

CS FOR HOUSE BILL NO. 214(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/5/93

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing the parent or legal guardian of a minor to disclose information
2 about the minor to certain state officials and state employees; prohibiting further
3 disclosure of the information to unauthorized persons; amending Alaska Child in
4 Need of Aid Rule 22; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * Section 1. AS 47.10.090(a) is amended to read:

7 (a) The court shall make and keep records of all cases brought before it. The
8 court's official records may be inspected only with the court's permission and only by
9 persons having a legitimate interest in them. Except as provided in AS 47.10.092,
10 all [ALL] information and social records pertaining to a minor and prepared by an
11 employee of the court or by a federal, state, or city agency in the discharge of the
12 employee's or agency's official duty, including driver's license action under
13 AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone
14 without the court's permission. However, a state or city law-enforcement agency shall

1 disclose information regarding a case ~~that~~ [WHICH] is needed by the person or
2 agency charged with making a preliminary investigation for the information of the
3 court. The court shall forward a record of adjudication of a violation of an offense
4 listed in AS 28.15.185(a) to the Department of Public Safety [,] if the court imposes
5 a license revocation under AS 28.15.185. Within 30 days of the date of a minor's 18th
6 birthday or, if the court retains jurisdiction of a minor past the minor's 18th birthday,
7 within 30 days of the date on which the court relinquishes jurisdiction over the minor,
8 the court shall order sealed all the court's official records, information, and social
9 records pertaining to that minor, as well as records of all driver's license proceedings
10 under AS 28.15.185, criminal proceedings against the minor, and punishments assessed
11 against the minor except for traffic offenses. A person may not use these sealed
12 records for any purpose except that the court may order their use for good cause
13 shown or may order their use by an officer of the court in making a presentencing
14 report for the court.

15 * Sec. 2. AS 47.10 is amended by adding a new section to read:

16 Sec. 47.10.092. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)
17 Notwithstanding AS 47.10.090, a parent or legal guardian of a minor subject to a
18 proceeding under AS 47.10.010 - 47.10.142 may disclose confidential or privileged
19 information about the minor, including information that has been lawfully obtained
20 from agency or court files, to the governor, the lieutenant governor, a legislator, the
21 ombudsman appointed under AS 24.55, the attorney general, and the commissioners
22 of health and social services, administration, or public safety, or an employee of these
23 persons, for review or use in their official capacities. A person to whom disclosure
24 is made under this section may not disclose confidential or privileged information
25 about the minor to a person not authorized to receive it.

26 (b) The disclosure right under (a) of this section is in addition to, and not in
27 derogation of, the rights of a parent or legal guardian of a minor.

28 (c) A person who violates a provision of this section is guilty of a
29 misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or
30 by imprisonment for not more than one year, or by both.

31 * Sec. 3. COURT RULE CHANGE. AS 47.10.092, added by sec. 2 of this Act, amends

- 1 Alaska Child in Need of Aid Rule 22, by providing an exception to the confidentiality of
- 2 information pertaining to a minor who is the subject of Child In Need of Aid proceedings.
- 3 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).