

**SENATE BILL NO. 272**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/2/98

Referred: HESS, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to children in need of aid matters and proceedings; relating to  
2 murder of children, criminally negligent homicide, kidnapping, criminal nonsupport,  
3 the crime of indecent exposure, and the crime of endangering the welfare of a  
4 child; relating to registration of certain sex offenders; relating to sentencing for  
5 certain crimes involving child victims; relating to the state medical examiner and  
6 reviews of child fatalities; relating to teacher certification and convictions of  
7 crimes involving child victims; relating to access, confidentiality, and release of  
8 certain information concerning the care of children, child abuse and neglect, and  
9 child fatalities; authorizing the Department of Health and Social Services to enter  
10 into an interstate compact concerning adoption and medical assistance for certain  
11 children with special needs; authorizing the establishment of a multidisciplinary  
12 child protection team to review reports of child abuse or neglect; relating to

1 immunity from liability for certain state actions concerning matters involving child  
 2 protection and fatality reviews and children in need of aid; relating to persons  
 3 required to report suspected child abuse or neglect; relating to foster care  
 4 placement and to payment for children in foster and other care and the waiver  
 5 of certain foster care requirements; relating to the access to certain criminal  
 6 justice information and licensure of certain child care facilities; amending Rule  
 7 218, Alaska Rules of Appellate Procedure; amending Rules 1, 3, 15, 18, and 19,  
 8 Alaska Child in Need of Aid Rules; and providing for an effective date."

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

10 \* **Section 1. FINDINGS, INTENT, AND PURPOSE.** (a) The legislature finds that

11 (1) it is the policy of the state to recognize that children are individuals who  
 12 have legal rights; among those rights are the right to

13 (A) freedom from substantial neglect of basic needs;

14 (B) freedom from physical, sexual, or emotional abuse or exploitation;

15 and

16 (C) permanency with a safe family;

17 (2) parents and guardians have a duty to afford their children the rights listed  
 18 in (1) of this subsection; parents and guardians have a duty to remove any impediment to their  
 19 ability to perform parental duties that afford these rights to their children; and when a parent  
 20 or guardian fails to fulfill these duties, the court may determine that it is in the best interests  
 21 of the child to remove the child from the parent or guardian either temporarily or permanently;

22 (3) parents and guardians have the right to direct the upbringing of their  
 23 children;

24 (4) it is the policy of the state that

25 (A) except in those cases involving serious risk to a child's health or  
 26 safety, the offer of appropriate family support services be made by the Department of  
 27 Health and Social Services to parents and guardians to allow them the opportunity to  
 28 adjust their circumstances, conduct, or conditions to prevent removal of a child from

1 their home and, if the child is removed, to make return of the child possible within a  
2 reasonable time;

3 (B) parents and guardians have a duty to actively participate in family  
4 support services to prevent removal of their children and to make return of their  
5 children possible; and

6 (C) although there is a preference that children live in their own homes  
7 with their own families, the legislature recognizes that not all parents and guardians  
8 will adequately remedy their conduct or the conditions in their homes that endanger  
9 their children; in those situations, the state must seek an alternative, safe, and  
10 permanent home for the child;

11 (5) numerous studies establish that

12 (A) children undergo a critical attachment process before the time they  
13 reach six years of age;

14 (B) a child who has not attached with an adult caregiver during this  
15 critical stage will suffer significant emotional damage that frequently leads to chronic  
16 psychological problems and antisocial behavior when the child reaches adolescence and  
17 adulthood; and

18 (C) it is important to provide for an expedited placement procedure to  
19 ensure that children under the age of six years who have been removed from their  
20 homes are placed in permanent homes expeditiously; and

21 (6) it is in the best interests of a child who has been removed from the child's  
22 own home for the state to apply the following principles in resolving such matters:

23 (A) the child should be placed in a safe, secure, and stable  
24 environment;

25 (B) the child should not be moved unnecessarily; and

26 (C) a planning process should be followed to lead to permanent  
27 placement of the child.

28 (b) The intent of this Act is to protect children from abuse and neglect without  
29 prohibiting the use of reasonable methods of parental discipline or prescribing a particular  
30 method of parenting.

31 (c) The purpose of this Act is to

1 (1) provide the legal mechanisms by which the state can use its resources to  
2 implement the findings in this section for the best interest of children in this state; and

3 (2) expressly override the court decisions in the following cases:

4 (A) In Re S.A., 912 P.2d 1235 (Alaska 1996) and F.T. v. State, 862  
5 P.2d 857 (Alaska 1993), concerning the standards to adjudicate a child in need of aid  
6 when a parent or caregiver is willing, but unable, to provide essential care for a child;

7 (B) A.M. v. State, 891 P.2d 815 (Alaska 1995), and Nada A. v. State,  
8 660 P.2d 436 (Alaska App. 1983), concerning the standards to terminate parental rights  
9 when a parent is incarcerated;

10 (C) R.J.M. v. State, 946 P.2d 855 (Alaska 1997), concerning the type  
11 of neglect necessary to adjudicate a child in need of aid under AS 47.10.

12 \* **Sec. 2.** AS 10.06.961(a) is amended to read:

13 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the  
14 property of the **child** [MINOR] under **AS 47.10.010** [AS 47.10.010(c)], when a **child**  
15 [MINOR] who is in the custody of this state under AS 47.10 or **a minor who is in the**  
16 **custody of this state under** AS 47.12 or of another state under a provision similar to  
17 AS 47.10 or AS 47.12 becomes entitled to receive dividends or other distributions  
18 resulting from the ownership of stock or a membership in a corporation organized  
19 under this chapter and under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement  
20 Act), the corporation paying the dividends or making the other distributions shall retain  
21 the dividends and other distributions in an interest bearing account for the benefit of  
22 the **child or** minor during the state custody.

23 \* **Sec. 3.** AS 11.41.100(a) is amended to read:

24 (a) A person commits the crime of murder in the first degree if

25 (1) with intent to cause the death of another person, the person

26 (A) causes the death of any person; or

27 (B) compels or induces any person to commit suicide through  
28 duress or deception; [OR]

29 (2) the person knowingly engages **in conduct directed toward**  
30 [ , UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO  
31 THE VALUE OF HUMAN LIFE, IN A PATTERN OR PRACTICE OF ASSAULT

1 OR TORTURE OF] a child under the age of 16, and [ONE OF THE ACTS OF  
 2 ASSAULT OR TORTURE RESULTS IN THE DEATH OF THE CHILD; FOR  
 3 PURPOSES OF THIS PARAGRAPH, A PERSON "ENGAGES IN A PATTERN OR  
 4 PRACTICE OF ASSAULT OR TORTURE" IF] the person recklessly or with  
 5 criminal negligence causes [INFLICTS] serious physical injury to the child by at least  
 6 two separate acts, and one of the acts results in the death of the child; or

7 (3) the person intentionally, knowingly, recklessly, or with criminal  
 8 negligence causes the death of a child under the age of 16 during the course of  
 9 committing or attempting to commit sexual assault in the first degree, sexual  
 10 abuse of a minor in the first degree, or kidnapping.

11 \* **Sec. 4.** AS 11.41.110(a) is amended to read:

12 (a) A person commits the crime of murder in the second degree if

13 (1) with intent to cause serious physical injury to another person or  
 14 knowing that the conduct is substantially certain to cause death or serious physical  
 15 injury to another person, the person causes the death of any person;

16 (2) the person knowingly engages in conduct that results in the death  
 17 of another person under circumstances manifesting an extreme indifference to the value  
 18 of human life;

19 (3) acting either alone or with one or more persons, the person commits  
 20 or attempts to commit arson in the first degree, kidnapping, sexual assault in the first  
 21 degree, sexual assault in the second degree, burglary in the first degree, escape in the  
 22 first or second degree, robbery in any degree, or misconduct involving a controlled  
 23 substance under AS 11.71.010(a), 11.71.020(a), 11.71.030(a)(1) or (2), or  
 24 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime, or in  
 25 immediate flight from that crime, any person causes the death of a person other than  
 26 one of the participants; [OR]

27 (4) acting with a criminal street gang, the person commits or attempts  
 28 to commit a crime that is a felony and, in the course of or in furtherance of that crime  
 29 or in immediate flight from that crime, any person causes the death of a person other  
 30 than one of the participants; or

31 (5) the person recklessly or with criminal negligence causes the

1 death of a child under the age of 16, and the person has been previously convicted  
 2 of a crime involving a child under the age of 16 that was

3 (A) in violation of AS 11.41;

4 (B) in violation of a law or ordinance in another jurisdiction  
 5 with elements similar to a crime under AS 11.41; or

6 (C) an attempt, a solicitation, or a conspiracy to commit the  
 7 crimes listed in (A) and (B) of this paragraph in violation of AS 11.41 or  
 8 of a law or ordinance in another jurisdiction with similar elements.

9 \* Sec. 5. AS 11.41.130(b) is amended to read:

10 (b) Criminally negligent homicide is a class **B** [C] felony.

11 \* Sec. 6. AS 11.41.300(a) is amended to read:

12 (a) A person commits the crime of kidnapping if

13 (1) the person restrains another with intent to

14 (A) hold the restrained person for ransom, reward, or other  
 15 payment;

16 (B) use the restrained person as a shield or hostage;

17 (C) inflict physical injury upon [OR SEXUALLY ASSAULT]  
 18 the restrained person or place the restrained person or a third person in  
 19 apprehension that any person will be subjected to serious physical injury [OR  
 20 SEXUAL ASSAULT];

21 (D) interfere with the performance of a governmental or  
 22 political function;

23 (E) facilitate the commission of a felony or flight after  
 24 commission of a felony; [OR]

25 (F) commit an offense in violation of AS 11.41.410 -  
 26 11.41.438 upon the restrained person or place the restrained person or a  
 27 third person in apprehension that any person will be subjected to an  
 28 offense in violation of AS 11.41.410 - 11.41.438; or

29 (2) the person restrains another

30 (A) by secreting and holding the restrained person in a place  
 31 where the restrained person is not likely to be found; or

1 (B) under circumstances which expose the restrained person to  
2 a substantial risk of serious physical injury.

3 \* **Sec. 7.** AS 11.41.300(d) is amended to read:

4 (d) In a prosecution for kidnapping, it is an affirmative defense which reduces  
5 the crime to a class A felony that the defendant voluntarily caused the release of the  
6 victim alive in a safe place before arrest, or within 24 hours after arrest, without  
7 having caused serious physical injury to the victim and without having engaged in  
8 conduct described in AS 11.41.410, [AS 11.41.410(a) OR] 11.41.420, 11.41.434, or  
9 11.41.436.

10 \* **Sec. 8.** AS 11.41 is amended by adding a new section to read:

11 **Sec. 11.41.458. Indecent exposure in the first degree.** (a) An offender  
12 commits the crime of indecent exposure in the first degree if

13 (1) the offender violates AS 11.41.460(a);

14 (2) while committing the act constituting the offense, the offender  
15 knowingly masturbates; and

16 (3) the offense occurs within the observation of a person under 16 years  
17 of age.

18 (b) Indecent exposure in the first degree is a class C felony.

19 \* **Sec. 9.** AS 11.41.460 is amended to read:

20 **Sec. 11.41.460. Indecent exposure in the second degree.** (a) An offender  
21 commits the crime of indecent exposure in the second degree if the offender  
22 knowingly [INTENTIONALLY] exposes the offender's genitals to another person with  
23 reckless disregard for the offensive, insulting, or frightening effect the act may have  
24 on that person.

25 (b) Indecent exposure in the second degree before a person under 16 years  
26 of age is a class A misdemeanor. Indecent exposure in the second degree before a  
27 person 16 years of age or older is a class B misdemeanor.

