



When is a Child a Child in Need of Aid?

OCS must prove to a court that a child is a child in need of aid for specific reasons. Specifically, the judge must find that it is more likely than not that a child has been subjected to one of the following:

1. A parent or guardian has abandoned the child (and other parent is not available to be a safe place)
2. A parent or guardian is in jail, the other parent is not available, and the parent did not make adequate arrangements for the child's care
3. The parents whereabouts are unknown and the person caring for the child is unable or unwilling to continuing to care for the child
4. The child needs medical treatment to treat or prevent substantial physical harm or is in need of treatment for mental injury and the parent or guardian has knowingly failed to provide this treatment
5. The child is regularly leaving the home or refusing the care in the home placing them at a substantial risk of physical or mental harm
6. The child has suffered, or is at a substantial risk of suffering significant physical harm because of the parents' care or conduct (can be through lack of supervision)
7. The child has suffered or is at substantial risk of suffering sexual abuse because of the parents' care or conduct (can be through lack of supervision)
 - a. Includes if a parent has left a child with a person that they know was convicted of a sexual offence against a minor in the past 15 years, is under investigation for such, or is required to register as a sex offender
8. The parents' conduct, or conditions of the home created by the parent has:
 - a. Resulted in mental injury
 - b. Placed the child at risk of mental injury because of a pattern of behavior or exposure to domestic violence between household members
9. The parents' care or conduct has subjected the child (or another child in the home) to neglect
10. The parents' ability to parent is seriously impaired by substance abuse which has created substantial risk of harm to the child
11. The parent or guardian has a mental illness or impairment that places the child at a serious risk of physical harm or mental injury
12. The child has broken the law with the parents' approval, guidance, or pressure. See Alaska Statute 47.10.011-.015

The following reasons **do not, alone**, mean that a child is in need of aid and that OCS should be involved as long as the child does not meet an above criteria (i.e. their needs are being reasonably met given the circumstances):

- Whether the family is homeless
- Whether the family is poor
- Whether the house is too small for the number of kids
 - Does the Tribe consider it safe/appropriate?
- Whether a house has electricity or running water
- Whether an Indian Custodian is too old