 11.41.250 - 11.41.270 or an offense under a law or ordinance of another jurisdiction having elements similar to a crime under [AS 11.41.230\(a\)\(3\)](#) or 11.41.250 - 11.41.270;

(9) conduct by or conditions created by the parent, guardian, or custodian have subjected the child or another child in the same household to neglect;

(10) the parent, guardian, or custodian's ability to parent has been substantially impaired by the addictive or habitual use of an intoxicant, and the addictive or habitual use of the intoxicant has resulted in a substantial risk of harm to the child; if a court has previously found that a child is a child in need of aid under this paragraph, the resumption of use of an intoxicant by a parent, guardian, or custodian within one year after rehabilitation is prima facie evidence that the ability to parent is substantially impaired and the addictive or habitual use of the intoxicant has resulted in a substantial risk of harm to the child as described in this paragraph;

(11) the parent, guardian, or custodian has a mental illness, serious emotional disturbance, or mental deficiency of a nature and duration that places the child at substantial risk of physical harm or mental injury;

(12) the child has committed an illegal act as a result of pressure, guidance, or approval from the child's parent, guardian, or custodian.

Sec. 47.10.013. Abandonment. (a) For purposes of this chapter, the court may find abandonment of a child if a parent or guardian has shown a conscious disregard of parental responsibilities toward the child by failing to provide reasonable support, maintain regular contact, or provide normal supervision, considering the child's age and need for care by an adult. Abandonment of a child also includes instances when the parent or guardian, without justifiable cause,

(1) left the child with another person without provision for the child's support and without meaningful communication with the child for a period of three months;

(2) has made only minimal efforts to support and communicate with the child;

(3) failed for a period of at least six months to maintain regular visitation with the child;

(4) failed to participate in a suitable plan or program designed to reunite the parent or guardian with the child;

(5) left the child without affording means of identifying the child and the child's parent or guardian;

(6) was absent from the home for a period of time that created a substantial risk of serious harm to a child left in the home;

(7) failed to respond to notice of child protective proceedings; or

(8) was unwilling to provide care, support, or supervision for the child.

(b) For purposes of (a) of this section, a parent or guardian who is a victim of domestic violence, or who has a child in the parent's or guardian's care who is the victim of domestic violence, is considered to have justifiable cause to take an action or to fail to take an action that would otherwise be considered to be abandonment of a child under (a) of this section if the action or failure to act is necessary to protect the parent or guardian, or a child in the care of the parent or guardian, from further acts of domestic violence. However, a parent or guardian who initially had justifiable cause to act or fail to act as described in this subsection may be considered to have abandoned the child without justifiable cause for purposes of (a) of this section if the parent or guardian does not take reasonable steps to reunify with or provide care for the abandoned child after becoming secure from further acts of domestic violence or after providing that another child in the care of the parent or guardian is secure from further acts of domestic violence.

(c) A parent who is immune from prosecution under [AS 11.81.500](#) and chooses to surrender an infant shall surrender the infant in the manner described in this subsection. Surrendering the infant in the manner described in this subsection constitutes abandonment for purposes of this chapter. An infant's parent is considered to have abandoned the infant safely, and, notwithstanding [AS 25.20.030](#) and [AS 47.10.120](#), the parent's legal duty to support the infant is extinguished if

(1) the parent, without expressing an intent to return for the infant, leaves the infant in the physical custody of a person who is a

(A) person the parent reasonably believes would provide for the health and safety of the infant and who would act appropriately to care for the infant;

(B) peace officer, community health aide, physician, or hospital employee; or

(C) person who is employed by or is a volunteer for a fire department or emergency medical service, if the person is acting within the scope of the person's fire department or emergency medical service duties; and

(2) there is no evidence the infant has been physically injured before abandonment.

(d) A person to whom an infant is surrendered in the manner described in (c)(1)(B) or (C) of this section shall

(1) act appropriately to care for the infant;

(2) inform the parent that the parent may, but is not required to, answer any questions regarding the name, identity, and medical history of the infant and parents of the infant unless the parent chooses to contact the department under (3) of this subsection;

(3) ask the parent if the parent wishes to relinquish the parent's parental rights and release the infant for adoption; if the answer is affirmative, the person shall contact the department so that the parent can discuss that option with the department;

(4) immediately notify the nearest office of the department that the infant has been surrendered in the manner described in (c) of this section.

(e) An individual, agency, facility, or entity that receives an infant abandoned safely under (c) of this section is not liable for civil damages for failure to discharge the duties listed in (d) of this section.

(f) A record regarding the surrender of an infant under (c) of this section is confidential and not subject to public inspection or copying under [AS 40.25.100](#) - 40.25.220.

Sec. 47.10.014. Neglect. For purposes of this chapter, the court may find neglect of a child if the parent, guardian, or custodian fails to provide the child with adequate food, clothing, shelter, education, medical attention, or other care and control necessary for the child's physical and mental health and development, though financially able to do so or offered financial or other reasonable means to do so.

Sec. 47.10.015. Physical harm. For the purposes of this chapter, the court may find physical harm to a child or substantial risk of physical harm to a child if

(1) the child was the victim of an act described in [AS 11.41.100](#) - 11.41.250, 11.41.300, 11.41.410 - 11.41.455, or [AS 11.51.100](#) and the physical harm occurred as a result of conduct by or conditions created by a parent, guardian, or custodian; or

(2) a negligent act or omission by a parent, guardian, or custodian creates a substantial risk of injury to the child.