28 \* **Sec. 10.** AS 11.51.100 is repealed and reenacted to read:

29 **Sec. 11.51.100. Endangering the welfare of a child in the first degree.** (a)  
30 A person commits the crime of endangering the welfare of a child in the first degree  
31 if, being a parent, guardian, or other person legally charged with the care of a child

1 under 12 years of age, the person

2 (1) abandons the child in any place under circumstances creating a  
3 substantial risk of physical injury to the child;

4 (2) leaves the child with another person who is not a parent, guardian,  
5 or lawful custodian of the child, knowing that a third person at least 12 years old is  
6 not present, and the other person

7 (A) is registered or required to register as a sex offender under  
8 AS 12.63 or a law or ordinance in another jurisdiction with similar elements;

9 (B) has been charged by complaint, information, or indictment  
10 with a violation of AS 11.41.410 - 11.41.455 or a law or ordinance in another  
11 jurisdiction with similar elements; or

12 (C) has been charged by complaint, information, or indictment  
13 with an attempt, solicitation, or conspiracy to commit a crime described in (B)  
14 of this paragraph; or

15 (3) leaves the child with another person who has previously physically  
16 mistreated or had sexual contact with the child, knowing that a third person at least 12  
17 years old is not present, and the other person causes physical injury or engages in  
18 sexual contact with the child.

19 (b) Endangering the welfare of a child in the first degree under (a)(1) or (2)  
20 of this section is a class C felony.

21 (c) Endangering the welfare of a child in the first degree under (a)(3) of this  
22 section is a

23 (1) class B felony if the child dies;

24 (2) class C felony if the child suffers serious physical injury or sexual  
25 contact; or

26 (3) class A misdemeanor if the child suffers physical injury.

27 (d) In this section, "physically mistreated" means

28 (1) having committed an act punishable under AS 11.41.100 -  
29 11.41.250; or

30 (2) having applied force to a child that, under the circumstances in  
31 which it was applied, or considering the age or physical condition of the child,

1 constitutes a gross deviation from the standard of conduct that a reasonable person  
 2 would observe in the situation because of the substantial and unjustifiable risk of (A)  
 3 death; (B) serious or protracted disfigurement; (C) protracted impairment of health; (D)  
 4 loss or impairment of the function of a body member or organ; (E) substantial skin  
 5 bruising, burning, or other skin injury; (F) internal bleeding or subdural hematoma; (G)  
 6 bone fracture; or (H) prolonged or extreme pain, swelling, or injury to soft tissue.

7 \* **Sec. 11.** AS 11.51 is amended by adding new sections to read:

8 **Sec. 11.51.110. Endangering the welfare of a child in the second degree.**

9 (a) A person commits the crime of endangering the welfare of a child in the second  
 10 degree if, being a parent, guardian, or other person legally charged with the care of a  
 11 child under six years of age, the person

12 (1) while caring for the child, knowingly possesses a controlled  
 13 substance that is not prescribed by a licensed health care practitioner;

14 (2) while caring for the child, is incapacitated by alcohol or a  
 15 controlled substance, and a third person, who is at least 12 years old and not  
 16 incapacitated by alcohol or a controlled substance, is not present to care for the child;  
 17 or

18 (3) leaves the child unattended for two hours or more.

19 (b) In this section,

20 (1) "incapacitated by alcohol or a controlled substance" means that a  
 21 person, as result of alcohol or a controlled substance, or both, is unconscious or the  
 22 person's judgment is so impaired that the person is incapable of making rational  
 23 decisions with respect to the basic safety or personal needs of a child under the age  
 24 of six;

25 (2) "unattended" means circumstances in which a child is unable,  
 26 through ordinary means available to the child, to quickly and easily contact a person  
 27 at least eight years old.

28 (c) Endangering the welfare of a child in the second degree is a violation.

29 **Sec. 11.51.115. Criminal nonsupport in the first degree.** (a) A person  
 30 commits the crime of criminal nonsupport in the first degree if,

31 (1) after administrative or court proceedings for a determination of an

1 obligation for child support are initiated involving the person, the person knowingly  
 2 conveys assets, property, or any thing of value to another person in order to avoid  
 3 payment of child support that may be ordered or has been ordered by the  
 4 administrative agency or court; or

5 (2) the person is an obligor under a support order for a child under  
 6 AS 25.27 and without lawful excuse fails to pay child support of an amount over  
 7 \$10,000.

8 (b) In this section, "support order" has the meaning given in AS 25.27.900.

9 (c) Criminal nonsupport in the first degree is a class C felony.

10 \* **Sec. 12.** AS 11.51.120 is amended to read:

11 **Sec. 11.51.120. Criminal nonsupport in the second degree.** (a) A person  
 12 commits the crime of criminal nonsupport **in the second degree** if, being a person  
 13 legally charged with the support of a child under 18 years of age, the person fails  
 14 without lawful excuse to provide support for the child.

15 (b) As used in this section "support" includes necessary food, care, clothing,  
 16 shelter, medical attention, **support payments ordered by an administrative agency**  
 17 **or court,** and education. There is no failure to provide medical attention to a child  
 18 if the child is provided treatment solely by spiritual means through prayer in  
 19 accordance with the tenets and practices of a recognized church or religious  
 20 denomination by an accredited practitioner of the church or denomination.

21 (c) Criminal nonsupport **in the second degree** is a class A misdemeanor.

22 \* **Sec. 13.** AS 12.55.125(c) is amended to read:

23 (c) A defendant convicted of a class A felony may be sentenced to a definite  
 24 term of imprisonment of not more than 20 years, and shall be sentenced to the  
 25 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -  
 26 12.55.175:

27 (1) if the offense is a first felony conviction and does not involve  
 28 circumstances described in (2) of this subsection, five years;

29 (2) if the offense is a first felony conviction [,]

30 **(A)** other than for manslaughter [,] and the defendant possessed  
 31 a firearm, used a dangerous instrument, or caused serious physical injury during

1 the commission of the offense, or knowingly directed the conduct constituting  
 2 the offense at a uniformed or otherwise clearly identified peace officer,  
 3 firefighter, correctional employee, emergency medical technician, paramedic,  
 4 ambulance attendant, or other emergency responder who was engaged in the  
 5 performance of official duties at the time of the offense, seven years;

6 **(B) for manslaughter and the victim is a child under the age**  
 7 **of 16, seven years;**

8 (3) if the offense is a second felony conviction, 10 years;

9 (4) if the offense is a third felony conviction and the defendant is not  
 10 subject to sentencing under (l) of this section, 15 years.

11 \* **Sec. 14.** AS 12.55.125(k) is amended to read:

12 (k) A first felony offender convicted of an offense for which a presumptive  
 13 term of imprisonment is not specified under this section

14 **(1) may be sentenced to a term of unsuspended imprisonment that**  
 15 **exceeds the presumptive term for a second or third felony offender convicted of**  
 16 **the same crime if the offender is convicted of criminally negligent homicide and**  
 17 **the victim is a child under the age of 16;**

18 **(2) except as provided in (1) of this subsection,** may not be sentenced  
 19 to a term of unsuspended imprisonment that exceeds the presumptive term for a second  
 20 felony offender convicted of the same crime unless the court finds by clear and  
 21 convincing evidence that an aggravating factor under AS 12.55.155(c) is present, or  
 22 that circumstances exist that would warrant a referral to the three-judge panel under  
 23 AS 12.55.165.

24 \* **Sec. 15.** AS 12.63.010(a) is amended to read:

25 (a) A sex offender who is physically present in the state shall register as  
 26 provided in this section. The sex offender shall register within

27 (1) **the 30-day period before** [SEVEN DAYS OF] release from an in-  
 28 state correctional facility;

29 (2) **three** [SEVEN] days of conviction for a sex offense if the sex  
 30 offender is not sentenced to a term of incarceration; or

31 (3) **seven** [14] days of becoming physically present in the state, except

1 the sex offender shall register within **three** [SEVEN] days of becoming physically  
 2 present in the state if the sex offender

3 (A) is a probationer or parolee being supervised by the state as  
 4 the receiving state under AS 33.36.110 - 33.36.120; or

5 (B) has been released from an out-of-state correctional facility  
 6 where the sex offender was serving a term of incarceration for a sex offense  
 7 conviction in this state.

8 \* **Sec. 16.** AS 12.63.010(b) is amended to read:

9 (b) A sex offender required to register under **(a)(1)** [(a)] of this section shall  
 10 register **at the in-state correctional facility in which the offender is incarcerated.**  
 11 **If the sex offender is required to register under (a)(2) or (3) of this section, the**  
 12 **sex offender shall register** in person at the Alaska state trooper post or municipal  
 13 police department located nearest to where the sex offender resides at the time of  
 14 registration. To fulfill the registration requirement, the sex offender shall

15 (1) complete a registration form that includes, at a minimum, the sex  
 16 offender's name, address, place of employment, date of birth, each conviction for a sex  
 17 offense for which the duty to register has not terminated under AS 12.63.020, date of  
 18 sex offense convictions, place and court of sex offense convictions, all aliases used,  
 19 and driver's license number;

20 (2) allow the **correctional facility**, Alaska state troopers, or municipal  
 21 police to take a complete set of the sex offender's fingerprints and to take the sex  
 22 offender's photograph.

23 \* **Sec. 17.** AS 12.65.005(a) is amended to read:

24 (a) Unless the person has reasonable grounds to believe that notice has already  
 25 been given, a person who attends a death or has knowledge of a death, in addition to  
 26 notifying a peace officer, shall immediately notify the state medical examiner when the  
 27 death appears to have

28 (1) been caused by unknown or criminal means, during the commission  
 29 of a crime, or by suicide, accident, or poisoning;

30 (2) occurred under suspicious or unusual circumstances or occurred  
 31 suddenly when the decedent was in apparent good health;

1 (3) been unattended by a practicing physician or occurred less than 24  
2 hours after the deceased was admitted to a medical facility;

3 (4) been associated with a diagnostic or therapeutic procedure;

4 (5) resulted from a disease that constitutes a threat to public health;

5 (6) been caused by a disease, injury, or toxic agent resulting from  
6 employment;

7 (7) occurred in a jail or corrections facility owned or operated by the  
8 state or a political subdivision of the state or in a facility for the placement of persons  
9 in the custody or under the supervision of the state;

10 (8) occurred in a foster home;

11 (9) occurred in a mental institution or mental health treatment facility;

12 [OR]

13 (10) occurred while the deceased was in the custody of, or was being  
14 taken into the custody of, the state or a political subdivision of the state or a public  
15 officer or agent of the state or a political subdivision of the state; or

16 (11) been of a child under 18 years of age or under the legal  
17 custody of the Department of Health and Social Services subject to the  
18 jurisdiction of AS 47.10 or AS 47.12, unless the

19 (A) child's death resulted from a natural disease process and  
20 was medically expected; and

21 (B) the child was under medical care during the 24 hours  
22 before the death.

23 \* **Sec. 18.** AS 12.65.015 is amended by adding a new subsection to read:

24 (e) The state medical examiner may appoint local, regional, and district child  
25 fatality review teams to assist local, regional, and district medical examiners in  
26 determining the cause and manner of deaths of children under 18 years of age. If a  
27 team is appointed under this section, the team shall have the same access to  
28 information, confidentiality requirements, and immunity as provided to the state child  
29 fatality review team under AS 12.65.140. A meeting of a team appointed under this  
30 subsection is closed to the public and not subject to the provisions of AS 44.62.310 -  
31 44.62.312. A review by a local, regional, or district child fatality review team does

1 not relieve the state child fatality review team under AS 12.65.120 of the responsibility  
 2 for reviewing these deaths under AS 12.65.130. A person appointed to a local,  
 3 regional, or district child fatality review team is not eligible to receive compensation  
 4 from the state for service on the team, but the person is eligible for travel and per  
 5 diem from the Department of Health and Social Services under AS 39.20.180. A  
 6 person appointed to a team under this subsection serves at the pleasure of the state  
 7 medical examiner.

