



LAWS OF ALASKA

2008

Source
CSHB 29(FIN)

Chapter No.

AN ACT

Relating to infants who are safely surrendered by a parent shortly after birth.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to infants who are safely surrendered by a parent shortly after birth.

2 _____
3 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
4 to read:

5 SHORT TITLE. This Act may be known as the Safe Haven for Infants Act.

6 * **Sec. 2.** AS 11.81 is amended by adding a new section to read:

7 **Article 4A. Prohibition on Prosecution.**

8 **Sec. 11.81.500. No prosecution for safe surrender of infant.** A parent may
9 not be criminally prosecuted for surrendering a child of the parent if the child

10 (1) is an infant who is less than 21 days of age;

11 (2) is surrendered in the manner described in AS 47.10.013(c); and

12 (3) is not the subject of a court order affecting custody of the child.

13 * **Sec. 3.** AS 47.10.013 is amended by adding new subsections to read:

14 (c) A parent who is immune from prosecution under AS 11.81.500 and
15 chooses to surrender an infant shall surrender the infant in the manner described in this

1 subsection. Surrendering the infant in the manner described in this subsection
2 constitutes abandonment for purposes of this chapter. An infant's parent is considered
3 to have abandoned the infant safely, and, notwithstanding AS 25.20.030 and
4 AS 47.10.120, the parent's legal duty to support the infant is extinguished if

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

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

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

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

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

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

19 (1) act appropriately to care for the infant;

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

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

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

30 (e) An individual, agency, facility, or entity that receives an infant abandoned
31 safely under (c) of this section is not liable for civil damages for failure to discharge

1 the duties listed in (d) of this section.

2 (f) A record regarding the surrender of an infant under (c) of this section is
3 confidential and not subject to public inspection or copying under AS 40.25.100 -
4 40.25.220.

5 * **Sec. 4.** AS 47.10.086(a) is amended to read:

6 (a) Except as provided in **(b), (c), and (g)** [(b) AND (c)] of this section, the
7 department shall make timely, reasonable efforts to provide family support services to
8 the child and to the parents or guardian of the child that are designed to prevent out-of-
9 home placement of the child or to enable the safe return of the child to the family
10 home, when appropriate, if the child is in an out-of-home placement. The department's
11 duty to make reasonable efforts under this subsection includes the duty to

12 (1) identify family support services that will assist the parent or
13 guardian in remedying the conduct or conditions in the home that made the child a
14 child in need of aid;

15 (2) actively offer the parent or guardian, and refer the parent or
16 guardian to, the services identified under (1) of this subsection; the department shall
17 refer the parent or guardian to community-based family support services whenever
18 community-based services are available and desired by the parent or guardian; and

19 (3) document the department's actions that are taken under (1) and (2)
20 of this subsection.

21 * **Sec. 5.** AS 47.10.086 is amended by adding a new subsection to read:

22 (g) The department is not required to make reasonable efforts of the type
23 described in (a) of this section if the department took emergency custody of an infant
24 under AS 47.10.142 after the infant was abandoned safely within the meaning of
25 AS 47.10.013(c).

26 * **Sec. 6.** AS 47.10.990 is amended by adding a new paragraph to read:

27 (32) "infant" means a child who is less than 21 days of age.