

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

5/17/82

Date:

5/19/82

Mr. Speaker:

The Committee on Finance has had CSSB 89(Rls) am

"An Act amending the child protection laws; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^HCS for CSSB 89 (Finance) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New-Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CS for Senate Bill No. 89 (Rules) am
Title "An Act amending the child protection laws: & providing for an eff. date."
Requested by The Rules Committee Date _____

II. FISCAL DETAIL
Agency Affected Department of Health and Social Services
Program Category Affected _____
BRU, Program, Or Subprogram(s) Affected _____
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

CS for Senate Bill No. 89 (Rules) am has no fiscal impact on the Department of Health and Social Services.

IV. DATE 2/16/82 PREPARED BY John R. Pugh, Director
AGENCY Division of Family & Youth Services /cc
Original: Legislative Finance PHONE 465-3170
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Original sponsors: Parr, Fahrenkamp,
Fischer and Stimson

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 89 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND 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 physical abuse
12 or neglect as a result of conditions created by the child's parent,
13 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 abuse or neglect
21 or sexual abuse or sexual exploitation [REQUIRING THE ATTENTION OF A
22 PRACTITIONER OF THE HEALING ARTS], the legislature requires the reporting
23 of these cases by practitioners of the healing arts and others to the
24 appropriate public authorities. It is the intent of the legislature
25 that, as a result of these reports, protective services will be made
26 available in an effort to prevent further harm to the child, to safeguard
27 and enhance the general well-being of the children in this state, and to
28 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 a new section to read:

5 Sec. 47.17.025. DUTIES OF PUBLIC AUTHORITIES. (a) A law enforce-
6 ment agency shall immediately notify the department of the receipt of a
7 report of harm to a child from abuse. Upon receipt from any source of a
8 report of harm to a child from abuse, the department shall notify the
9 Department of Law and investigate the report and, within 72 hours of the
10 receipt of the report, shall provide a written report of its investiga-
11 tion of the harm to a child from abuse to the Department of Law for
12 review.

13 (b) The report of harm to a child from abuse required from the
14 department by this section shall include:

15 (1) the names and addresses of the child and his parent or
16 other persons responsible for his care, if known;

17 (2) the age and sex of the child;

18 (3) the nature and extent of the harm to the child from
19 abuse;

20 (4) the name and age and address of the person known or
21 believed to be responsible for the harm to the child from abuse, if
22 known;

23 (5) information that the department believes may be helpful
24 in establishing the identity of the person believed to have caused the
25 harm to the child from abuse.

26 (c) The Department of Law shall review the report of the depart-
27 ment and, in consultation with the department, take appropriate action
28 to protect the child from further harm.

29 * Sec. 7. AS 47.17 is amended by adding new sections to read:

1 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. A person required under
2 this chapter to report that a child suffered substantial harm as a
3 result of physical abuse or neglect may without the permission of the
4 parents

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

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

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

13 * Sec. 8. AS 47.17.070(1) is amended to read:

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

19 * Sec. 9. AS 47.17.070 is amended by adding a new paragraph to read:

20 (7) "sexual exploitation" means

21 (A) permission or encouragement to a child for prosti-
22 tution prohibited by AS 11.66.100 - 11.66.150 by a person responsi-
23 ble for the child's welfare;

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

27 * Sec. 10. This Act takes effect July 1, 1982.
28
29

Original sponsors: Parr, Fahrenkamp,
Fischer and Stimson

Offered: 2/8/82

1 IN THE SENATE

BY THE ~~RULES~~ COMMITTEE

2 *HOUSE CS* CS FOR SENATE BILL NO. 89 (~~Rules~~) am *Finance*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND 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 physical abuse
12 or neglect as a result of conditions created by the child's parent,
13 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 abuse or neglect
21 or sexual abuse or sexual exploitation [REQUIRING THE ATTENTION OF A
22 PRACTITIONER OF THE HEALING ARTS], the legislature requires the reporting
23 of these cases by practitioners of the healing arts and others to the
24 appropriate public authorities. It is the intent of the legislature
25 that, as a result of these reports, protective services will be made
26 available in an effort to prevent further harm to the child, to safeguard
27 and enhance the general well-being of the children in this state, and to
28 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 *> Add new copy (Sec. 7 from HCS CSSB 89 (Jed))*
6 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. A person required under

7 this chapter to report that a child suffered substantial harm as a
8 result of physical abuse or neglect may without the permission of the
9 parents

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

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

14 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person required
15 to file a report of abuse or neglect under AS 47.17.020 who willfully or
16 knowingly fails or refuses to report the harm required under AS 47.17.-
17 020 is guilty of a class B misdemeanor.

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

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

24 * Sec. 8. AS 47.17.070 is amended by adding a new paragraph to read:

25 (7) "sexual exploitation" means

26 (A) permission or encouragement to a child for prosti-
27 tution prohibited by AS 11.66.100 - 11.66.150 by a person responsi-
28 ble for the child's welfare;

29 (B) permission, encouragement, or activity involved in
the unlawful exploitation of a minor prohibited by AS 11.41.455 by

1 section from reporting instances of harm to a child which have come to
2 the attention of the person in a nonprofessional capacity nor does it
3 prohibit any other person from reporting harm to a child that the person
4 has cause to believe is a result of abuse or neglect. A report shall be
5 made to the nearest office of the department or to a law enforcement
6 agency.