8 \* **Sec. 19.** AS 12.65 is amended by adding new sections to read:

9 **Sec. 12.65.120. State child fatality review team.** (a) The state child fatality  
 10 review team is established in the Department of Health and Social Services to assist  
 11 the state medical examiner. The team is composed of

12 (1) the following persons, or that person's designee:

13 (A) the state medical examiner;

14 (B) a state prosecutor with experience in homicide prosecutions,  
 15 appointed by the attorney general;

16 (C) an investigator with the state troopers who has experience  
 17 in conducting investigations of homicide, child abuse, or child neglect,  
 18 appointed by the commissioner of public safety;

19 (D) a social worker with the Department of Health and Social  
 20 Services who has experience in conducting investigations of child abuse and  
 21 neglect, appointed by the commissioner of health and social services;

22 (2) the following persons, or that person's designee, appointed by the  
 23 commissioner of health and social services:

24 (A) a physician licensed under AS 08.64 who

25 (i) specializes in neonatology or perinatology; or

26 (ii) is certified by the American Board of Pediatrics;

27 (B) a municipal law enforcement officer with experience in  
 28 conducting investigations of homicide, child abuse, or child neglect;

29 (C) other persons whose experience and expertise would, as  
 30 determined by the commissioner of health and social services, contribute to the  
 31 effectiveness of the team.

1 (b) A team member is not eligible to receive compensation from the state for  
2 service on the team. A member appointed under (a)(2) of this section

3 (1) is eligible for travel and per diem from the Department of Health  
4 and Social Services under AS 39.20.180; and

5 (2) serves at the pleasure of the commissioner of health and social  
6 services.

7 (c) In addition to the persons specified in (a) and (b) of this section, the team  
8 may invite a person to participate as a member of the team if the person has expertise  
9 that would be helpful to the team in a review of a specific death. A person  
10 participating under this subsection is eligible only for travel and per diem from the  
11 Department of Health and Social Services under AS 39.20.180.

12 (d) The state medical examiner serves as chair of the team.

13 **Sec. 12.65.130. State child fatality review team duties.** (a) The state child  
14 fatality review team shall

15 (1) assist the state medical examiner in determining the cause and  
16 manner of the deaths in this state of children under the age of 18 years;

17 (2) unless the child's death is currently being investigated by law  
18 enforcement, review any report of a death of a child within 48 hours of the report  
19 being received by the medical examiner if

20 (A) the death is of a child under the age of 10 years;

21 (B) the deceased child, a sibling, or a member of the deceased  
22 child's household

23 (i) is in the legal or physical custody of the state under  
24 AS 47, or under similar custody of another state or political subdivision  
25 of a state; or

26 (ii) has been the subject of a report of harm under  
27 AS 47.17, or a child abuse or neglect investigation by the Department  
28 of Health and Social Services or by a similar child protective service in  
29 this or another state;

30 (C) a protective order under AS 18.66.100 or 18.66.110 has  
31 been in effect during the previous year in which the petitioner or respondent

1 was a member of the deceased child's immediate family or household; or

2 (D) the child's death occurred in a mental health institution,  
3 mental health treatment facility, foster home, or other residential or child care  
4 facility, including a day care facility;

5 (3) review records concerning

6 (A) abuse or neglect of the deceased child or another child in  
7 the deceased child's household;

8 (B) the criminal history or juvenile delinquency of a person who  
9 may have caused the death of the child and of persons in the deceased child's  
10 household; and

11 (C) a history of domestic violence involving a person who may  
12 have caused the death of the child or involving persons in the deceased child's  
13 household, including records in the central registry of protective orders under  
14 AS 18.65.540;

15 (4) if insufficient information exists to adequately determine the cause  
16 and manner of death, recommend to the state medical examiner that additional  
17 information be obtained under AS 12.65.020; and

18 (5) if a local, regional, or district child fatality review team has not  
19 been appointed under AS 12.65.015 or is not available, be available to provide  
20 recommendations, suggestions, and advice to state or municipal law enforcement or  
21 social service agencies in the investigation of deaths of children.

22 (b) The state child fatality review team may

23 (1) collect data and analyze and interpret information regarding deaths  
24 of children in this state;

25 (2) develop state and local data bases on deaths of children in this state;

26 (3) develop a model protocol for the investigation of deaths of children;

27 and

28 (4) periodically issue reports to the public containing statistical data and  
29 other information that does not violate federal or state law concerning confidentiality  
30 of the children and their families involved in the reviews; these reports may include

31 (A) identification of trends, patterns, and risk factors in deaths

1 of the children;

2 (B) analysis on the incidence and causes of deaths of children  
3 in this state;

4 (C) recommendations for improving the coordination of  
5 government services and investigations; and

6 (D) recommendations for prevention of future deaths of  
7 children.

8 **Sec. 12.65.140. Records; information; meetings; confidentiality; immunity.**

9 (a) The state child fatality review team and its members shall have access to all  
10 information and records to which the state medical examiner has access under this  
11 chapter. The state child fatality review team and its members shall maintain the  
12 confidentiality of information and records concerning deaths under review, except  
13 when disclosures may be necessary to enable the team to carry out its duties under this  
14 chapter. However, the team and its members may not disclose a record that is  
15 confidential under federal or state law.

16 (b) Except for public reports issued by the team, records and other information  
17 collected by the team or a member of the team related to duties under this chapter are  
18 confidential and not subject to public disclosure under AS 09.25.100 - 09.25.220.

19 (c) Meetings of the state child fatality review team are closed to the public and  
20 are not subject to the provisions of AS 44.62.310 - 44.62.312.

21 (d) The determinations, conclusions, and recommendations of the state child  
22 fatality review team, or its members, are not admissible in any civil or criminal  
23 proceeding. Members may not be compelled to disclose their determinations,  
24 conclusions, recommendations, discussions, or thought processes through discovery or  
25 testimony in any civil or criminal proceeding. Records and information collected by  
26 the state child fatality review team are not subject to discovery or subpoena in  
27 connection with a civil or criminal proceeding.

28 (e) Notwithstanding (d) of this section, the state medical examiner may testify  
29 in a civil or criminal proceeding even though the death was reviewed by the state child  
30 fatality review team under AS 12.65.130 and information received from the review  
31 formed a basis of the state medical examiner's testimony.

1 (f) A person who is a member or an employee of, or who furnishes services  
 2 to or advises the state child fatality review team, is not liable for damages or other  
 3 relief in an action brought by reason of the performance of a duty, a function, or an  
 4 activity of the review team.

5 \* **Sec. 20.** AS 14.20.020(f) is amended to read:

6 (f) **The** [EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,  
 7 THE] department may not issue a teacher certificate to a person who has been  
 8 convicted of a crime involving a minor under AS 11.41.434 - 11.41.440, 11.41.455,  
 9 **11.41.458**, or 11.41.460, or under a law in another jurisdiction with elements  
 10 substantially similar to an offense described in AS 11.41.434 - 11.41.440, 11.41.455,  
 11 **11.41.458**, or 11.41.460, **or that is an attempt, solicitation, or conspiracy to commit**  
 12 **a crime described in this subsection or a law or ordinance in another jurisdiction**  
 13 **with similar elements.** [WHEN FIVE YEARS HAVE ELAPSED AFTER A  
 14 PERSON HAS RECEIVED AN UNCONDITIONAL DISCHARGE FOR A  
 15 CONVICTION OF A CRIME LISTED IN THIS SUBSECTION, THE PERSON MAY  
 16 PETITION THE DEPARTMENT TO ISSUE THE CERTIFICATE IN SPITE OF THE  
 17 CONVICTION IF THE PERSON OTHERWISE SATISFIES THE REQUIREMENTS  
 18 FOR THE CERTIFICATE. WHEN DECIDING WHETHER TO GRANT OR DENY  
 19 THE PETITION, THE DEPARTMENT SHALL CONSIDER THE NATURE OF THE  
 20 PARTICULAR CRIME, WHETHER AND TO WHAT EXTENT THE PERSON HAS  
 21 BEEN REHABILITATED, AND THE OTHER FACTORS THAT THE  
 22 DEPARTMENT DETERMINES ARE SIGNIFICANT.]

23 \* **Sec. 21.** AS 14.20.030(b) is amended to read:

24 (b) **Upon receipt of a judgment of conviction, the department** [THE  
 25 COMMISSIONER OR THE PROFESSIONAL TEACHING PRACTICES  
 26 COMMISSION] shall revoke, **effective immediately, permanently** [FOR LIFE] the  
 27 certificate of a person who has been convicted of a crime involving a minor under  
 28 AS 11.41.434 - 11.41.440, 11.41.455, **11.41.458**, or 11.41.460, or under a law in  
 29 another jurisdiction with elements substantially similar to an offense described in  
 30 AS 11.41.434 - 11.41.440, 11.41.455, **11.41.458**, or 11.41.460, **or that is an attempt,**  
 31 **solicitation, or conspiracy to commit a crime described in this subsection or a law**

1 **or ordinance in another jurisdiction with similar elements. If the judgment of**  
 2 **conviction is reversed on appeal, and the person is otherwise eligible for licensure,**  
 3 **the department shall reinstate the license.** [WHEN FIVE YEARS HAVE ELAPSED  
 4 AFTER THE PERSON HAS RECEIVED AN UNCONDITIONAL DISCHARGE FOR  
 5 THE CONVICTION, THE PERSON MAY PETITION THE COMMISSION FOR  
 6 RECERTIFICATION. WHEN DECIDING WHETHER TO GRANT OR DENY THE  
 7 PETITION, THE COMMISSION SHALL CONSIDER THE NATURE OF THE  
 8 PARTICULAR CRIME, WHETHER AND TO WHAT EXTENT THE PERSON HAS  
 9 BEEN REHABILITATED, AND THE OTHER FACTORS THAT THE  
 10 COMMISSION DETERMINES ARE SIGNIFICANT.]

11 \* **Sec. 22.** AS 18.65.087(a) is amended to read:

12 (a) The Department of Public Safety shall maintain a central registry of sex  
 13 offenders required to register under AS 12.63.010 and shall adopt regulations necessary  
 14 to carry out the purposes of this section and AS 12.63. A post of the Alaska state  
 15 troopers, [OR] a municipal police department, **or the Department of Corrections** that  
 16 receives information under AS 12.63.010 shall forward the information within five  
 17 working days of receipt to the central registry of sex offenders.

18 \* **Sec. 23.** AS 22.15.100 is amended to read:

19 **Sec. 22.15.100. Functions and powers of district judge and magistrate.**

20 Each district judge and magistrate has the power

21 (1) to issue writs of habeas corpus for the purpose of inquiring into the  
 22 cause of restraint of liberty, returnable before a judge of the superior court, and the  
 23 same proceedings shall be had on the writ as if it had been granted by the superior  
 24 court judge under the laws of the state in such cases;

25 (2) of a notary public;

26 (3) to solemnize marriages;

27 (4) to issue warrants of arrest, summons, and search warrants according  
 28 to manner and procedure prescribed by law and the supreme court;

29 (5) to act as an examining judge or magistrate in preliminary  
 30 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the  
 31 release of defendants under bail;

1 (6) to act as a referee in matters and actions referred to the judge or  
2 magistrate by the superior court, with all powers conferred upon referees by laws;

3 (7) of the superior court in all respects including [BUT NOT LIMITED  
4 TO] contempts, attendance of witnesses, and bench warrants;

5 (8) to order the temporary detention of a minor, or take other action  
6 authorized by law or rules of procedure, in cases arising under **AS 47.10**  
7 [AS 47.10.010 - 47.10.142] or AS 47.12, when the **child** [MINOR] is in a condition  
8 or surrounding dangerous or injurious to the welfare of the **child** [MINOR] or others  
9 that requires immediate action; the action may be continued in effect until reviewed  
10 by the superior court in accordance with rules of procedure governing these cases;

11 (9) to issue a protective order in cases involving domestic violence as  
12 provided in AS 18.66.100 - 18.66.180;

13 (10) to review an administrative revocation of a person's driver's  
14 license or nonresident privilege to drive, and an administrative refusal to issue an  
15 original license, when designated as a hearing officer by the commissioner of  
16 administration and with the consent of the administrative director of the state court  
17 system;

18 (11) to establish the fact of death or inquire into the death of a person  
19 in the manner prescribed under AS 09.55.020 - 09.55.069.

