

Original Sponsors: Parr, Fahrenkamp,
Fischer and Stimson

Offered: 3/20/81
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 89 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the child protection laws; and pro-
7 viding for an effective date."

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

9 * Section 1. AS 47.10.010(a)(2) is amended by adding a new subparagraph
10 to read:

11 (F) the child having suffered substantial mental or
12 physical neglect as a result of conditions created by the child's
13 parent, guardian or custodian.

14 * Sec. 2. AS 47.10.142(a) is amended by adding a new paragraph to read:

15 (4) the minor has been sexually abused under circumstances
16 listed in AS 47.10.010(a)(2)(D).

17 * Sec. 3. AS 47.17.010 is amended to read:

18 Sec. 47.17.010. PURPOSE. In order to protect children whose
19 health and well-being may be adversely affected through the infliction,
20 by other than accidental means, of harm through physical or mental
21 abuse or neglect or sexual exploitation [REQUIRING THE ATTENTION OF A
22 PRACTITIONER OF THE HEALING ARTS], the legislature requires the report-
23 ing of these cases by practitioners of the healing arts and others to
24 the appropriate public authorities. It is the intent of the legis-
25 lature that, as a result of these reports, protective services will be
26 made available in an effort to prevent further harm to the child, to
27 safeguard and enhance the general well-being of the children in this
28 state, and to preserve family life whenever possible.

29 * Sec. 4. AS 47.17.020(a)(2) is amended to read:

1 (2) school teachers and school administrative staff members;

2 * Sec. 5. AS 47.17.020(a) is amended by adding a new paragraph to read:

3 (6) individuals involved in day care and foster care.

4 * Sec. 6. AS 47.17 is amended by adding new sections to read:

5 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. A person required to
6 report suspected physical or mental injury or neglect under this chapter
7 may without the permission of the parents

8 (1) take or have taken photographs of the areas of trauma
9 visible on the child; and

10 (2) if medically indicated, have a radiological examination
11 of the child performed.

12 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person required
13 to file a report of abuse or neglect under AS 47.17.020 who wilfully or
14 knowingly fails or refuses to report the harm required under AS 47.17.-
15 020 is guilty of a class B misdemeanor.

16 * Sec. 7. AS 47.17.070(1) is amended to read:

17 (1) "child abuse or neglect" means the physical or mental
18 injury or neglect, sexual abuse, sexual exploitation, or maltreatment
19 of a child under the age of 18 by a person who is responsible for the
20 child's welfare under circumstances which indicate that the child's
21 health or welfare is harmed or threatened thereby;

22 * Sec. 8. AS 47.17.070 is amended by adding new paragraphs to read:

23 (7) "mental injury or neglect" means injury or neglect to
24 the intellectual or psychological capacity of a child evidenced by a
25 substantial impairment to the child's ability to function within the
26 child's normal range of performance and behavior with due regard to the
27 culture in which the child lives;

28 (8) "sexual exploitation" means

29 (A) permission or encouragement to a child for prosti-

1 tution prohibited by AS 11.66.100 - 11.66.150 by a person responsi-
2 ble for the child's welfare;

3 (B) permission, encouragement, or activity involved in
4 the unlawful exploitation of a minor prohibited by AS 11.41.455 by
5 a person responsible for the minor's welfare.

6 * Sec. 9. This Act takes effect July 1, 1981.
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