

1 IN THE SENATE BY SENATORS PETER AND BEGICH
2 SENATE BILL NO. 91
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act regarding reports by physicians and
7 other persons of injuries to children
8 caused by abuse or neglect."

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

10 * Section 1. AS 11 is amended by adding a new chapter to read:

11 CHAPTER 67. REPORTS AND RECORDS

12 ARTICLE 1. REPORTS OF INJURIES TO CHILDREN CAUSED

13 BY ABUSE OR NEGLECT

14 Sec. 11.67.010. PERSONS WHO MAY REPORT. (a) A
15 physician, resident, intern or nurse who, during the examina-
16 tion or treatment of a child, has cause to believe that the
17 child has suffered physical injury as a result of abuse or
18 neglect may report the injury in accordance with sec. 20 of
19 this chapter.

20 (b) A school teacher or social worker who, while acting
21 in an official capacity, has cause to believe that a child
22 has suffered injury as a result of abuse or neglect may
23 report the injury in accordance with sec. 20 of this chapter.

24 Sec. 11.67.020. REPORTS. (a) An oral report of the
25 injury should be made to the nearest office of the department,
26 or, if an office of the department is not in the vicinity
27 where the injury is discovered, an oral report should be made
28 to the nearest law enforcement authority. In areas of the
29 state where it is impractical to make an oral report, a

1 written report should be made.

2 (b) Oral and written reports should contain

3 (1) the names and addresses of the child and the
4 parents or guardians, if known;

5 (2) the child's age and the nature and extent of
6 the injury, including evidence of previous injuries;

7 (3) information which might assist in determining
8 the cause of injury and the identity of the person or persons
9 responsible for the injury.

10 Sec. 11.67.030. DISTRIBUTION OF REPORTS. The law en-
11 forcement authority receiving a report of injury shall
12 immediately forward the information contained in an oral
13 report or a copy of the written report to the nearest office
14 of the department.

15 Sec. 11.67.040. ACTION ON REPORTS. Upon receipt of a
16 report of injury, the department shall investigate and take
17 such action, as prescribed by law, as may be necessary to
18 prevent further injury to the child or to insure the proper
19 care and protection of the child. The department shall for-
20 ward the results of an investigation made pursuant to a
21 report to the district attorney of the area in which the
22 injury was discovered.

23 Sec. 11.67.050. IMMUNITY. A person who in good faith
24 complies with sec. 10 of this chapter, or participates in
25 judicial proceedings resulting from the submission of reports
26 permitted by sec. 20 of this chapter, is immune from any
27 civil or criminal liability which might otherwise be incurred
28 or imposed.

29 Sec. 11.67.060. EVIDENCE NOT PRIVILEGED. Neither the

1 physician-patient nor the husband-wife privilege shall be a
2 ground for excluding evidence regarding a child's injury, or
3 its cause, in any judicial proceeding resulting from a report
4 made pursuant to this chapter.

5 Sec. 11.67.070. DEFINITIONS. In secs. 10 - 60 of this
6 chapter

7 (1) "abuse" means the wilful infliction of physical
8 injury upon the body of a child;

9 (2) "child" means a person under 16 years of age;

10 (3) "department" means the Department of Health
11 and Welfare;

12 (4) "law enforcement authority" means the state
13 police or the police department of a political subdivision
14 of the state;

15 (5) "neglect" means the wilful failure to provide
16 necessary food, care, clothing, shelter, or medical attention
17 for the child;

18 (6) "nurse" means a person licensed to practice
19 professional or practical nursing in this state or the United
20 States Public Health Service assigned to duty within the
21 state;

22 (7) "physician" means a doctor of medicine or
23 chiropractic licensed to practice in the state or employed by
24 the United States Public Health Service and assigned to duty
25 within the state.

26 * Sec. 2. Sec. 11.67.060 of this Act amends Rule 43(h)(1) and
27 (4) of the Rules of Civil Procedure by making an exception to the
28 husband-wife privilege set out in paragraph (1) and the doctor-
29 patient privilege set out in paragraph (4).

SB 91 am by House

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