20 \* **Sec. 24.** AS 33.30.012(a) is amended to read:

21 (a) **Within the 30 days** [AT THE EARLIEST POSSIBLE DATE, AND IN  
22 NO EVENT LATER THAN 10 DAYS] before release, the commissioner shall  
23 complete the registration of **a** [THE] sex offender **being released as provided in**  
24 **AS 12.63.010(a)(1)** and send written notice of release, parole, community placement,  
25 work release placement, or furlough of a specific inmate convicted of a sex offense  
26 to[:]

27 (1) the chief of police of the community, if any, in which the inmate  
28 will reside;

29 (2) the Alaska state trooper post located nearest to where the inmate  
30 will reside; and

31 (3) the village public safety officer of the rural community without a

1 municipal police department or Alaska state trooper post in which the inmate will  
2 reside.

3 \* **Sec. 25.** AS 47.05 is amended by adding a new section to read:

4 **Sec. 47.05.090. Authorization of the Interstate Compact on Adoption and**  
5 **Medical Assistance.** (a) The Department of Health and Social Services is authorized  
6 to enter into on behalf of the state the Interstate Compact on Adoption and Medical  
7 Assistance and supplementary agreement with agencies of other states for the provision  
8 of adoption and medical assistance under AS 47.07 and other provisions of this title  
9 for eligible children with special needs.

10 (b) In this section, "state" includes a state, territory, possession, or  
11 commonwealth of the United States.

12 \* **Sec. 26.** AS 47.10 is amended by adding a new section to read:

13 **Sec. 47.10.005. Construction.** The provisions of this chapter shall be liberally  
14 construed to the end that a child coming within the jurisdiction of the court under this  
15 chapter may receive the care, guidance, treatment, and control that will promote the  
16 child's welfare.

17 \* **Sec. 27.** AS 47.10.010 is repealed and reenacted to read:

18 **Sec. 47.10.010. Jurisdiction.** (a) Proceedings relating to a child under 18  
19 years of age residing or found in the state are governed by this chapter, except as  
20 otherwise provided in this chapter, when the child is alleged to be or may be  
21 determined by the court to be a child in need of aid under AS 47.10.011.

22 (b) In a controversy concerning custody of a child under this chapter, the court  
23 may appoint a guardian of the person and property of a child and may order support  
24 from either or both parents. Custody of a child may be given to the department, and  
25 payment of support money to the department may be ordered.

26 \* **Sec. 28.** AS 47.10 is amended by adding new sections to read:

27 **Sec. 47.10.011. Children in need of aid.** The court may find a child to be  
28 a child in need of aid if it finds by a preponderance of the evidence that the child has  
29 been subjected to any of the following:

30 (1) the parent or guardian has abandoned the child as described in  
31 AS 47.10.013;

1 (2) a parent, guardian, or custodian has been incarcerated for domestic  
2 violence, or a parent, guardian, or custodian who has been incarcerated for reasons not  
3 related to domestic violence has not arranged for safe and appropriate care for the  
4 child;

5 (3) a custodian with whom the child has been left is unwilling or  
6 unable to provide care, supervision, or support for the child, and the whereabouts of  
7 the parent or guardian is unknown;

8 (4) the child is habitually absent from home or refuses to accept  
9 available care and the child's conduct threatens the child's physical or emotional health  
10 or safety;

11 (5) the child is in need of medical treatment to cure, alleviate, or  
12 prevent physical harm, or is in need of treatment for emotional harm as evidenced by  
13 observable impairment in the child's functioning or development, including failure to  
14 thrive, extreme anxiety, depression, withdrawal, or aggressive or hostile behavior  
15 toward self or others, and the child's parent, guardian, or custodian has knowingly  
16 failed to provide the treatment;

17 (6) the child has suffered physical harm or there is a substantial risk  
18 that the child will suffer physical harm, as a result of conduct by or conditions created  
19 by the child's parent, guardian, or custodian or by the failure of the parent, guardian,  
20 or custodian adequately to supervise the child;

21 (7) the child has suffered sexual abuse, or there is a substantial risk that  
22 the child will suffer sexual abuse, as a result of conduct by or conditions created by  
23 the child's parent, guardian, or custodian or by the failure of the parent, guardian, or  
24 custodian to adequately supervise the child; if a parent, guardian, or custodian has  
25 actual notice that a person has been convicted of a sex offense against a minor within  
26 the past 15 years, is registered or required to register as a sex offender under  
27 AS 12.63, or is under investigation for a sex offense against a minor, and the parent,  
28 guardian, or custodian subsequently allows a child to be left with that person, this  
29 conduct constitutes prima facie evidence that the child is at substantial risk of being  
30 sexually abused;

31 (8) conduct by or conditions created by the parent, guardian, or

1           custodian have resulted in emotional harm to the child as may be indicated by  
2           observable impairment in the child's functioning or development, including failure to  
3           thrive, extreme anxiety, depression, withdrawal, or aggressive or hostile behavior  
4           toward self or others; exposure to domestic violence is prima facie evidence of  
5           emotional harm to the child;

6                       (9) conduct by or conditions created by the parent, guardian, or  
7           custodian have subjected the child or another child in the same household to neglect;

8                       (10) the parent, guardian, or custodian's ability to parent has been  
9           substantially impaired by the addictive or habitual use of intoxicants or controlled  
10          substances; the resumption of use of intoxicants or of a controlled substance as  
11          described in this paragraph by a parent, guardian, or custodian, after rehabilitation or  
12          a period of abstinence, is prima facie evidence that the ability to parent is substantially  
13          impaired as described in this paragraph;

14                      (11) the parent, guardian, or custodian has a mental illness, serious  
15          emotional disturbance, or mental deficiency of such nature and duration as to render  
16          the parent, guardian, or custodian incapable of providing proper care for the child for  
17          extended periods of time;

18                      (12) the child has committed an illegal act as a result of pressure,  
19          guidance, or approval from the child's parent, guardian, or custodian.

20                      **Sec. 47.10.013. Abandonment.** For purposes of this chapter, the court may  
21          find abandonment of a child if a parent or guardian has consciously disregarded  
22          parental responsibilities toward the child. Abandonment of a child includes the  
23          following instances when the parent or guardian without justifiable cause

24                               (1) left the child with another person without provision for the child's  
25          support and without meaningful communication with the child for a period of

26                                       (A) one month if the child was under one year of age at the  
27          time of the commencement of the one-month period;

28                                       (B) three months if the child was under six years of age at the  
29          commencement of the three-month period; or

30                                       (C) six months if the child was six years of age or older at the  
31          commencement of the six-month period;

1 (2) by conduct or omission shows a conscious disregard of parental  
2 responsibilities, including

3 (A) failure, for a period of at least six months, to maintain  
4 regular visitation with the child;

5 (B) failure to participate in any plan or program designed to  
6 reunite the parent or guardian with the child, including the failure to actively  
7 participate in family support services;

8 (C) leaving the child without affording means of identifying the  
9 child and the child's parent or guardian;

10 (D) failure to respond to notice of child protective proceedings;

11 (E) unwillingness of the parent or guardian to provide care,  
12 support, or supervision for the child for any length of time; or

13 (F) any other conduct indicating a conscious disregard of  
14 parental responsibilities; or

15 (3) is absent and the absence creates a risk of serious harm to the child.

16 **Sec. 47.10.015. Neglect.** For purposes of this chapter, the court may find  
17 neglect of a child if the parent, guardian, or custodian fails to provide the child with  
18 adequate food, clothing, shelter, education, medical attention, or other care and control  
19 necessary for the child's physical, mental, and emotional health and development,  
20 though financially able to do so or offered financial or other reasonable means to do  
21 so. Neglect includes conduct by a parent, guardian, or custodian described in  
22 AS 11.51.100 - 11.51.130.

23 **Sec. 47.10.017. Physical harm.** For the purposes of this chapter, the court  
24 may find physical harm or substantial risk of physical harm of a child if either of the  
25 following occurs:

26 (1) the child was the victim of an act described in AS 11.41.100 -  
27 11.41.250, 11.41.300, 11.41.410 - 11.41.455, or AS 11.51.100 and the physical harm  
28 occurred as a result of conduct by or conditions created by a parent, guardian, or  
29 custodian; or

30 (2) an act or omission by a parent, guardian, or custodian creates a  
31 substantial risk of injury to the child.

1 \* **Sec. 29.** AS 47.10.020(a) is amended to read:

2 (a) Whenever circumstances subject a **child** [MINOR] to the jurisdiction of **the**  
3 **court under AS 47.10.005 - 47.10.142** [AS 47.10.010 - 47.10.142], the court shall  
4 appoint a competent person or **state** agency to make a preliminary inquiry and report  
5 for the information of the court to determine whether the **best** interests of the **child**  
6 [MINOR] require that further action be taken. **If** [; IF], under this subsection, the  
7 court appoints a person or **state** agency to make a preliminary inquiry and to report  
8 to it, then upon the receipt of the report, the court may

9 (1) **close** [INFORMALLY ADJUST] the matter without a **court**  
10 hearing;

11 (2) **determine whether the best interests of the child require that**  
12 **further action be taken;** [,] or

13 (3) [IT MAY] authorize the person **or state agency** having knowledge  
14 of the facts of the case to file with the court a petition setting out the facts [; IF THE  
15 COURT INFORMALLY ADJUSTS THE MATTER, THE MINOR MAY NOT BE  
16 DETAINED OR TAKEN INTO THE CUSTODY OF THE COURT AS A  
17 CONDITION OF THE ADJUSTMENT, AND THE MATTER SHALL BE CLOSED  
18 BY THE COURT UPON ADJUSTMENT].

19 \* **Sec. 30.** AS 47.10.020(b) is amended to read:

20 (b) The petition and all subsequent pleadings shall be styled as follows: "In  
21 the matter of . . . . ., a **child** [MINOR] under 18 years of  
22 age." The petition may be executed upon the petitioner's information and belief, and  
23 must be verified. It must include the following information:

24 (1) the name, address, and occupation of the petitioner, together with  
25 the petitioner's relationship to the **child** [MINOR], and the petitioner's interest in the  
26 matter;

27 (2) the name, age, and address of the **child** [MINOR];

28 (3) a brief statement of the facts that bring the **child** [MINOR] within  
29 this chapter;

30 (4) the names and addresses of the **child's** [MINOR'S] parents;

31 (5) **the tribal affiliation, if any, of the child;**

1                   (6) the name and address of the **child's** [MINOR'S] guardian, or of the  
2                   person having control or custody of the **child** [MINOR].

3 \* **Sec. 31.** AS 47.10.050(a) is amended to read:

4                   (a) Whenever in the course of proceedings instituted under this chapter it  
5                   appears to the court that the welfare of a **child** [MINOR] will be promoted by the  
6                   appointment of an attorney to represent the **child** [MINOR OR AN ATTORNEY OR  
7                   OTHER PERSON TO SERVE AS GUARDIAN AD LITEM], the court may make the  
8                   appointment. **If it appears to the court that the welfare of a child in the**  
9                   **proceeding will be promoted by the appointment of an attorney or other person**  
10                  **to serve as guardian ad litem, the court shall make the appointment.** Appointment  
11                  of a guardian ad litem or attorney shall be made under the terms of AS 25.24.310.

