

CS FOR HOUSE BILL NO. 322(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/28/06

Offered: 4/27/06

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

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 if the child

10 (1) is an infant who is less than 21 days of age;

11 (2) is surrendered in the manner described in AS 47.10.013(c); and

12 (3) is not the subject of a court order affecting custody of the child.

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

14 (c) A parent who is immune from prosecution under AS 11.81.500 and

15 chooses to surrender an infant shall surrender the infant in the manner described in this

1 subsection. Surrendering the infant in the manner described in this subsection
 2 constitutes abandonment for purposes of this chapter. An infant's parent is considered
 3 to have abandoned the infant safely, and, notwithstanding AS 25.20.030 and
 4 AS 47.10.120, the parent's legal duty to support the infant is extinguished if

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

11 (2) there is no evidence the infant has been physically injured prior to
 12 abandonment.

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

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

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

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

23 (e) An individual, agency, facility, or entity that receives an infant abandoned
 24 safely under (c) of this section is not liable for civil damages for failure to discharge
 25 the duties listed in (d) of this section.

26 (f) A record regarding the surrender of an infant under (c) of this section is
 27 confidential and not subject to public inspection or copying under AS 40.25.100 -
 28 40.25.220.

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

30 (a) Except as provided in **(b), (c), and (g)** [(b) AND (c)] of this section, the
 31 department shall make timely, reasonable efforts to provide family support services to

1 the child and to the parents or guardian of the child that are designed to prevent out-of-
2 home placement of the child or to enable the safe return of the child to the family
3 home, when appropriate, if the child is in an out-of-home placement. The department's
4 duty to make reasonable efforts under this subsection includes the duty to

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

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

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

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

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

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

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