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March 19, 1982

ANALYSIS BY BILL SECTION
OF PROPOSED
HOUSE CS FOR SB 89

<u>Sec. No.</u>	<u>Page; Line</u>	<u>Analysis of Section</u>
1	1; 10	Deletes the requirement of necessity for immediate medical attention to take emergency custody, and emphasizes protection of child as determinative factor.
2	1; 15	Outlines legislative purpose behind AS 47.10: protection of children, preservation of family life when possible, encourage cooperation between agencies with child protection functions involving abuse or neglect, preserve and protect the public safety and order.
3	2; 1	Delineates the professional persons who are required to report child abuse or neglect to proper authorities. An immediate report can be made either to the Department of Health & Social Services or to a law enforcement agency. Requires a written follow-up report of the harm to the department within 72 hours. Expands the categories of persons required to report.
4	3; 9	Sets out the required interplay of agencies having child protection functions. The law enforcement agency must immediately notify DHSS when it receives a report of abuse or neglect of a child. DHSS is required to immediately notify Law of a report of abuse of a child and must provide a written follow-up to Law within 72 hours.

<u>Sec. No.</u>	<u>Page; Line</u>	<u>Analysis of Section</u>
4	4; 16	Requires Law to review reports of abuse and then to assist DHSS in taking legal action, if appropriate.
5	4; 22	Requires DHSS to maintain a central registry of reports required to be filed by AS 47.17. Provides that reports of abuse and neglect are confidential except that they may be disclosed to governmental agencies having child protection functions for their limited use in investigations of judicial proceedings involving a crime against a child, child abuse, neglect, or custody. Provides a criminal penalty for knowing improper disclosure of these confidential reports.
6	5; 8	Grants authority to DHSS or a person required to report child abuse or neglect to photograph or X-ray areas of trauma visible on an apparent child victim, without parental consent. Provides further that DHSS or a health practitioner, if medically appropriate, may have a radiological examination performed on the child.
6	5; 16	Provides that the penalty for a person required to report child abuse or neglect who knowingly fails or refuses to do so is a violation.
7	5; 21	Provides definitions of significant words or phrases.
8	6; 25	Provides that all information and social records pertaining to a minor which are prepared by an employee of a court or an employee of a federal, state or city agency are privileged and may not be disclosed without the court's permission, except that information or social records of an apparent child victim of abuse is to be disclosed to Law upon request.

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: Helch D. Beirne
Helch D. Beirne
Commissioner

DATE: 2-17-82