12 \* **Sec. 32.** AS 47.10.070 is amended by adding a new subsection to read:

13                  (c) The court shall provide the foster parents of a child or any relative  
14                  providing out-of-home care for the child with notice of, and an opportunity to be heard  
15                  in any hearing to be held with respect to the child. The court may limit the presence  
16                  of these persons at any hearing to the time during which their testimony is being  
17                  given, if it is in the best interests of the child or protects the privacy interests of the  
18                  parties without detriment to the child. This subsection may not be construed to require  
19                  that these persons be made a party to the proceeding.

20 \* **Sec. 33.** AS 47.10.080(a) is amended to read:

21                  (a) **An adjudication hearing shall be completed within 120 days after a**  
22                  **finding of probable cause is entered unless the court finds good cause to continue**  
23                  **the hearing.** The court, at the conclusion of the hearing, or thereafter as the  
24                  circumstances of the case may require, shall find and enter a judgment that the **child**  
25                  [MINOR] is or is not a child in need of aid.

26 \* **Sec. 34.** AS 47.10.080(c) is amended to read:

27                  (c) If the court finds that the **child** [MINOR] is a child in need of aid, it shall  
28                  (1) order the **child** [MINOR] committed to the department for  
29                  placement in an appropriate setting for a period of time not to exceed two years or in  
30                  any event past the date the **child** [MINOR] becomes 19 years of age, except that the  
31                  department **or guardian ad litem** may petition for and the court may grant in a

1 hearing (A) two-year extensions of commitment that do not extend beyond the **child's**  
 2 [MINOR'S] 19th birthday if the extension is in the best interests of the **child**  
 3 [MINOR]; and (B) an additional one-year period of **custody** [SUPERVISION] past age  
 4 19 if the continued **custody** [SUPERVISION] is in the best interests of the person and  
 5 the person consents to it; the department may transfer the **child** [MINOR], in the  
 6 **child's** [MINOR'S] best interests, from one placement setting to another, and the **child**  
 7 [MINOR], the **child's** [MINOR'S] parents or guardian, **the child's guardian ad litem,**  
 8 [AND] the **child's** [MINOR'S] attorney, **and the child's tribe, if any,** are entitled to  
 9 reasonable notice of the transfer; **in a non-emergency transfer, a person listed in**  
 10 **this paragraph shall receive advance notice of the transfer, if possible; if a person**  
 11 **listed in this paragraph is opposed to the transfer, the person may petition the**  
 12 **court for a hearing and must prove an abuse of discretion by the department for**  
 13 **the court to deny the transfer;**

14 (2) order the **child** [MINOR] released to the **child's** [MINOR'S]  
 15 parents, guardian, or some other suitable person, and, in appropriate cases, order the  
 16 parents, guardian, or other person to provide medical or other care and treatment; if  
 17 the court releases the **child** [MINOR], it shall direct the department to supervise the  
 18 care and treatment given to the **child** [MINOR], but the court may dispense with the  
 19 department's supervision if the court finds that the adult to whom the **child** [MINOR]  
 20 is released will adequately care for the **child** [MINOR] without supervision; the  
 21 department's supervision may not exceed two years or in any event extend past the  
 22 date the **child** [MINOR] reaches age 19, except that the department **or guardian ad**  
 23 **litem** may petition for and the court may grant in a hearing

24 (A) two-year extensions of supervision that do not extend  
 25 beyond the **child's** [MINOR'S] 19th birthday if the extension is in the best  
 26 interests of the **child** [MINOR]; and

27 (B) an additional one-year period of supervision past age 19 if  
 28 the continued supervision is in the best interests of the person and the person  
 29 consents to it; or

30 (3) [BY] order, **under (o) of this section or AS 47.10.088, the**  
 31 **termination of** [UPON A SHOWING IN THE ADJUDICATION BY CLEAR AND

1 CONVINCING EVIDENCE THAT THERE IS A CHILD IN NEED OF AID UNDER  
 2 AS 47.10.010(a) AS A RESULT OF PARENTAL CONDUCT AND UPON A  
 3 SHOWING IN THE DISPOSITION BY CLEAR AND CONVINCING EVIDENCE  
 4 THAT THE PARENTAL CONDUCT IS LIKELY TO CONTINUE TO EXIST IF  
 5 THERE IS NO TERMINATION OF PARENTAL RIGHTS, TERMINATE] parental  
 6 rights and responsibilities of one or both parents, and commit the child to the **custody**  
 7 **of the** department [OR TO A LEGALLY APPOINTED GUARDIAN OF THE  
 8 PERSON OF THE CHILD], and the department [OR GUARDIAN] shall report  
 9 annually to the court on efforts being made to find a permanent placement for the  
 10 child.

11 \* **Sec. 35.** AS 47.10.080(f) is amended to read:

12 (f) A **child** [MINOR] found to be a child in need of aid is a ward of the state  
 13 while committed to the department or the department has the power to supervise the  
 14 **child's** [MINOR'S] actions. **After the permanency hearing, as required in (l) of**  
 15 **this section, the** [THE] court shall review an order made under (c)(1) or (2) of this  
 16 section annually, and may review the order more frequently, to determine if continued  
 17 placement or supervision, as it is being provided, is in the best interest of the minor.  
 18 [IF ANNUAL REVIEW UNDER THIS SUBSECTION WOULD ARISE WITHIN 90  
 19 DAYS OF THE HEARING REQUIRED UNDER (l) OF THIS SECTION, THE  
 20 COURT MAY POSTPONE REVIEW UNDER THIS SUBSECTION UNTIL THE  
 21 TIME SET FOR THE HEARING.] The department, the **child** [MINOR], the **child's**  
 22 [MINOR'S] parents **or** [,] guardian, **and the guardian ad litem** [OR CUSTODIAN]  
 23 are entitled, when good cause is shown, to a review on application. If the application  
 24 is granted, the court shall afford these parties and their counsel reasonable notice in  
 25 advance of the review and hold a hearing where these parties and their counsel shall  
 26 be afforded an opportunity to be heard. The **child** [MINOR] shall be afforded the  
 27 opportunity to be present at the review.

28 \* **Sec. 36.** AS 47.10.080(i) is amended to read:

29 (i) A **child** [MINOR], the **child's** [MINOR'S] parents, [OR] guardian, **or**  
 30 **attorney** acting on the **child's** [MINOR'S] behalf, or the department may appeal a  
 31 judgment or order, or the stay, modification, setting aside, revocation, or enlargement

1 of a judgment or order issued by the court under this chapter. **Absent extraordinary**  
 2 **circumstances, a decision on the appeal shall be issued no later than 90 days after**  
 3 **the latest of the following:**

4 **(1) oral argument, if any, is heard on the appeal;**

5 **(2) the filing of the appellant's reply brief, if a cross-appeal is not**  
 6 **filed by the appellee;**

7 **(3) the filing of the appellee's reply brief to the appellant's**  
 8 **opposition brief on the appellee's cross-appeal, if a cross-appeal is filed by the**  
 9 **appellee.**

10 \* **Sec. 37.** AS 47.10.080(1) is amended to read:

11 (l) Within **12** [18] months after the date **the child enters foster care as**  
 12 **calculated under AS 47.10.088(f)** [A CHILD IS INITIALLY REMOVED FROM  
 13 THE CHILD'S HOME BY THE DEPARTMENT UNDER AS 47.10.142(c)] or **is**  
 14 committed to the custody of the department under (c)(1) or (3) of this section or  
 15 AS 47.14.100(c), the court shall hold a **permanency** hearing to review the placement  
 16 and services provided and to determine the future status of the **child** [MINOR]. The  
 17 court shall make appropriate written findings, including findings related to the  
 18 following:

19 (1) **whether the parent or guardian has made progress to remedy**  
 20 **the parent's or guardian's conduct or conditions in the home that made the child**  
 21 **a child in need of aid under this chapter;**

22 (2) whether the child should be returned to the parent **or guardian;**

23 (3) [(2)] whether the child should remain in out-of-home care for a  
 24 specified period;

25 (4) [(3)] whether the child should remain in out-of-home care on a  
 26 permanent or long-term basis because of special needs or circumstances;

27 (5) [(4)] whether the child should be placed for adoption or legal  
 28 guardianship.

29 \* **Sec. 38.** AS 47.10.080(o) is amended to read:

30 (o) For purposes of terminating a parent's parental rights under [THE  
 31 STANDARDS IN] (c)(3) of this section, the court may determine that incarceration

1 of the parent is sufficient grounds for determining that a **child** [MINOR] is a child in  
 2 need of aid under **AS 47.10.011** [AS 47.10.010(a)(1)] as a result of parental conduct  
 3 and that the conduct is likely to continue if the court finds, based on clear and  
 4 convincing evidence, that the

5 (1) period of incarceration that the parent is scheduled to serve during  
 6 the child's minority is significant considering the child's age and the child's need for  
 7 an adult's care and supervision; and

8 (2) parent has failed to make adequate provisions for care of the child  
 9 during the period of incarceration that will be during the child's minority.

10 \* **Sec. 39.** AS 47.10.082 is amended to read:

11 **Sec. 47.10.082. Best interests of child and other considerations.** In making  
 12 its dispositional order under AS 47.10.080(c), the court shall consider

13 (1) the best interests of the child; and

14 (2) the ability of the state to take custody and to care for the child to  
 15 protect the child's best interests under **AS 47.10.005 - 47.10.142** [AS 47.10.010 -  
 16 47.10.142].

17 \* **Sec. 40.** AS 47.10 is amended by adding new sections to read:

18 **Sec. 47.10.086. Reasonable efforts.** (a) Except as provided in (b) and (c) of  
 19 this section, the department shall make reasonable efforts in a timely manner to  
 20 prevent the need for removing a child from the child's home, or to make it possible  
 21 for the child to return safely to the child's home following removal.

22 (b) If the court makes a finding at a hearing conducted under AS 47.10.080(l)  
 23 that a parent or guardian has not sufficiently remedied the parent's or guardian's  
 24 conduct or the conditions in the home despite reasonable efforts made by the  
 25 department in accordance with this section, the court may conclude that continuation  
 26 of reasonable efforts of the type described in (a) of this section are not in the best  
 27 interests of the child. The department shall then make reasonable efforts to place the  
 28 child in a timely manner in accordance with the permanent plan and to complete  
 29 whatever steps are necessary to finalize the permanent placement of the child.

30 (c) The court may determine that reasonable efforts of the type described in  
 31 (a) of this section are not required if the court has found by a preponderance of the

1 evidence that

2 (1) the parent or guardian has subjected the child to circumstances that  
3 pose a substantial risk to the child's health or safety; these circumstances include  
4 abandonment, torture, chronic physical or emotional harm, and sexual abuse;

5 (2) the parent or guardian has

6 (A) committed homicide under AS 11.41.100 - 11.41.130 of a  
7 child;

8 (B) aided or abetted, attempted, conspired, or solicited under  
9 AS 11.16 or AS 11.31 to commit a homicide described in (A) of this  
10 paragraph;

11 (C) committed an assault that is a felony under AS 11.41.200 -  
12 11.41.220 and results in serious physical injury to a child; or

13 (D) committed the conduct described in (A) - (C) of this  
14 paragraph that violated a law or ordinance of another jurisdiction having  
15 elements similar to an offense described in (A) - (C) of this paragraph;

16 (3) the parental rights of a parent to a sibling of the child have been  
17 terminated by the court;

18 (4) the parent or guardian committed homicide of a parent of the child;  
19 or

20 (5) the parent or guardian is incarcerated and is unavailable to care for  
21 the child during a significant period of the child's minority, considering the child's age  
22 and need for care by an adult.