7 * Sec. 5. AS 47.17.020(c) is repealed and reenacted to read:

8 (c) If it appears reasonable from a report made under this section
9 that immediate action is necessary for the well-being of a child, the
10 department or law enforcement agency or peace officer shall take action
11 to protect the child.

12 * Sec. 6. AS 47.17.020 is amended by adding a new subsection to read:

13 (d) A form for a report of harm to a child from abuse or neglect
14 may be obtained from the department, a local police department, or the
15 Department of Public Safety.

16 * Sec. 7. AS 47.17 is amended by adding a new section to read:

17 Sec. 47.17.025. DUTIES OF PUBLIC AUTHORITIES. (a) A law enforce-
18 ment agency shall immediately notify the department of the receipt of a
19 report of harm to a child from abuse ~~or neglect~~. Upon receipt from any
20 source of a report of harm to a child from abuse ~~or neglect~~, the depart-
21 ment shall notify the Department of Law and investigate the report and,
22 within 72 hours of the receipt of the report, shall provide a written
23 report of its investigation of the harm to a child from abuse ~~or neglect~~
24 to the Department of Law for review.

25 (b) The report of harm to a child from abuse ~~or neglect~~ required
26 from the department by this section shall include:

27 (1) the names and addresses of the child and his parent or
28 other persons responsible for his care, if known;

29 (2) the age and sex of the child;

1 (3) the nature and extent of the harm to the child from abuse
2 ~~(or neglect)~~

3 (4) the name and age and address of the person known or
4 believed to be responsible for the harm to the child from abuse ~~(or~~
5 ~~neglect)~~ if known;

6 (5) information that the department believes may be helpful
7 in establishing the identity of the person believed to have caused the
8 harm to the child from abuse ~~(or neglect)~~

9 (c) The Department of Law shall review the report of the depart-
10 ment and, in consultation with the department, take appropriate action
11 to protect the child from further harm.

12 * ~~Sec. 9. AS 47.17 is amended by adding a new section to read:~~

13 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. The department or a
14 person required under this chapter to report that a child suffered
15 substantial harm as a result of physical abuse or neglect may without
16 the permission of the parents and at the expense of the department

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

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

21 * Sec. 9. AS 47.17.070(1) is amended to read:

22 (1) "child abuse or neglect" means the physical injury or
23 neglect, sexual abuse, or maltreatment of a child under the age of 18 by
24 a person who is responsible for the child's welfare under circumstances
25 which indicate that the child's health or welfare is harmed or threatened
26 thereby;

27 * Sec. 10. This Act takes effect July 1, 1982.
28
29

COMMITTEE REPORT

5/17

HOUSE

(7)

FURTHER: FINANCE

3/24/82

Date:

May 15, 1982

Mr. Speaker:

The Committee on JUDICIARY has had CSSB 89(Rls)am

"An Act amending the child protection laws; and providing for an effective date."

under consideration and (a-majority-of-the-committee)-(the-committee)--- reports it back with the following recommendations:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[X] replace with CS for ^{House} CS for Senate Bill 89 Judiciary [X] same title new title and recommends

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[X] reports it back without ^{recommendation} recommendation

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

Fabrice A. Gault IE NOT AMENDED

MEMBERS HAVING OTHER RECOMMENDATIONS:

Mr. G. L. Gubman Buchholt - Do Pass if amended

RODNEY REE: D.P. if amended
General Bureau No Rec

General Bureau
CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: H.E.S.S.

To: CS HOUSE BILL No. _____

→ SENATE BILL No. 89(rls)am

PAGE: 2

LINE: 1

Delete: administrative staff members

Insert: administrators

Original sponsors: Parr, Fahrenkamp,
Fischer and Stimson

Offered: 5/17/82
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 89 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND 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 physical abuse
12 or neglect as a result of conditions created by the child's parent,
13 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 abuse or neglect
21 or sexual abuse requiring the attention of a practitioner of the healing
22 arts, the legislature requires the reporting of these cases by practi-
23 tioners and others to the appropriate public authorities. It is the
24 intent of the legislature that, as a result of these reports, protective
25 services will be made available in an effort to prevent further harm to
26 the child, to safeguard and enhance the general well-being of the chil-
27 dren in this state, and to preserve family life whenever possible.

28 * Sec. 4. AS 47.17.020(b) is repealed and reenacted to read:

29 (b) This section does not prohibit a person listed in (a) of this

1 section from reporting instances of harm to a child which have come to
2 the attention of the person in a nonprofessional capacity nor does it
3 prohibit any other person from reporting harm to a child that the person
4 has cause to believe is a result of abuse or neglect. A report shall be
5 made to the nearest office of the department or to a law enforcement
6 agency.

