

GAPS IN THE PROTECTION OF ALASKA'S CHILDREN

2025 Update by the Alaska Children's Justice Act Task Force



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Key Points



- Who we are & what we do
- Our recommended legislative changes
- Need to support Child Advocacy Centers in Alaska

Introduction to the Alaska CJATF



- Federally mandated and funded
- ***Mission:*** Identify areas where improvement is needed in the statewide response to child maltreatment, make recommendations and take action to improve the system.
- Statewide, multidisciplinary membership that includes volunteers
- Focus on education: child abuse in Alaska, mandatory reporting, & best practices for the multidisciplinary response to child abuse
- Legislation to improve protection & justice for children (starvation, serious physical abuse, privacy)



Legislative priorities from CJATF



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1. Defining reasonable force in “special relationships”
2. Update mandatory reporting law
3. Update harassment law
4. Add grooming as an aggravator

What is “reasonable discipline”?



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- Sec. 11.81.430. Justification: Use of force, Special Relationships
- Affects both children and vulnerable adults
- Problem:
 - Law currently allows “reasonably necessary and appropriate nondeadly force on that child or incompetent person”
 - Lack of consistency in interpretation throughout the system response
- Purpose of statutory change is to define what is not reasonable
- See handout



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Photos of abused children

Reasonable or not reasonable?



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- Preschool age child hit with hand – “spanking”
- Unreasonable- Under CJATF proposed Section (A)(vii) “is likely to cause and which does cause bodily harm greater than transient pain, erythema, or minor temporary marks.”

Reasonable or not reasonable?



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- Young battered infant
- Unreasonable: Under CJATF proposed Section (A)(i) – “Striking, squeezing, or causing a child under the age of one year to forcefully strike an object resulting in a bruise or other injury”

Reasonable or not reasonable?



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- Elementary school age child struck by parent figure with wooden dowel over food
- Unreasonable: Under CJATF proposed Section (A)(iii) – “Striking a child or incompetent person with a closed fist or dangerous instrument”

Reasonable or not reasonable?



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- Kindergarten age child beaten for an hour with charging cord for behavior – injuries all over body
- Unreasonable: Under CJATF proposed Section (A)(vi) – “any other act that causes physical injury and would cause a reasonable caregiver to seek medical attention...”

Reasonable or not reasonable?



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- Toddler burned with cigarette lighter for not saying her ABCs correctly
- Unreasonable: Under proposed CJATF Section (A)(ii) – “Throwing, kicking, biting, stepping upon, burning, shaking, or cutting a child or incompetent person”

Mandatory reporting



- Gaps to address in 47.17.020 & 47.17.290:
 - *Need to add additional categories of mandated reporters*
 - *Prevent interference with reporting to appropriate agencies*
 - Example: Principal of school doing own investigation such as questioning child and/or perpetrator about allegation (i.e. current ASD policy)
 - *Need to have early notification of law enforcement for other forms of child abuse (similar to child sexual abuse)*
- See handout

Suggested changes



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- Expand list of employees of public, private and religious schools, school board members, and contract vendors
- Expand list of “practitioners of the healing arts” to include:
 - *First responders*
 - *Dental health aides*
 - *Behavioral health aides*
 - *Veterinarians & veterinary technicians*
 - Significant link between animal abuse, child abuse, and domestic violence

Suggested changes



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- Clergy with exception for priest-penitent privilege (as defined in 47.17.020(d))
- **Forgiveness does not equate with safety or healing**
- Some specific church organizations are already implementing policies regarding reporting sexual abuse

Suggested changes



- Early notification to law enforcement (LE) for physical abuse (similar to child sexual abuse reporting)
- Barrier at health care facilities: hospital staff unsure of reporting requirements, worried about liability, notify OCS with delay in LE involvement
- Examples:
 - *Head injury, broken femur, 3-day delay in LE investigation*
 - *Fentanyl OD – delay in report to LE meant crime scene completely cleaned up*
- Change would increase efficiency, coordination & effectiveness of LE investigations as well as improve child safety and care

Harassment:



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- Problem with current 11.61.118 & 11.61.120 :
 - *Bus driver case that involved oral-nipple contact with boys*
 - *Clearly sexual in nature however law stipulates “female breast”*
- Purpose:
 - *Protect boys*
- Recommendation:
 - *Remove female qualifier*
 - *Change mental state for theory of offensive physical conduct from intentionally to knowingly*
- See handout

Criminal manipulation of a child



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- Problem: no grooming statute
- Example: Coach
 - Sexual abuse of children is most often a process that progresses over time, less often a one-time violent act
 - *Also often includes grooming of parents/caregivers to gain access to children*
- Purpose: Stop something worse from happening to child
- Recommendations:
 - *Add new statute Criminal Manipulation of a Child sections under AS 11.51 with definitions*
- See handout

Support for Alaskan Child Advocacy Centers



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- Per AS 47.17.033 investigative agencies are required to use Child Advocacy Centers (CACs) for child sexual abuse cases
- Problem:
 - Anticipated that Alaskan CACs will have a significant loss of federal funding in FY26

Child Advocacy Centers:



- Reduce future exposure to Adverse Childhood Experiences (ACEs)
- Are more likely to have successful case resolutions
- Children and families receive services
 - *Advocacy*
 - *Medical & mental health services*
 - *Needed resources (for example related to food and transportation)*
 - *Families can better protect their children going forward*
- Will reduce the state budget devoted to the long-term downstream effects of ACEs

We need champions for Alaska's children and families



THANK YOU!