23 (d) If the court determines that reasonable efforts under (a) of this section are  
24 not required to be provided under (b) or (c) of this section,

25 (1) the court shall hold a permanency hearing for the child within 30  
26 days after the determination; and

27 (2) the department shall make reasonable efforts to place the child in  
28 a timely manner in accordance with the permanency plan, and complete whatever steps  
29 are necessary to finalize the permanent placement of the child.

30 (e) The department may develop and implement an alternative permanency  
31 plan for the child while the department is also making reasonable efforts to return the

1 child to the child's family under (a) of this section.

2 (f) In making determinations and reasonable efforts under this section, the  
3 primary consideration is the child's best interests.

4 **Sec. 47.10.088. Termination of parental rights and responsibilities.** (a)  
5 Except as provided in AS 47.10.080(o), the rights and responsibilities of the parent  
6 regarding the child may be terminated for purposes of freeing a child for adoption or  
7 other permanent placement, if the court finds

8 (1) by clear and convincing evidence, that

9 (A) the child is a child in need of aid as described in  
10 AS 47.10.011; and

11 (B) that the parent

12 (i) has not remedied the conduct or conditions in the  
13 home that place the child at substantial risk of harm; or

14 (ii) has failed, within a reasonable time, to remedy the  
15 conduct or conditions in the home that place the child in substantial risk  
16 so that returning the child to the parent would place the child at  
17 substantial risk of significant emotional or physical harm; and

18 (2) by preponderance of the evidence, that the department has complied  
19 with the provisions of AS 47.10.086 concerning reasonable efforts.

20 (b) In making a determination under (a)(1)(B) of this section, the court may  
21 consider any fact relating to the best interests of the child, including

22 (1) the likelihood of returning the child to the parent within a  
23 reasonable time based on the child's age or needs;

24 (2) the amount of effort by the parent to remedy the conduct or the  
25 conditions in the home;

26 (3) the harm caused to the child;

27 (4) the likelihood that the harmful conduct will continue; and

28 (5) the history of conduct by or conditions created by the parent.

29 (c) The court shall consider the best interests of the child in a proceeding  
30 under this chapter involving termination of the parental rights of a parent.

31 (d) Except as provided in (e) of this section, the department shall petition for

1 termination of a parent's rights to a child, without making further reasonable efforts,  
2 when a child is under the jurisdiction of the court under AS 47.10.010 and 47.10.011,  
3 and

4 (1) the child has been in foster care for at least 15 of the most recent  
5 22 months;

6 (2) the court has determined that the child is abandoned under  
7 AS 47.10.013 and the child is younger than six years of age;

8 (3) the court has made a finding under AS 47.10.086(b) or a  
9 determination under AS 47.10.086(c) that the best interests of the child do not require  
10 further reasonable efforts by the department;

11 (4) a parent has made three or more attempts within a 15-month period  
12 to remedy the parent's conduct or conditions in the home without lasting change; or

13 (5) a parent has made no effort to remedy the parent's conduct or the  
14 conditions in the home by the time of the permanency hearing under AS 47.10.080(1).

15 (e) If one or more of the conditions listed in (d) of this section are present, the  
16 department shall petition for termination of the parental rights to a child unless

17 (1) the department has documented a compelling reason for determining  
18 that filing the petition would not be in the best interests of the child; a compelling  
19 reason under this paragraph may include care by a relative for the child; or

20 (2) the department is required to take reasonable efforts under  
21 AS 47.10.086 and the department has not provided to the parent, consistent with the  
22 time period in the department's case plan, the family support services that the  
23 department has determined are necessary for the safe return of the child to the home.

24 (f) A child is considered to have entered foster care under this chapter on the  
25 earlier of

26 (1) the date of the first judicial finding of child abuse or neglect, or  
27 both; or

28 (2) 60 days from the date of removal of the child from the home under  
29 this chapter.

30 (g) This section does not preclude the department from filing a petition to  
31 terminate the parental rights and responsibilities to a child for other reasons, or at an

1 earlier time than those specified in (d) of this section, if the department determines that  
2 filing a petition is in the best interests of the child.

3 (h) The court may order the termination of parental rights and responsibilities  
4 of one or both parents under AS 47.10.080(c)(3) and 47.10.088 and commit the child  
5 to the custody of the department. The rights of one parent may be terminated without  
6 affecting the rights of the other parent.

7 (i) The department shall concurrently identify, recruit, process, and approve  
8 a qualified person or family for an adoption whenever a petition to terminate a parent's  
9 rights to a child is filed. If the court issues an order to terminate under (j) of this  
10 section, the department shall report within 30 days on the efforts being made to recruit  
11 a permanent placement for the child, if a permanent placement was not approved at  
12 the time of the trial under (j) of this section. The report shall document recruitment  
13 efforts made for the child.

14 (j) No later than six months from the date on which the petition to terminate  
15 parental rights is filed, the court before which the petition is pending shall hold a trial  
16 on the petition unless the court finds that good cause is shown for a continuance.  
17 When determining whether to grant a continuance for good cause, the court shall take  
18 into consideration the age of the child and the potential adverse effect that the delay  
19 may have on the child. The court shall make written findings when granting a  
20 continuance.

21 (k) The court shall issue an order on the petition to terminate within 90 days  
22 from the last day of the trial on the petition to terminate parental rights.

23 \* **Sec. 41.** AS 47.10.092(a) is amended to read:

24 (a) Notwithstanding AS 47.10.090 and 47.10.093, a parent or legal guardian  
25 of a child [MINOR] subject to a proceeding under AS 47.10.005 - 47.10.142  
26 [AS 47.10.010 - 47.10.142] may disclose confidential or privileged information about  
27 the child or the child's family [MINOR], including information that has been lawfully  
28 obtained from agency or court files, to the governor, the lieutenant governor, a  
29 legislator, the ombudsman appointed under AS 24.55, the attorney general, and the  
30 commissioners of health and social services, administration, or public safety, or an  
31 employee of these persons, for review or use in their official capacities. The

1 department may disclose additional confidential or privileged information and make  
 2 available for inspection documents about the child or the child's family [MINOR] to  
 3 these state officials or employees for review or use in their official capacities. A  
 4 person to whom disclosure is made under this section may not disclose confidential  
 5 or privileged information about the child or the child's family [MINOR] to a person  
 6 not authorized to receive it.

7 \* **Sec. 42.** AS 47.10.093(b) is amended to read:

8 (b) A state or municipal agency or employee may disclose information  
 9 regarding a case to

10 (1) a guardian ad litem appointed by the court or to a citizen review  
 11 board or local review panel for permanency planning authorized by AS 47.14.200 or  
 12 47.14.220;

13 (2) a person or an agency requested to provide consultation or services  
 14 for a child [MINOR] who is subject to the jurisdiction of the court under  
 15 AS 47.10.010;

16 (3) school officials as may be necessary to enable the school to provide  
 17 appropriate counseling and support services to the child [MINOR] who is the subject  
 18 of the case, to protect the safety of the child [MINOR] who is the subject of the case,  
 19 and to protect the safety of school students and staff;

20 (4) a governmental agency as may be necessary to obtain that agency's  
 21 assistance for the department in its investigation or to obtain physical custody of a  
 22 child; [AND]

23 (5) a federal, state, or municipal law enforcement agency as may be  
 24 necessary for the protection of any child [A SPECIFIC INVESTIGATION BEING  
 25 CONDUCTED BY THAT AGENCY] or for actions [DISCLOSURES] by that agency  
 26 to protect the public safety;

27 (6) the state medical examiner under AS 12.65;

28 (7) members of a multidisciplinary child protection team created  
 29 under AS 47.14.300;

30 (8) a person who has made a report of harm as required by  
 31 AS 47.17.020 to inform the person that the investigation was completed, and of

1 any action taken to protect the child who was the subject of the report; and  
 2 (9) the child support enforcement agency established in  
 3 AS 25.27.010 as may be necessary to establish and collect child support for a child  
 4 who is a child in need of aid under this chapter.

5 \* **Sec. 43.** AS 47.10.141(f) is amended to read:

6 (f) If a **child** [MINOR], without permission, leaves the semi-secure portion of  
 7 an office, program, shelter, or facility to which the **child** [MINOR] was taken by a  
 8 peace officer under **(b)(1)(C)** [(b)(1)(c)] of this section, the office, program, shelter,  
 9 or facility shall immediately notify the department and the nearest law enforcement  
 10 agency of the identity of the **child** [MINOR] and the **child's** [MINOR'S] absence. If  
 11 the same **child** [MINOR] is again taken into protective custody under (b) of this  
 12 section and the peace officer knows that the **child** [MINOR] has previously been  
 13 reported under this subsection as missing from a semi-secure placement, the peace  
 14 officer, in addition to taking the appropriate action under (b) of this section, shall  
 15 report the circumstances and the identity of the **child** [MINOR] to the department.  
 16 Within 48 hours after receiving this report, the department shall determine whether to  
 17 file a petition alleging that the **child** [MINOR] is a child in need of aid under  
 18 **AS 47.10.011** [AS 47.10.010(a)(1)]. If the department decides not to file a petition  
 19 alleging that the **child** [MINOR] is a child in need of aid, the department shall, within  
 20 seven state working days after receiving the report from the peace officer under this  
 21 subsection, send to the **child's** [MINOR'S] parents or guardian, as applicable, written  
 22 notice of its determination not to proceed with the petition, including the reasons on  
 23 which the determination was based. If the department is unable to obtain a reasonably  
 24 reliable address for a parent or guardian, the department shall keep a copy of the  
 25 notice on file and, notwithstanding AS 47.10.093, release the notice to the **child's**  
 26 [MINOR'S] parent or guardian on request of the parent or guardian. If the department  
 27 files a petition alleging that the **child** [MINOR] is a child in need of aid, the court  
 28 shall proceed under AS 47.10.142(d).

29 \* **Sec. 44.** AS 47.10.141(g) is amended to read:

30 (g) If the department files a petition alleging the **child** [MINOR] is a child in  
 31 need of aid under **AS 47.10.011** [AS 47.10.010(a)(1)] because the **child** [MINOR] is

1 habitually absent from home or refuses available care, the **child's** [MINOR'S] parent  
 2 or guardian shall attend each hearing held during the child-in-need-of-aid proceedings  
 3 unless the court excuses the parent or guardian from attendance for good cause. If the  
 4 **child** [MINOR] is found to be a child in need of aid, the court may order that the  
 5 **child's** [MINOR'S] parent or guardian

6 (1) personally participate in treatment reasonably available in the parent  
 7 or guardian's community as specified in a plan set out in the court order; and

8 (2) comply with other conditions set out in the court order.

9 \* **Sec. 45.** AS 47.10.142(a) is amended to read:

10 (a) The Department of Health and Social Services may take emergency  
 11 custody of a **child** [MINOR] upon discovering any of the following circumstances:

12 (1) the **child** [MINOR] has been abandoned;

13 (2) the **child** [MINOR] has been grossly neglected by the **child's**  
 14 [MINOR'S] parents or guardian, as "neglect" is defined in **AS 47.10.015**  
 15 [AS 47.17.290], and the department determines that immediate removal from the  
 16 **child's** [MINOR'S] surroundings is necessary to protect the **child's** [MINOR'S] life  
 17 or provide immediate necessary medical attention;

18 (3) the **child** [MINOR] has been subjected to **physical harm** [CHILD  
 19 ABUSE OR NEGLECT] by a person responsible for the **child's** [MINOR'S] welfare,  
 20 as "**physical harm**" ["CHILD ABUSE OR NEGLECT"] is defined in **AS 47.10.017**  
 21 [AS 47.17.290], and the department determines that immediate removal from the  
 22 **child's** [MINOR'S] surroundings is necessary to protect the **child's** [MINOR'S] life  
 23 or that immediate medical attention is necessary; or

24 (4) the **child or a sibling** [MINOR] has been sexually abused under  
 25 circumstances listed in **AS 47.10.011(7)** [AS 47.10.010(a)(4)].

