

Original sponsor: Sullivan

Offered: 5/15/75  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 432

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to child protection; changing Rule  
7 11(a), Rules of Children's Procedure; and providing for  
8 an effective date."

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

10 \* Section 1. AS 47.17.010 is amended to read:

11 Sec. 47.17.010. PURPOSE. In order to protect children whose  
12 health and well-being may be adversely affected through the infliction,  
13 by other than accidental means, of harm through [PHYSICAL] abuse or  
14 neglect requiring the attention of a practitioner of the healing arts,  
15 the legislature requires the reporting of these cases by practitioners  
16 and others to the appropriate public authorities. It is the intent of  
17 the legislature that, as a result of these reports, protective services  
18 will be made available in an effort to prevent further harm to the  
19 child, to safeguard and enhance the general well-being of the children  
20 in this state, and to preserve family life whenever possible. It is  
21 also the intent of the legislature to provide child abuse counseling and  
22 information for parents who have abused their children and to help  
23 prevent future harm to children in the state.

24 \* Sec. 2. AS 47.17.030 is amended by adding a new subsection to read:

25 (e) In every case involving an abused or neglected child which  
26 results in a judicial proceeding, a guardian ad litem shall be appointed  
27 to represent the child in the proceedings.

28 \* Sec. 3. AS 47.17.040(b) is amended to read:

29 (b) Investigation reports and reports of harm filed under this

1 chapter are considered confidential and are not subject to public  
2 inspection and copying under AS 09.25.110 and 09.25.120. However, in  
3 accordance with department regulations, investigation reports may be  
4 used by appropriate governmental agencies with child-protection func-  
5 tions, inside and outside Alaska, in connection with investigations or  
6 judicial proceedings involving child abuse, neglect, or custody. A  
7 person, not acting in accordance with department regulations, who wil-  
8 fully makes public information contained in confidential reports is  
9 guilty of a misdemeanor and upon conviction is punishable by imprisonment  
10 for not more than one year, or by a fine of not more than \$5,000, or by  
11 both.

12 \* Sec. 4. AS 47.17 is amended by adding a new section to read:

13 Sec. 47.17.065. COUNSELING AND INFORMATION GRANTS. (a) The  
14 department shall provide funds, after consulting with the office of  
15 child advocacy, to private and public nonprofit community service  
16 agencies and hospitals in the state for professional counseling services  
17 to parents. The funds may also be used by the agencies to provide  
18 information to the community concerning the problems of child abuse and  
19 the help available in the state for abused children and their families.  
20 Funds appropriated under this section may be used as the state or local  
21 contribution for obtaining federal funds under the Child Abuse Treatment  
22 and Prevention Act (P.L. 93-247).

23 (b) The department may issue regulations, subject to the Adminis-  
24 trative Procedure Act (AS 44.62), relating to the distribution and use  
25 of funds provided for under (a) of this section.

26 \* Sec. 5. AS 47.17.070(1) is repealed and re-enacted to read:

27 (1) "child abuse or neglect" means the physical or mental  
28 injury, sexual abuse, negligent treatment, or maltreatment of a child  
29 under the age of 18 by a person who is responsible for the child's

1 welfare under circumstances which indicate that the child's health or  
2 welfare is harmed or threatened thereby;

3 \* Sec. 6. In sec. 2 of this Act, the amendment of AS 47.17.030 by adding  
4 subsection (e) has the effect of changing Rule 11(a), Rules of Children's  
5 Procedure, by requiring the court to appoint a guardian ad litem to represent  
6 the child in all judicial proceedings involving an abused or neglected child.

7 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-  
8 070(c).