7 * Sec. 5. AS 47.17.020(c) is repealed and reenacted to read:

8 (c) If it appears reasonable from a report made under this section
9 that immediate action is necessary for the well-being of a child, the
10 department or law enforcement agency or peace officer shall take action
11 to protect the child.

12 * Sec. 6. AS 47.17.020 is amended by adding a new subsection to read:

13 (d) A form for a report of harm to a child from abuse or neglect
14 may be obtained from the department, a local police department, or the
15 Department of Public Safety.

16 * Sec. 7. AS 47.17 is amended by adding a new section to read:

17 Sec. 47.17.025. DUTIES OF PUBLIC AUTHORITIES. (a) A law enforce-
18 ment agency shall immediately notify the department of the receipt of a
19 report of harm to a child from abuse or neglect. Upon receipt from any
20 source of a report of harm to a child from abuse or neglect, the depart-
21 ment shall notify the Department of Law and investigate the report and,
22 within 72 hours of the receipt of the report, shall provide a written
23 report of its investigation of the harm to a child from abuse or neglect
24 to the Department of Law for review.

25 (b) The report of harm to a child from abuse or neglect required
26 from the department by this section shall include:

- 27 (1) the names and addresses of the child and his parent or
28 other persons responsible for his care, if known;
29 (2) the age and sex of the child;

1 (3) the nature and extent of the harm to the child from abuse
2 or neglect;

3 (4) the name and age and address of the person known or
4 believed to be responsible for the harm to the child from abuse or
5 neglect, if known;

6 (5) information that the department believes may be helpful
7 in establishing the identity of the person believed to have caused the
8 harm to the child from abuse or neglect.

9 (c) The Department of Law shall review the report of the depart-
10 ment and, in consultation with the department, take appropriate action
11 to protect the child from further harm.

12 * Sec. 8. AS 47.17 is amended by adding a new section to read:

13 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. The department or a
14 person required under this chapter to report that a child suffered
15 substantial harm as a result of physical abuse or neglect may without
16 the permission of the parents and at the expense of the department

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

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

21 * Sec. 9. AS 47.17.070(1) is amended to read:

22 (1) "child abuse or neglect" means the physical injury or
23 neglect, sexual abuse, or maltreatment of a child under the age of 18 by
24 a person who is responsible for the child's welfare under circumstances
25 which indicate that the child's health or welfare is harmed or threatened
26 thereby;

27 * Sec. 10. This Act takes effect July 1, 1982.
28
29

POSITION PAPER

CS FOR SENATE BILL NO. 89 (RULES) am

"An Act amending the child protection laws; and providing for an effective date."

The Department of Health and Social Services is in support of CS for Senate Bill No. 89 amending the child protection laws. Significant elements of the Bill include the addition of sexual abuse as one of the conditions under which the Department may assume emergency custody. Under current statute it is unclear whether the Department has the authority to assume emergency custody, and in cases of sexual abuse, children are often in danger of being pressured and of continuing to be abused unless they are removed from the home. Therefore, this amendment provides stronger protection to children who are being sexually abused or exploited.

This Bill also amends the child protection reporting statute to require school administrators and individuals involved in day care and foster care to report child abuse or neglect if they become aware of it in the performance of their duties. In addition, it permits the taking of photographs of the injuries to the child and, if medically indicated, of X-rays. It also provides a penalty for failure to report, which considerably strengthens the present law.

The Department wishes to point out a minor problem in this Bill. Section 1 was amended by the Rules Committee to eliminate mental harm from the previous wording. This has resulted in Subparagraph F (Lines 11-13, Page 1) being substantially the same as Subsection C in existing statute. The Department thus recommends that Section 1 be deleted from this Bill.

In summary, the Department believes this Bill, if passed, will provide greater protection to Alaskan children; and, therefore, the Department supports its passage.

RECOMMENDED BY: John R. Pugh
John R. Pugh, Director
Division of Family and
Youth Services

DATE: 2/16/82

APPROVED BY: Heleh D. Beirne
Heleh D. Beirne
Commissioner

DATE: 2-17-82

Original sponsors: Parr, Fahrenkamp,
Fischer and Stimson

Offered: 2/8/82

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 89 (Rules) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

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

7

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
to read:

10

11

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

12

13

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

19

20

21

22

23

24

25

26

27

28

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 under
6 this chapter to report that a child suffered substantial harm as a
7 result of physical abuse or neglect may without the permission of the
8 parents

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

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

13 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person required
14 to file a report of abuse or neglect under AS 47.17.020 who willfully or
15 knowingly fails or refuses to report the harm required under AS 47.17.-
16 020 is guilty of a class B misdemeanor.

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

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

23 * Sec. 8. AS 47.17.070 is amended by adding a new paragraph to read:

24 (7) "sexual exploitation" mean

25 (A) permission or encouragement to a child for prosti-
26 tution prohibited by AS 11.66.100 - 11.66.150 by a person responsi-
27 ble for the child's welfare;

28 (B) permission, encouragement, or activity involved in
29 the unlawful exploitation of a minor prohibited by AS 11.41.455 by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

a person responsible for the minor's welfare.

* Sec. 9. This Act takes effect July 1, 1982.