26 \* **Sec. 46.** AS 47.10.142(c) is amended to read:

27 (c) When a child is taken into custody under (a) or (b) of this section or when  
 28 the department is notified of a child's presence in either a program for runaway  
 29 **children** [MINORS] under AS 47.10.300 - 47.10.390 or a shelter for runaway **children**  
 30 [MINORS] under AS 47.10.392 - 47.10.399, the department shall immediately, and in  
 31 no event more than 12 hours later unless prevented by lack of communication

1 facilities, notify the parents or the person or persons having custody of the child. If  
 2 the department determines that continued custody is necessary to protect the child, the  
 3 department shall notify the court of the emergency custody by filing, within 24 [12]  
 4 hours after custody was assumed, a petition alleging that the child is a child in need  
 5 of aid. If the department releases the child within 24 [12] hours after taking the child  
 6 into custody and does not file a child in need of aid petition the department shall,  
 7 within 24 [12] hours after releasing the child, file with the court a report explaining  
 8 why the child was taken into custody.

9 \* **Sec. 47.** AS 47.10.990(1) is amended to read:

10 (1) "care" [OR "CARING" UNDER AS 47.10.010(a)(1) AND  
 11 47.10.120(a)] means to provide for the physical, emotional, mental, and social needs  
 12 of the child;

13 \* **Sec. 48.** AS 47.10.990 is amended by adding new paragraphs to read:

14 (8) "child" means a person under 18 years of age and a person 18 - 19  
 15 years of age, if that person was under 18 years of age at the time that a proceeding  
 16 under this chapter was commenced;

17 (9) "custodian" means a natural person 18 years of age or older to  
 18 whom a parent or guardian has transferred temporary physical care, custody, and  
 19 control of the child for the period of time immediately before the conduct occurred that  
 20 is alleged in the petition filed under this chapter;

21 (10) "domestic violence" has the meaning given in AS 18.66.990;

22 (11) "emotional harm" means injury to the emotional well-being or  
 23 intellectual or psychological development of a child, including the failure to thrive,  
 24 extreme anxiety, depression, withdrawal, aggression, or hostile behavior towards self  
 25 or others, as evidenced by observable and substantial impairment in the child's ability  
 26 to function; "emotional harm" includes "mental injury" as defined in AS 47.17.290;

27 (12) "family support services" means the services and activities  
 28 provided to children and their families, both to prevent removal of a child from the  
 29 parental home and to facilitate the child's safe return to the family; "family support  
 30 services" may include counseling, substance abuse treatment, mental health services,  
 31 assistance to address domestic violence, visitation with family members, parenting

1 classes, in-home services, temporary child care services, and transportation;

2 (13) "foster care" means care provided by a person or household under  
3 a license for foster home under AS 47.35.015;

4 (14) "guardian" means a natural person who is legally appointed  
5 guardian of the child by the court;

6 (15) "intoxicants" means any substance that intoxicates, including  
7 alcohol, controlled substances under AS 11.71, and inhalants;

8 (16) "parent" means the biological or adoptive parent of the child;

9 (17) "permanency hearing" means a hearing

10 (A) designed to reach a decision in the case concerning the  
11 permanent placement of a child under AS 47.10; and

12 (B) at which the final direction of the case involving the child  
13 is determined;

14 (18) "reasonable efforts" means time-limited family support services  
15 afforded to parents and guardians and their children by the department, both to prevent  
16 out-of-home placement and to foster the safe return of a child with the family  
17 whenever appropriate;

18 (19) "reasonable time" means a period of time taking in account the  
19 affected child's age, emotional and developmental needs, and ability to form and  
20 maintain lasting attachments;

21 (20) "serious physical injury" has the meaning given in  
22 AS 11.81.900(b);

23 (21) "sexual abuse" means the conduct described in AS 11.41.410 -  
24 11.41.460; "sexual abuse" includes "sexual exploitation" as defined in AS 47.17.290  
25 and conduct prohibited by AS 11.66.100 - 11.66.150;

26 (22) "support" has the meaning given in AS 11.51.120(b).

27 \* **Sec. 49.** AS 47.12.310(b) is amended to read:

28 (b) A state or municipal agency or employee may disclose information  
29 regarding a case to

30 (1) a guardian ad litem appointed by the court or to a citizen review  
31 board or local review panel for permanency planning authorized by AS 47.14.200 -

1 47.14.220;

2 (2) a person or an agency requested to provide consultation or services  
3 for a minor who is subject to the jurisdiction of the court under this chapter;

4 (3) school officials as may be necessary to protect the safety of the  
5 minor who is the subject of the case and the safety of school students and staff or to  
6 enable the school to provide appropriate counseling and supportive services to meet  
7 the needs of a minor about whom information is disclosed;

8 (4) a governmental agency as may be necessary to obtain that agency's  
9 assistance for the department in its investigation or to obtain physical custody of a  
10 minor;

11 (5) a **federal**, state, or municipal law enforcement agency as may be  
12 necessary for **the protection, rehabilitation, or supervision of any minor**, [A  
13 SPECIFIC INVESTIGATION BEING CONDUCTED BY THAT AGENCY] or for  
14 **actions** [DISCLOSURES] by that agency to protect the public safety; [AND]

15 (6) a victim as may be necessary to inform the victim about the  
16 disposition or resolution of a case involving a minor; **and**

17 **(7) the state medical examiner under AS 12.65.**

18 \* **Sec. 50.** AS 47.14.100(d) is amended to read:

19 (d) In addition to money paid for the maintenance of foster children under (b)  
20 of this section, the department

21 (1) shall pay the costs of caring for physically or mentally handicapped  
22 foster children, including the additional costs of medical care, habilitative and  
23 rehabilitative treatment, services, [AND] equipment, special clothing, and the indirect  
24 costs of medical care, including child care and transportation expenses;

25 (2) may pay for respite care; in this paragraph, "respite care" means  
26 child care for the purpose of providing

27 [(A)] temporary relief from the stresses of caring for a foster  
28 child [WHO HAS A PHYSICAL OR MENTAL DISABILITY OR A  
29 PHYSICAL OR MENTAL IMPAIRMENT; IN THIS SUBPARAGRAPH,

30 (i) "PHYSICAL OR MENTAL DISABILITY" HAS  
31 THE MEANING GIVEN IN AS 18.80.300(12)(A), (B), AND (D);

1 AND

2 (ii) "PHYSICAL OR MENTAL IMPAIRMENT" HAS  
3 THE MEANING GIVEN IN AS 18.80.300; AND

4 (B) PROTECTION FOR THE CHILD WHEN THE FOSTER  
5 PARENT IS

6 (i) AWAY FROM THE HOME BECAUSE OF AN  
7 EMERGENCY AND OTHER CARE IS NOT AVAILABLE FOR THE  
8 CHILD; OR

9 (ii) ON VACATION AND THE CHILD, BECAUSE OF  
10 AGE OR INFIRMITY, CANNOT BE PLACED IN ANY OTHER  
11 TYPE OF TEMPORARY CARE FACILITY]; and

12 (3) may pay a subsidized guardianship payment under AS 25.23.210  
13 when a foster child's foster parents or other persons approved by the department  
14 become court-appointed legal guardians of the child.

15 \* **Sec. 51.** AS 47.14.100 is amended by adding a new subsection to read:

16 (i) The department may use money appropriated for foster care to provide  
17 services designed to prevent the removal of a child from the child's home by  
18 proceedings under AS 47.10.

19 \* **Sec. 52.** AS 47.14 is amended by adding a new section to read:

20 **Sec. 47.14.300. Multidisciplinary child protection team.** (a) The department  
21 may create a multidisciplinary child protection team to assist in the evaluation and  
22 investigation of reports made under AS 47.17 and to provide consultation on child  
23 protection cases to the department under AS 47.10.

24 (b) If a team is created under (a) of this section, the department shall appoint  
25 persons with knowledge of and experience in child abuse and neglect matters to the  
26 team, whenever possible. These persons include

27 (1) mental and physical health practitioners licensed under AS 08;

28 (2) child development specialists;

29 (3) educators;

30 (4) peace officers as defined in AS 11.81.900;

31 (5) victim counselors as defined in AS 18.66.250; and

1 (6) experts in the assessment and treatment of substance abuse.

2 (c) The team created under (a) of this section shall review records on a case  
3 referred to the team by the department. The department shall make available to the  
4 team its records on the case and other records compiled for planning on the case by  
5 other agencies at the request of the department. The team may make recommendations  
6 to the department on appropriate planning for the case.

7 (d) Except for a public report issued by the team that does not contain  
8 confidential information, records or other information collected by the team or a  
9 member of the team related to duties under this section are confidential and not subject  
10 to public disclosure under AS 09.25.100 - 09.25.110.

11 (e) Meetings of the team are closed to the public and are not subject to the  
12 provisions of AS 44.62.310 - 44.62.312.

13 (f) The determinations, conclusions, and recommendations of the team or its  
14 members are not admissible in any civil or criminal proceeding. A member may not  
15 be compelled to disclose a determination, conclusion, recommendation, discussion, or  
16 thought process through discovery or testimony in any civil or criminal proceeding.  
17 Records and information collected by the team are not subject to discovery or  
18 subpoena in connection with a civil or criminal proceeding.

19 (g) Notwithstanding (f) of this section, an employee of the department may  
20 testify in a civil or criminal proceeding concerning cases reviewed by the team, even  
21 though the department's records were reviewed by the team and formed the basis of  
22 that employee's testimony and the team's report.

23 (h) A person who serves on a multidisciplinary child protection team is not  
24 liable for damage or other relief in an action brought by the reason of the performance  
25 of a duty, a function, or an activity of the team.

26 \* **Sec. 53.** AS 47.14 is amended by adding a new section to read:

27 **Sec. 47.14.985. Immunity from liability.** Nothing in this title creates a duty  
28 or standard of care for services to children and their families being served under  
29 AS 47.10. The department and its officers, agents, employees, or contractors and the  
30 state are not liable for civil damages as a result of an act or omission in the provision  
31 of services to children and their families under AS 47.10. This section does not

1 preclude liability for civil damages as a result of gross negligence or reckless or  
2 intentional misconduct.

3 \* **Sec. 54.** AS 47.14.990(2) is amended to read:

4 (2) "child in need of aid" means a **child** [MINOR] found to be within  
5 the jurisdiction of the court under **AS 47.10.010 and 47.10.011** [AS 47.10.010(a)];

6 \* **Sec. 55.** AS 47.17.020(a) is amended to read:

7 (a) The following persons who, in the performance of their occupational **or**  
8 **appointed** duties, have reasonable cause to suspect that a child has suffered harm as  
9 a result of child abuse or neglect shall immediately report the harm to the nearest  
10 office of the department:

11 (1) practitioners of the healing arts;

12 (2) school teachers and school administrative staff members of public  
13 and private schools;

14 (3) social workers;

15 (4) peace officers, and officers of the Department of Corrections;

16 (5) administrative officers of institutions;

17 (6) child care providers;

18 (7) paid employees of domestic violence and sexual assault programs,  
19 and crisis intervention and prevention programs as defined in AS 18.66.990;

20 (8) paid employees of an organization that provides counseling or  
21 treatment to individuals seeking to control their use of drugs or alcohol;

22 **(9) members of a child fatality review team established under**  
23 **AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created**  
24 **under AS 47.14.300.**

25 \* **Sec. 56.** AS 47.17 is amended by adding a new section to read:

26 **Sec. 47.17.033. Investigations.** (a) In investigating child abuse and neglect  
27 reports under this chapter, the department may make necessary inquiries about the  
28 criminal records of the parents or of the alleged abusive or neglectful person, including  
29 inquiries about the existence of a criminal history record involving a serious offense  
30 as defined in AS 12.62.900.

