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6-0349A

1 IN THE SENATE

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2

SENATE BILL NO. 122

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing treatment of a minor who misuses
7 hazardous volatile materials or substances as a child
8 in need of aid."

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

10 * Section 1. AS 47.10.010(a) is amended to read:

11 (a) Proceedings relating to a minor [UNDER 18 YEARS OF AGE]
12 residing or found in the state are governed by this chapter, except as
13 otherwise provided in this chapter, when the court finds the minor

14 (1) to be a delinquent minor as a result of violating a
15 criminal law of the state or a municipality of the state; or

16 (2) to be a child in need of aid as a result of

17 (A) the child being habitually absent from home or
18 refusing to accept available care, or having no parent, guardian,
19 custodian, or relative caring or willing to provide care, includ-
20 ing physical abandonment by

21 (i) both parents,

22 (ii) the surviving parent, or

23 (iii) one parent if the other parent's rights and
24 responsibilities have been terminated under AS 25.23.180(c)
25 or AS 47.10.080 or voluntarily relinquished;

26 (B) the child being in need of medical treatment to
27 cure, alleviate, or prevent substantial physical harm, or in need
28 of treatment for mental harm as evidenced by failure to thrive,
29 severe anxiety, depression, withdrawal, or untoward aggressive

1 behavior or hostility toward others, and the child's parent,
2 guardian, or custodian has knowingly failed to provide the treat-
3 ment;

4 (C) the child having suffered substantial physical
5 harm or if there is an imminent and substantial risk that the
6 child will suffer such harm as a result of the actions done by or
7 conditions created by the child's parent, guardian, or custodian
8 or the failure of the parent, guardian, or custodian adequately
9 to supervise the child;

10 (D) the child having been, or being in imminent and
11 substantial danger of being, sexually abused either by the
12 child's parent, guardian, or custodian, or as a result of con-
13 ditions created by the child's parent, guardian, or custodian, or
14 by the failure of the parent, guardian, or custodian adequately
15 to supervise the child;

16 (E) the child committing delinquent acts as a result
17 of pressure, guidance, or approval from the child's parents,
18 guardian, or custodian;

19 (F) the child having suffered substantial physical
20 abuse or neglect as a result of conditions created by the child's
21 parent, guardian, or custodian;

22 (G) the child having suffered, or there being an
23 imminent and substantial risk that the child will suffer, harm
24 due to the child intentionally smelling or inhaling a hazardous
25 volatile material or substance.

26 * Sec. 2. AS 47.10.290 is amended to read:

27 Sec. 47.10.290. DEFINITIONS. In this chapter, unless the con-
28 text otherwise requires,

29 (1) "care" or "caring" under AS 47.10.010(a)(2)(A),

1 47.10.120(a) and 47.10.230(c), means to provide for the physical,
2 emotional, mental, and social needs of the child;

3 (2) "child in need of aid" means a minor found to be within
4 the jurisdiction of the court under AS 47.10.010(a)(2);

5 (3) "court" means the superior court of the state;

6 (4) "delinquent minor" means a minor found to be within the
7 jurisdiction of the court under AS 47.10.010(a)(1);

8 (5) "department" means the Department of Health and Social
9 Services;

10 (6) "hazardous volatile material or substance"

11 (A) means a material or substance that is readily
12 vaporizable at room temperature and whose vapors or gases, when
13 inhaled,

14 (i) pose an immediate threat to the life or
15 health of the person; or

16 (ii) are likely to have adverse delayed effects on
17 the health of the person;

18 (B) includes, but is not limited to,

19 (i) materials and substances containing petroleum
20 distillates, ketones, aldehydes, organic acetones, ether,
21 chlorinated hydrocarbons or metallic powders, such as gaso-
22 line, glue, fingernail polish, adhesive cement, mucilage,
23 dope, paint dispensed from pressurized containers, or any
24 other substance containing solvents releasing toxic vapors;
25 and

26 (ii) common household materials and substances
27 whose containers bear a notice warning that inhalation of
28 vapors or gases may cause physical harm;

29 (7) [(6)] "juvenile detention facility" means separate

1 quarters within a city jail used for the detention of delinquent
2 minors;

3 (8) [(7)] "juvenile detention home" or "detention home" is
4 a separate establishment, exclusively devoted to the detention of
5 minors on a short-term basis and not a part of an adult jail;

6 (9) [(8)] "minor" is a person under 18 years of age.