

HOUSE BILL NO. 11

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES B.DAVIS, Robinson, MacLean

Introduced: 1/16/95

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the Department of Health and Social Services, the Department
2 of Law, and the Department of Public Safety to establish a pilot program to
3 coordinate investigations of sexual abuse and serious physical abuse of children."

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

5 * **Section 1.** CHILDREN'S ADVOCACY CENTERS. (a) The Department of Health and
6 Social Services, the Department of Law, and the Department of Public Safety shall cooperate
7 in establishing or contracting to establish a children's advocacy center in each municipality
8 in the state where, in fiscal year 1994, more than 500 cases of suspected harm were reported
9 under AS 47.17. If contracting is used to establish a center under this Act, the contractor
10 must be a nonprofit entity.

11 (b) A children's advocacy center established under this Act shall provide for a
12 comprehensive, multidisciplinary, intergovernmental, interagency, and interprofessional
13 response to sexual abuse of children and serious physical abuse of children. The purposes of
14 a center are to

- 1 (1) avoid subjecting a child to multiple interviews about alleged abuse;
- 2 (2) minimize the time and duplication of effort required to investigate,
3 prosecute, and initiate treatment for the abused child;
- 4 (3) realize financial savings through the avoidance of agency duplication under
5 (2) of this subsection;
- 6 (4) provide competent personnel in a coordinated setting who can obtain
7 admissible information that can be used effectively in criminal and child protection
8 proceedings, expedite the processing of those cases, and facilitate the provision of services and
9 treatment to the abused child and the child's family; and
- 10 (5) enhance community understanding of sexual abuse of children.
- 11 (c) The departments identified in (a) of this section shall establish, or require the
12 contractor for each children's advocacy center to establish, an advisory board from the
13 municipality that the center serves. The board must include
- 14 (1) a representative of every ethnic, racial, and linguistic minority that has a
15 substantial population in the municipality;
- 16 (2) the municipal attorney or the attorney's designee;
- 17 (3) the municipal chief of police or the chief's designee;
- 18 (4) the mayor of the municipality or the mayor's designee;
- 19 (5) a physician licensed to practice medicine;
- 20 (6) a licensed mental health professional;
- 21 (7) a criminal defense attorney;
- 22 (8) a judge or designee of a judge who has jurisdiction over children's cases
23 in the municipality;
- 24 (9) a representative from the office of the district attorney;
- 25 (10) a representative from the local health department;
- 26 (11) a representative of the office of public advocacy;
- 27 (12) a representative of the Department of Health and Social Services;
- 28 (13) a representative of the Department of Public Safety; and
- 29 (14) at least four residents of the municipality who are not described in (1) -
30 (13) of this subsection.

31 * **Sec. 2. INTERAGENCY AGREEMENTS.** (a) The state agencies and municipal

1 agencies involved in the investigation of sexual abuse of children and serious physical abuse
2 of children in a municipality in which a children's advocacy center is established under this
3 Act shall enter into interagency and intergovernmental agreements that are necessary to ensure
4 the coordinated response intended to be achieved through the establishment of the children's
5 advocacy center.

6 (b) An agreement under this section does not relieve a public agency of an obligation
7 or responsibility imposed on it by law except that actual and timely performance by an
8 intergovernmental legal entity created to perform joint intergovernmental functions by an
9 agreement made under this section may be offered in satisfaction of the obligation or
10 responsibility.

11 (c) A public agency entering into an agreement under this section may sell, lease,
12 give, or otherwise supply tangible and intangible property to the center created under this Act
13 to operate the joint or intergovernmental undertaking and may provide personnel or services
14 for the center that are within its legal power to sell, lease, give, or supply.

15 * **Sec. 3. IMMUNITY.** (a) An officer, employee, or volunteer of a nonprofit entity that
16 has contracted to provide a children's advocacy center under this Act is not criminally or
17 civilly liable for actions or omissions performed in connection with the center if the

18 (1) individual was acting in good faith and reasonably believed the actions or
19 omissions were within the scope of the individual's authority; and

20 (2) damage or injury was not caused by an intentional or knowing act or
21 omission by the individual that constitutes illegal misconduct.

22 (b) A center established under this Act, the advisory board for a center, and the
23 members of the advisory board for a center are not liable for the acts or omissions of the
24 center's volunteers unless

25 (1) the board, member, or center, as applicable, had, or reasonably should have
26 had, reasonable notice of the individual's unfitness to provide services to the center under
27 circumstances that make the center's use of the individual grossly negligent in light of that
28 notice; or

29 (2) a business employer would be liable under the laws of this state if the act
30 or omission were the act or omission of one of its employees.

31 * **Sec. 4. REPORT.** The Department of Health and Social Services, the Department of

1 Law, and the Department of Public Safety shall jointly report annually to the legislature
2 concerning the operation of the centers established under this Act and the extent to which they
3 are achieving the purposes set out in sec. 1 of this Act. The report must also include
4 recommendations as to whether and how to expand the use of children's advocacy centers in
5 the state.

6 * **Sec. 5.** This Act is repealed June 30, 1999.