31 (b) For purposes of obtaining access to information needed to conduct the

1 inquiries required by (a) of this section, the department is a criminal justice agency  
2 conducting a criminal justice activity.

3 \* **Sec. 57.** AS 47.17.290(8) is amended to read:

4 (8) "maltreatment" means an act or omission that results in  
5 circumstances in which there is reasonable cause to suspect that a child may be a child  
6 in need of aid, as described in **AS 47.10.011** [AS 47.10.010(a)], except that, for  
7 purposes of this chapter, the act or omission need not have been committed by the  
8 child's parent, custodian, or guardian;

9 \* **Sec. 58.** AS 47.35.017(b) is amended to read:

10 (b) An application submitted under this section must contain at least the  
11 following information:

12 (1) the name and address of the applicant, and if the applicant is an  
13 agency, corporation, partnership, association, or any other form of organization, the  
14 name, address, and title of all individuals who have an ownership or management  
15 interest in the facility;

16 (2) the name, physical location, and mailing address of the facility or  
17 agency for which the license is sought;

18 (3) the name and address of the administrator of the facility or agency,  
19 if any;

20 (4) evidence that the administrator or foster parent is an adult with  
21 sufficient experience, training, or education to fulfill the duties of an administrator or  
22 foster parent;

23 (5) a release for the administrator or foster parent and for each other  
24 person **older than 12 years of age**, as specified by the department by regulation, who  
25 will have contact with individuals served by the facility or agency, authorizing the  
26 department to review all federal, state, and municipal **criminal justice information**  
27 [LAW ENFORCEMENT], medical, licensing, and protective services records,  
28 identified in regulations adopted under this chapter, that are relevant to the person who  
29 is the subject of the release and to the type of license for which the application has  
30 been submitted;

31 (6) **two sets of fingerprints for each person required to provide a**

**release under (5) of this subsection in order for the department to submit them to the Department of Public Safety for the purpose of conducting state and national criminal background checks from criminal justice information received under AS 12.62 and regulations under AS 12.62;**

**(7)** [7] for a facility, the number of individuals that will be served in the facility;

**(8)** [7] the type of facility or agency for which the license is sought;

**(9)** [8] copies of all inspection reports and approvals required by state fire prevention and environmental health and safety authorities for operation of the facility or agency, including any variances granted by these authorities;

**(10)** [9] a plan of operation, as required by the department by regulation;

**(11)** [10] a staffing plan that describes the number of people who will work at the facility or agency, staff qualifications, a description of each person's responsibilities, and, for a facility other than a maternity home, a supervision schedule for the children in care that meets the requirements established by the department by regulation;

**(12)** [11] evidence that the applicant has completed orientation or training required by the department, by regulation, for holders of the type of license for which the application was submitted; and

**(13)** [12] other information required by the department, by regulation, in order to monitor compliance with this chapter and regulations adopted under this chapter.

\* **Sec. 59.** AS 47.35 is amended by adding a new section to read:

**Sec. 47.35.022. Foster care placement.** (a) The department may not place or continue placement of a child for care for payment under AS 47.10 in a foster home that is licensed under AS 47.17 or AS 47.35.023 if the department finds that a person for whom fingerprints are required to be submitted for licensure of the foster home is currently under arrest for or charged with, or has been convicted of or found not guilty by reason of insanity of, a serious offense.

(b) Notwithstanding (a) of this section, the department may place or continue

1 a placement for foster care if the applicant or licensee demonstrates to the satisfaction  
 2 of the department that the applicant, licensee, or other person committed the conduct  
 3 described in (a) of this section at least five years before the placement, and the conduct

4 (1) did not involve a victim who was under 18 years of age at the time  
 5 the conduct occurred;

6 (2) was not a crime of domestic violence as defined in AS 18.66.990;  
 7 and

8 (3) was not a violent crime under AS 11.41.100 - 11.41.455, or a law  
 9 or an ordinance of another jurisdiction having similar elements.

10 (c) The department shall develop procedures for rechecking criminal justice  
 11 information records for the information described in (a) of this section for persons over  
 12 the age of 12 in a licensed foster home with access to children placed by the  
 13 department.

14 \* **Sec. 60.** AS 47.35.023(b) is repealed and reenacted to read:

15 (b) Notwithstanding (a) of this section, if an emergency exists and a child must  
 16 be immediately placed, the department or the department's designee may issue a  
 17 provisional foster home license on an emergency basis for a period of 180 days or less  
 18 if the department or the department's designee determines that the applicant meets  
 19 minimal requirements for emergency conditions and the applicant agrees in writing to  
 20 provide the fingerprint information described in AS 47.35.017(b) within 30 days of the  
 21 placement of a child in the foster home. The department may not issue a license under  
 22 this subsection before checking state and national criminal justice information available  
 23 to the department under AS 12.62 and regulations adopted under AS 12.62 about the  
 24 administrator or foster parent and each person older than 12 years of age in the foster  
 25 home who will have contact with the child. If the department cannot obtain direct  
 26 access to the state and federal criminal justice information, the department shall request  
 27 the agency having primary law enforcement responsibility for the geographic area in  
 28 which the prospective foster home is located to obtain the information and provide it  
 29 to the department before the license is issued under this section. If the criminal justice  
 30 information readily available to the department shows an offense which a person would  
 31 be required to notify the department under AS 47.35.047(b), the department may not

1 issue the license under this subsection. If the additional criminal justice information  
 2 available from the fingerprint search or another source after the license is issued  
 3 reveals that the person has a record for one or more of these offenses, the department  
 4 shall immediately revoke the license and move the child to an appropriate placement.  
 5 For purposes of obtaining criminal justice information under this subsection, the  
 6 department is a criminal justice agency conducting a criminal justice activity under  
 7 AS 12.62.

8 \* **Sec. 61.** AS 47.35.047(b) is amended to read:

9 (b) A licensee shall notify the department within 24 hours after having  
 10 knowledge of a conviction or indictment, presentment or charging by information or  
 11 complaint of an administrator, foster parent, member of the licensee's household,  
 12 regular volunteer, or staff person for a **violation of the following laws, or the laws**  
 13 **of another jurisdiction with similar elements:**

14 (1) **offenses against the family and vulnerable adults under**  
 15 **AS 11.51;**

16 (2) **perjury under AS 11.56.200;**

17 (3) **offenses included in the definition of "serious offense" under**  
 18 **AS 12.62.900** [FELONY, FOR A MISDEMEANOR CRIME OF ASSAULT,  
 19 RECKLESS ENDANGERMENT, CONTRIBUTING TO THE DELINQUENCY OF  
 20 A MINOR, OR MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE, FOR  
 21 THE CRIME OF PERJURY, AS DEFINED IN AS 11 OR THE LAWS OF  
 22 ANOTHER JURISDICTION, OR FOR A SEX CRIME AS DEFINED IN  
 23 AS 12.62.035].

24 \* **Sec. 62.** AS 47.35.900 is amended by adding new paragraphs to read:

25 (20) "domestic violence" has the meaning given in AS 18.66.900;

26 (21) "criminal justice information" has the meaning given in  
 27 AS 12.62.900;

28 (22) "serious offense" has the meaning given in AS 12.62.900.

29 \* **Sec. 63.** AS 47.05.060; AS 47.10.080(k), and 47.10.990(7) are repealed.

30 \* **Sec. 64.** AS 47.10.005, as enacted in sec. 26 of this Act, has the effect of amending  
 31 Rule 1, Alaska Child in Need of Aid Rules, regarding the new rule of construction of law in

1 child in need of aid proceedings.

2 \* **Sec. 65.** Section 26 of this Act takes effect only if sec. 64 of this Act receives the  
3 two-thirds majority of each house required by art. IV, sec. 15, Constitution of the State of  
4 Alaska.

5 \* **Sec. 66.** AS 47.10.070(c), as enacted in sec. 32 of this Act, has the effect of amending  
6 Rule 3, Alaska Child in Need of Aid Rules, by requiring foster parents and other specified  
7 persons to have notice and allowing them an opportunity to be heard in child in need of aid  
8 proceedings.

9 \* **Sec. 67.** Section 32 of this Act takes effect only if sec. 66 of this Act receives the  
10 two-thirds majority of each house required by art. IV, sec. 15, Constitution of the State of  
11 Alaska.

12 \* **Sec. 68.** AS 47.10.080(a), as amended in sec. 33 of this Act, has the effect of amending  
13 Rule 15, Alaska Child in Need of Aid Rules, by establishing a timeframe for an adjudication  
14 hearing under AS 47.10.

15 \* **Sec. 69.** Section 33 of this Act takes effect only if sec. 68 of this Act receives the two-  
16 thirds majority of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

17 \* **Sec. 70.** AS 47.10.080(i), as amended in sec. 36 of this Act, has the effect of amending  
18 Rule 218, Alaska Rules of Appellate Procedure, by requiring that expedited appeals from a  
19 judgment or an order under AS 47.10 be decided within a fixed timeframe.

20 \* **Sec. 71.** Section 36 of this Act takes effect only if sec. 70 of this Act receives the two-  
21 thirds majority of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

22 \* **Sec. 72.** AS 47.10.080(l), as amended in sec. 37 of this Act, has the effect of amending  
23 Rule 19, Alaska Child in Need of Aid Rules, regarding timing of a permanency hearing by  
24 the court in child in need of aid proceedings.

25 \* **Sec. 73.** Section 37 of this Act takes effect only if sec. 72 of this Act receives the  
26 two-thirds majority of each house required by art. IV, sec. 15, Constitution of the State of  
27 Alaska.

28 \* **Sec. 74.** AS 47.10.086, as enacted in sec. 40 of this Act, has the effect of amending  
29 Rule 15(g), Alaska Child in Need of Aid Rules, regarding the standards for reasonable efforts  
30 to be made in child in need of aid proceedings.

31 \* **Sec. 75.** AS 47.10.086, as enacted in sec. 40 of this Act, takes effect only if sec. 74 of

1 this Act receives the two-thirds majority of each house required by art. IV, sec. 15,  
2 Constitution of the State of Alaska.

3 \* **Sec. 76.** AS 47.10.088(j) and (k), as enacted in sec. 40 of this Act, have the effect of  
4 changing Rule 18, Alaska Child in Need of Aid Rules, by requiring the court

5 (1) to hold a termination of parental rights trial no later than six months from  
6 the date the petition is filed, unless good cause is shown; and

7 (2) to issue an order on the petition to terminate parental rights and  
8 responsibilities within a specified timeframe.

9 \* **Sec. 77.** AS 47.10.088(j), as enacted in sec. 40 of this Act, takes effect only if sec. 76  
10 of this Act receives the two-thirds majority of each house required by art. IV, sec. 15,  
11 Constitution of the State of Alaska.

12 \* **Sec. 78.** REVISOR'S INSTRUCTION. The revisor of statutes shall make changes  
13 throughout AS 47.10.005 - 47.10.142 when those provisions refer to a child in need of aid  
14 under AS 47.10, to replace the term "minor" with the term "child," when appropriate.

15 \* **Sec. 79.** APPLICABILITY. This Act applies to all new cases or proceedings filed with  
16 the court on or after the effective date of this Act and to motions filed with the court on or  
17 after the effective date of this Act in cases or proceedings pending before a court on the day  
18 before the effective date of this Act.

19 \* **Sec. 80.** This Act takes effect immediately under AS 01.10.070(c).