

Excerpted Statutes

Children in need of aid. AS 47.10.011. 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 [see below], and the other parent is absent or has committed conduct or created conditions that cause the child to be a CINA;
- (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 CINA, 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 the 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 (1) a pattern or 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 [homicide or assault I, II and III], AS 11.41.230(a)(1) or (2) [assault IV involving reckless physical injury or criminally negligent physical injury with dangerous instrument] or AS 11.41.410 – 11.41.432 [sexual assaults], an offense under a law or ordinance of another jurisdiction having similar elements, 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 similar elements; or (iii) repeated exposure to conduct by a household member...against another household member that is a crime under AS 11.41.230(a)(3) [assault IV involving recklessly placing in fear of imminent physical injury] or AS 11.41.250 - 11.41.270 [reckless endangerment, stalking I and II] or an offense under a law or ordinance of another jurisdiction having similar elements;

Excerpted Statutes continued

- (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 CINA 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;
- (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.

AS 47.10.013. Abandonment.

- (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....
or without justifiable cause
 - (1) left the child with another person without providing for the child's support and without meaningful communication with the child for 3 months;
 - (2) has made only minimal efforts to support and communicate with the child;
 - (3) failed for 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;
 - (8) was unwilling to provide care, support or supervision for the child.
- (b) A parent or guardian who is a victim of domestic violence or is caring for a child who is the victim of domestic violence, is considered to have justifiable cause to take an action or fail to take an action that would otherwise be considered to be abandonment of a child if it is necessary to protect the parent, guardian or child from further domestic violence. However a parent or guardian who initially had justifiable cause may be considered to have abandoned the child without justifiable cause if the parent or guardian does not take reasonable steps to reunify with or provide care for the abandoned child after becoming secure from future domestic violence or after providing that another child in the care of the parent or guardian is secure.

AS 47.10.014. Neglect.

Court may find neglect if parent, guardian or custodian fails to provide adequate food, clothing, shelter, education, medical attention or other care and control necessary for the child's physical and mental health and development, though parent is financially able or offered financial or other reasonable means to do so.