

Introduced: 2/26/71
Referred: Health, Welfare &
Education and Judiciary

1 IN THE HOUSE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 HOUSE BILL NO. 223

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the welfare and protection of
7 children."

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

9 * Section 1. AS 47 is amended by adding a new chapter to read:

10 CHAPTER 17. CHILD PROTECTION.

11 Sec. 47.17.010. PURPOSE. In order to protect children whose
12 health and welfare may be adversely affected through the infliction,
13 by other than accidental means, of physical injury or physical neglect
14 requiring the attention of a practitioner of the healing arts, the
15 legislature requires the reporting of these cases by practitioners
16 and others to the appropriate public authorities. It is the intent
17 of the legislature that, as a result of these reports, protective
18 services will be made available in an effort to prevent further abuses
19 and to safeguard and enhance the general welfare of the children in
20 this state.

21 Sec. 47.17.020. PERSONS REQUIRED TO REPORT. (a) The following
22 persons who, in the performance of their professional duties, have
23 cause to believe that a child has suffered injury as a result of abuse,
24 neglect or starvation shall report the injury in accordance with sec.
25 30 of this chapter:

- 26 (1) practitioners of the healing arts;
27 (2) school teachers;
28 (3) social workers;
29 (4) peace officers, and officers of the division of

1 corrections;

2 (5) administrative officers of institutions.

3 (b) This section does not prohibit the named persons from report-
4 ing cases which have come to their attention in their nonprofessional
5 capacities nor does it prohibit any other person from reporting a
6 child's injury which he has cause to believe is a result of abuse,
neglect or starvation. These reports shall be filed in accordance
with sec. 30 of this chapter.

9 Sec. 47.17.030. REPORTING. (a) An immediate report of the
10 injury shall be made. Every oral report shall be followed within 24
11 hours by a written report.

12 (b) Oral and written reports shall contain

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

15 (2) the child's age and the nature and extent of the injury,
16 including evidence of previous injuries, if known; and

17 (3) information which might assist in determining the cause
18 of injury and the identity of the person or persons responsible for
19 the injury.

20 (c) If the child is believed to reside within the boundaries of
21 a local government exercising health functions for the area in which
22 the child is believed to reside, the report shall be made to the
23 appropriate agency of that local government. If the child is believed
24 to reside outside the boundaries of such a local government, the
25 report shall be made to the nearest office of the state Department of
26 Health and Welfare.

27 Sec. 47.17.040. ACTION ON REPORTS; CENTRAL REGISTRY. An agency
28 receiving a report of an injury shall, for each report received,
29 investigate and take action, in accordance with law, which may be

1 necessary to prevent further injury to the child or to insure the
2 proper care and protection of the child. In addition, a local govern-
3 ment agency receiving a report shall forward a copy of it to the
4 department. Action shall be taken regardless of whether the identity
5 of the person making the report is known. The department shall maintain
6 a central registry of all reports.

7 Sec. 47.17.050. IMMUNITY. A person who, in good faith, makes
8 a report under this chapter, or who participates in judicial proceed-
9 ings related to the submission of reports under this chapter, is immune
10 from any civil or criminal liability which might otherwise be incurred
11 or imposed.

12 Sec. 47.17.060. EVIDENCE NOT PRIVILEGED. Neither the physician-
13 patient nor the husband-wife privilege is a ground for excluding evidence
14 regarding a child's injury, or its cause, in a judicial proceeding
15 related to a report made under this chapter.

16 Sec. 47.17.070. TERMINATION OF PARENTAL RIGHTS. Before the
17 department or a local government health agency may seek the termination
18 of parental rights, under AS 47.10.080(c)(3), it shall pursue all other
19 reasonable means of protecting the child.

20 Sec. 47.17.080. CONFIDENTIALITY. Reports filed under this chap-
21 ter are considered confidential and are not subject to public inspec-
22 tion and copying under AS 09.25.110 and 09.25.120.

23 Sec. 47.17.090. DEFINITIONS. In this chapter

24 (1) "abuse" means the infliction, by other than accidental
25 means, of physical injury upon the body of a child;

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

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

28 (4) "institution" means a private or public hospital or
29 other facility providing medical diagnosis, treatment, or care;

1 (5) "neglect" means the failure to provide necessary food,
2 care, clothing, shelter, or medical attention for a child;

3 (6) "practitioner of the healing arts" includes chiro-
4 practers, dentists, health aides, nurses, osteopaths, physical thera-
5 pists, physicians, psychologists, and religious healing practitioners.

6 * Sec. 2. AS 11.67.005 - 11.67.070 are repealed.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29