

CS FOR SENATE BILL NO. 188(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/29/96

Referred: JUD, FIN

Sponsor(s): SENATORS TAYLOR AND MILLER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reports of suspected child abuse or neglect, and requiring
2 that, as part of the investigation of the reports of suspected child abuse or
3 neglect, all official interviews with children who are alleged to have been abused
4 or neglected be recorded."

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

6 * **Section 1.** AS 47.17.010 is amended to read:

7 Sec. 47.17.010. **PURPOSE AND INTENT.** (a) In order to protect children
8 whose health and well-being may be adversely affected through the infliction, by other
9 than accidental means, of harm through physical injury or neglect, mental injury,
10 sexual abuse, sexual exploitation, or maltreatment, the legislature requires the reporting
11 of these cases by practitioners of the healing arts and others to the department. It is
12 not the intent of the legislature that persons required to report suspected child abuse
13 or neglect under this chapter investigate the suspected child abuse or neglect before
14 they make the required report to the department. Reports **of suspected child abuse**

1 or neglect must be made when there is a reasonable cause to suspect child abuse or
2 neglect in order to make state investigative and social services available in a wider
3 range of cases at an earlier point in time.

4 (b) It is the intent of the legislature [, TO MAKE SURE] that investigations
5 regarding reports of suspected child abuse and neglect

6 (1) be [ARE] conducted by trained investigators;

7 (2) [, AND TO] avoid subjecting a child to multiple interviews about
8 the abuse or neglect; **and**

9 (3) ensure that all interviews with the child concerning the alleged
10 abuse or neglect that are made as part of the investigation of a report of harm
11 are recorded on audiotape, or, whenever feasible, on videotape.

12 (c) It is the further intent of the legislature that, as a result of requiring the
13 making of these reports of suspected child abuse or neglect, protective services will
14 be made available in an effort to

15 (1) prevent further harm to the child;

16 (2) safeguard and enhance the general well-being of children in this
17 state; and

18 (3) preserve family life unless that effort is likely to result in physical
19 or emotional damage to the child.

20 * **Sec. 2.** AS 47.17.025(a) is amended to read:

21 (a) A law enforcement agency shall immediately notify the department of the
22 receipt of a report of harm to a child from abuse. Upon receipt from any source of
23 a report of harm to a child from abuse, the department shall notify the Department of
24 Law and investigate the report. **However, the department may not proceed in an**
25 **investigation of a report of harm to a child from abuse if the department, in**
26 **interviewing the child concerning the alleged abuse, is unable to record or fails**
27 **to record each interview with the child. Within** [AND, WITHIN] 72 hours of the
28 receipt of the report of harm to a child from abuse, the department [,] shall provide
29 a written report of its investigation of the harm to a child from abuse to the
30 Department of Law for review. **In this subsection, "record" means to audiotape,**
31 **and, whenever circumstances permit or it is otherwise feasible, to videotape.**

1 * **Sec. 3.** AS 47.17.027(a) is amended to read:

2 (a) If the department or a law enforcement agency provides written
3 certification to the child's school officials that (1) there is reasonable cause to suspect
4 that the child has been abused or neglected by a person responsible for the child's
5 welfare or as a result of conditions created by a person responsible for the child's
6 welfare; (2) an interview at school is a necessary part of an investigation to determine
7 whether the child has been abused or neglected; and (3) the interview at school is in
8 the best interests of the child, school officials shall permit the child to be interviewed
9 at school by the department or a law enforcement agency before notification of, or
10 receiving permission from, the child's parent, guardian, or custodian. A school official
11 shall be present during an interview at the school unless the child objects or the
12 department or law enforcement agency determines that the presence of the school
13 official will interfere with the investigation. **The interview shall be recorded as**
14 **required by AS 47.17.035.** Immediately after conducting an interview authorized
15 under this section, and after informing the child of the intention to notify the child's
16 parent, guardian, or custodian, the department or agency shall make every reasonable
17 effort to notify the child's parent, guardian, or custodian that the interview occurred
18 unless it appears to the department or agency that notifying the child's parent,
19 guardian, or custodian would endanger the child.

20 * **Sec. 4.** AS 47.17 is amended by adding a new section to read:

21 Sec. 47.17.035. RECORDING OF INTERVIEWS. An officer, employee, or
22 agent of the department, a local government health or social services agency, a law
23 enforcement agency, or another state or local government agency or unit who receives
24 a report of harm to a child from abuse or neglect may not investigate the report of
25 harm by interviewing the child concerning the alleged abuse or neglect unless the
26 initial interview and each subsequent interview are recorded. In this section, "recorded"
27 means audiotaped and, whenever circumstances permit or it is otherwise feasible,
28 videotaped.