

HOUSE CS FOR CS FOR SENATE BILL NO. 9(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS MYERS, Giessel, Hughes, Cronk, Gray-Jackson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the surrender of infants; relating to civil history; and providing for**
2 **an effective date."**

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

4 *** Section 1.** AS 47.05.325(a) is amended to read:

5 (a) The Department of Health and the Department of Family and Community
6 Services shall establish by regulation civil history standards for denial of issuance or
7 renewal of a license or certification for an individual or for an entity within that
8 department's licensing or certification authority if the individual who is applying for a
9 license, license renewal, certification, or certification renewal is

10 (1) a biological or adoptive parent, guardian, custodian, or Indian
11 custodian of a child who is or was the subject of a child-in-need-of-aid petition under
12 AS 47.10 and the individual had custody of the child at the time the child was the
13 subject of a petition, unless the only basis in the petition for alleging that the child
14 was a child in need of aid under AS 47.10.011 was that the child was surrendered

1 **in the manner described in AS 47.10.013(c);** or

2 (2) the subject of a finding or circumstance described in
3 AS 47.05.330(a).

4 * **Sec. 2.** AS 47.05.330(a) is amended to read:

5 (a) The Department of Health and the Department of Family and Community
6 Services shall by regulation identify each database that department will review when
7 conducting a civil history check under AS 47.05.325 to identify each individual

8 (1) whom a court or the applicable department has found

9 (A) to have committed abuse, neglect, undue influence, or
10 exploitation of a vulnerable adult;

11 (B) under AS 47.32 or regulations adopted under AS 47.32, to
12 have significantly adversely affected the health, safety, or welfare of an
13 individual who is receiving a service from an entity licensed under AS 47.32; a
14 finding described in this subparagraph includes a decision to revoke, suspend,
15 or deny a license or license renewal, or the relinquishment of a license as part
16 of a settlement agreement;

17 (2) who has been subject to criminal or civil penalties for a violation of
18 AS 09.58, AS 47.05, AS 47.06, AS 47.07, AS 47.08, or regulations adopted under
19 AS 09.58, AS 47.05, AS 47.06, AS 47.07, or AS 47.08;

20 (3) about whom the applicable department or a court has made a
21 substantiated finding of child abuse or neglect under AS 47.10 or AS 47.14;

22 (4) who was a biological or adoptive parent, guardian, custodian, or
23 Indian custodian of a child at the time the child was the subject of a child-in-need-of-
24 aid petition under AS 47.10, **unless the only basis in the petition for alleging that**
25 **the child was a child in need of aid under AS 47.10.011 was that the child was**
26 **surrendered in the manner described in AS 47.10.013(c);**

27 (5) who, in the course of employment with the state, has been
28 terminated from employment or has had an allegation of assaultive, abusive,
29 neglectful, or exploitive behavior or actions substantiated;

30 (6) who, in this state or another jurisdiction, for reasons related to
31 abuse, neglect, undue influence, exploitation, or other reasons that are inconsistent

1 with standards for the protection of public health, safety, or welfare, has had a
2 professional license, certification, or similar professional designation revoked,
3 suspended, or denied, or has had a request for renewal of a professional license,
4 certification, or similar professional designation denied;

5 (7) whom another state or jurisdiction has identified on a civil registry
6 or database substantially similar to the databases identified under this section for
7 reasons substantially similar to the reasons identified in (1) - (6) of this subsection.

8 * **Sec. 3.** AS 47.10.013(c) is amended to read:

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

15 (1) the parent, without expressing an intent to return for the infant,
16 leaves the infant

17 (A) in the physical custody of a person who

18 (i) [IS A (A) PERSON] the parent reasonably believes
19 would provide for the health and safety of the infant and who would act
20 appropriately to care for the infant;

21 (ii) is a [(B)] peace officer, community health aide,
22 physician, or hospital employee; or

23 (iii) [(C) PERSON WHO] is employed by or is a
24 volunteer for a fire department or emergency medical service, if the
25 person is acting within the scope of the person's fire department or
26 emergency medical service duties; or

27 (B) in an infant safety device that

28 (i) is physically affixed to an exterior wall or located
29 inside of a hospital, emergency department, freestanding birth
30 center as defined in AS 47.32.900, health facility as defined in
31 AS 47.07.900 that is owned or managed by a tribal health

1 organization as defined in AS 17.30.200(d), office of a private
 2 physician whether in individual or group practice, rural health
 3 clinic as defined in AS 47.32.900, municipal police department,
 4 state trooper post, or fire department; and

5 (ii) meets the requirements of (h) of this section; and

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

8 * **Sec. 4.** AS 47.10.013(d) is amended to read:

9 (d) A person to whom an infant is surrendered in the manner described in
 10 (c)(1)(A)(ii) or (iii) [(c)(1)(B) OR (C)] of this section shall

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

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

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

20 (4) immediately notify the nearest office of the department that the
 21 infant has been surrendered in the manner described in (c)(1)(A)(ii) or (iii) [(c)] of this
 22 section.

23 * **Sec. 5.** AS 47.10.013(e) is amended to read:

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

27 * **Sec. 6.** AS 47.10.013 is amended by adding new subsections to read:

28 (g) An authorized facility that receives an infant surrendered under (c)(1)(B)
 29 of this section shall immediately notify the nearest office of the department that the
 30 infant has been surrendered under (c)(1)(B) of this section.

31 (h) An infant safety device must be

1 (1) located in an area that is conspicuous and visible to employees of
2 an authorized facility;

3 (2) climate-controlled;

4 (3) clearly marked with appropriate signage that includes

5 (A) a statement that only a child less than 21 days old may be
6 placed in the infant safety device;

7 (B) a statement that the parent may surrender the infant in
8 person to an employee inside an authorized facility; and

9 (C) a statement that the parent may call 911 to surrender the
10 infant directly to an emergency services provider;

11 (4) equipped with

12 (A) a system that automatically transmits a request to the 911
13 emergency system for the immediate dispatch of an emergency medical
14 services provider to the location of the infant safety device when the infant
15 safety device is opened;

16 (B) a video surveillance system that allows employees of an
17 authorized facility to monitor the interior of the infant safety device 24 hours a
18 day; and

19 (C) an automated lock that secures the infant inside the infant
20 safety device after deposit;

21 (5) installed, operated, and maintained according to the manufacturer's
22 guidelines and department regulations; and

23 (6) inspected upon installation and annually by the manufacturer or
24 manufacture's designee, and inspected monthly by the authorized facility in which it is
25 installed; inspections under this paragraph must be logged by the authorized facility
26 and must include testing of the device's alarms, cameras, climate control system, and
27 locks.

28 (i) The department may provide training to emergency medical service
29 providers, 911 operators, hospital staff, firefighters, law enforcement officers, and
30 employees of an authorized facility in how to implement and comply with the
31 requirements for the surrender of an infant as described in this section.

1 (j) If the department determines that an infant abandoned under (c)(1)(B) of
2 this section is an Indian child, the department shall immediately contact the Indian
3 child's tribe.

4 (k) In this section, "authorized facility" means a facility described in
5 (c)(1)(B)(i) of this section that has an infant safety device located at the facility.

6 * **Sec. 7.** This Act takes effect July 1, 2026.