

CS FOR HOUSE BILL NO. 322(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/27/06

Referred: Rules

Sponsor(s): REPRESENTATIVES LEDOUX AND GRUENBERG, Kerttula, McGuire, Dahlstrom, Neuman, Anderson, Kapsner, Thomas, Lynn, Crawford, Croft

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to infants who are safely surrendered by a parent shortly after birth."**

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

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 SHORT TITLE. This Act may be known as the Safe Surrender of Infants Act.

6 * **Sec. 2.** AS 11.81 is amended by adding a new section to read:

7 **Article 4A. Prohibition on Prosecution.**

8 **Sec. 11.81.500. No prosecution for safe surrender of infant.** A parent may
9 not be criminally prosecuted for surrendering a child of the parent in the manner
10 described in AS 47.10.013(c) if the child is an infant who is less than 21 days of age.

11 * **Sec. 3.** AS 47.10.013 is amended by adding new subsections to read:

12 (c) A parent may not be criminally prosecuted for surrendering an infant in the
13 manner described in this subsection although surrendering the infant in the manner
14 described in this subsection constitutes abandonment for purposes of this chapter. An
15 infant's parent is considered to have abandoned the infant safely, and, notwithstanding

1 AS 25.20.030 and AS 47.10.120, the parent's legal duty to support the infant is
2 extinguished if

3 (1) the parent, without expressing an intent to return for the infant,
4 leaves the infant in the physical custody of a person who the parent reasonably
5 believes is a peace officer, a physician or hospital employee in a hospital or hospital
6 emergency room, or a volunteer with or employee of a fire station or emergency
7 medical service who is performing activities within the scope of the volunteer's or
8 employee's fire services or emergency medical services duties; and

9 (2) there is no evidence at the time of abandonment that the infant has
10 been physically injured.

11 (d) A person to whom an infant is abandoned safely within the meaning of (c)
12 of this section shall

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

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

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

21 (e) A hospital, hospital emergency room, fire station, emergency medical
22 service, or employees or volunteers of these entities, are not liable for civil damages
23 for failure to discharge the duties listed in (d) of this section.

24 (f) A record regarding the surrender of an infant under (c) of this section is
25 confidential and not subject to public inspection or copying under AS 40.25.100 -
26 40.25.220.

27 * **Sec. 4.** AS 47.10.086(a) is amended to read:

28 (a) Except as provided in **(b), (c), and (g)** [(b) AND (c)] of this section, the
29 department shall make timely, reasonable efforts to provide family support services to
30 the child and to the parents or guardian of the child that are designed to prevent out-of-
31 home placement of the child or to enable the safe return of the child to the family

1 home, when appropriate, if the child is in an out-of-home placement. The department's
2 duty to make reasonable efforts under this subsection includes the duty to

3 (1) identify family support services that will assist the parent or
4 guardian in remedying the conduct or conditions in the home that made the child a
5 child in need of aid;

6 (2) actively offer the parent or guardian, and refer the parent or
7 guardian to, the services identified under (1) of this subsection; the department shall
8 refer the parent or guardian to community-based family support services whenever
9 community-based services are available and desired by the parent or guardian; and

10 (3) document the department's actions that are taken under (1) and (2)
11 of this subsection.

12 * **Sec. 5.** AS 47.10.086 is amended by adding a new subsection to read:

13 (g) The department is not required to make reasonable efforts of the type
14 described in (a) of this section if the department took emergency custody of an infant
15 under AS 47.10.142 after the infant was abandoned safely within the meaning of
16 AS 47.10.013(c).

17 * **Sec. 6.** AS 47.10.990 is amended by adding a new paragraph to read:

18 (32) "infant" means a child who is less than 21 days of age.