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DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

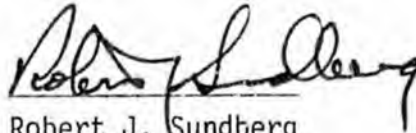
Support

01/27/86

SSHB471 "An Act relating to the abuse and neglect of children".

This legislation will reverse the present reporting requirements under AS 47.17.020 in that law enforcement agencies will be notified first in cases of suspected child abuse or neglect. This change will speed up the initiation of these investigations. The Dept. of H&SS is then notified by the law enforcement agency.

There is nothing in this bill which changes the course of action currently being taken other than to hasten the involvement of law enforcement agencies. No additional work load or costs are anticipated.


Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION -
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SS HB 471
 Title : An Act relating to Abuse and Neglect of Children
 Sponsor : Goll and Gruenberg
 Requestor : _____
 Date of Request : 1/24/86

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : Social Services
Youth Services
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Michael L. Price, Director *Michael L. Price* Phone : 465-3170
 Division : Family and Youth Services Date : January 27, 1986 *pc*

Approved by Commissioner : John R. Pugh *John R. Pugh* Date : 1/28/86
 Agency : Health and Social Services

- Distribution (by Agency preparing fiscal note) :
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SSHB 471
 Title : "an act relating to the abuse
 and neglect of children."
 Sponsor : Rep. Goll and Rep. Gruenberg
 Requestor : H. HESS
 Date of Request : 1/28/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Alaska State Troopers
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Kathy Niles
 Kathy Niles, Admin. Ass't
 Division : Commissioner's Office

Phone : 465-4336
 Date : 1/27/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 1/28/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

MEMORANDUM

TO: ALL HOUSE HESS COMMITTEE MEMBERS
FROM: NANCY BENNETT, COMMITTEE STAFF
DATE: JANUARY 28, 1986
RE: TODAY'S MEETING

We have two bills relating to children scheduled for today:
SSHB 471 (Goll) relating to the abuse and neglect of children

This bill would amend existing statute to provide that persons required to report under AS 47.17.020 shall make reports of harm to children to the nearest law enforcement agency if the abuser is not related to the child, or the reporter is not sure who has harmed the child or the relationship of the abuser to the child.

Rep. Goll has informed staff that he intends to offer an amendment to the committee concerning the definition of child abuse. (NOTE: the definition of "child abuse and neglect" in 47.17.070 defines abuse and neglect only in terms of maltreatment and injury by a person responsible for the child's welfare)

HB 457 (Taylor) relating to children's records

This bill amends AS 47.10.090 (a) by divided existing law into two sections. This bill is based on California law.

Section 1 repeals subsection (a) replacing it with language which defines in statute exactly who can inspect court records of a juvenile (the minor, the minor's parents/guardian, attorneys for either party and other persons by court order)

Section 2 adds a new section to Title 47 dealing with the sealing and destruction of juvenile records. Current law provides that the court shall automatically seal records of a juvenile (except for traffic offenses) within 30 days of the date the court relinquishes custody. The bill would provide that a minor or the department must petition the court to close the records. The court is charged with notifying the minor of this right. The court must have a hearing and find that the minor has not committed a felony and has successfully completed a recommended plan of rehabilitation in order to seal the records. Five years after the records are sealed, the court shall order destruction of the records unless, for good cause shown, the court retains the records.

Introduced: 1/17/86
Referred: Health, Education and
Social Services and Judiciary

1 IN THE HOUSE

BY GOLL AND GRUENBERG

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the abuse and neglect of chil-
7 dren."

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

9 * Section 1. AS 47.17.020 is amended by adding a new subsection to
10 read:

11 (c) A person listed in (a) of this section, who in the perfor-
12 mance of the person's occupational duties has cause to believe that a
13 child has suffered harm as a result of abuse or neglect, shall prompt-
14 ly report the harm to the nearest law enforcement agency if the person
15 making the report (1) has cause to believe that the harm was caused by
16 a person who is not responsible for the child's welfare; or (2) is
17 unable to determine (A) who caused the harm to the child or (B,
18 whether the person who is believed to have caused the harm has respon-
19 sibility for the child's welfare. If a person making a report under
20 this subsection cannot reasonably contact the nearest law enforcement
21 agency, and immediate action appears necessary for the well-being of
22 the child, the person shall make the report to the nearest office of
23 the department. The department shall take immediate action to protect
24 the child and shall, at the earliest opportunity, notify the nearest
25 law enforcement agency.

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Sec. 47.17.010. Purpose.

NOTES TO DECISIONS

Cited in *Gerlach v. State*, Ct. App. Op. No. 468 (File No. A-501), P.2d (1985).

Sec. 47.17.020. Persons required to report. (a) The following persons who, in the performance of their occupational duties, have cause to believe that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members of public and private schools;
- (3) social workers;
- (4) peace officers, and officers of the Department of Corrections;
- (5) administrative officers of institutions;
- (6) child care providers;
- (7) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.900.

(b) This section does not prohibit the named persons from reporting cases that have come to their attention in their nonoccupational capacities, nor does it prohibit any other person from reporting a child's harm that the person has cause to believe is a result of child abuse or neglect. These reports shall be made to the nearest office of the department.

(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall take immediate action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department.

(d) This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination. (§ 1 ch 100 SLA 1971; am §§ 4, 5 ch 104 SLA 1982; am E.O. No. 55, § 42 (1984); am §§ 8—10 ch 39 SLA 1985)

Effect of amendments. — The 1985 rewrote subsections (a) and (b) and added amendment, effective July 1, 1985, subsection (d).

Sec. 47.17.023. Reports regarding child pornography. A person who, in the course of processing or producing visual or printed matter, either privately or commercially, has reason to believe that the matter visually depicts a child engaged in conduct described in AS 11.41.455(a) shall promptly report this to the nearest law enforcement agency, and provide the law enforcement agency with all information known about the nature and origin of the matter. (§ 11 ch 39 SLA 1985)

Effective dates. — Section 19, ch. 39, SLA 1985 provides: "This Act takes effect July 1, 1985."

Sec. 47.17.030. Action on reports; termination of parental rights.

NOTES TO DECISIONS

Cited in *Gerlach v. State*, Ct. App. Op. No. 468 (File No. A-501), P.2d (1985).

Sec. 47.17.040. Central registry; confidentiality.

NOTES TO DECISIONS

Cited in *Gerlach v. State*, Ct. App. Op. No. 468 (File No. A-501), P.2d (1985).

Sec. 47.17.060. Evidence not privileged.

"Judicial proceeding" — The phrase "judicial proceeding related to a report made under this chapter" in this section only refers to child protection proceedings under AS 47.10.010. *State v. Wetherhorn*, Ct. App. Op. No. 375 (File No. 7768), 683 P.2d 269 (1984).

Sec. 47.17.064. Photographs and x-rays. (a) The department or a practitioner of the healing arts may, without the permission of the parents, guardian, or custodian, take the following actions with regard to a child believed to have suffered physical harm as a result of child abuse or neglect:

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

NOTES TO DECISIONS

For discussion of constitutional problems in interpreting this section to abrogate psychotherapist privilege in criminal proceedings, see *State v. R.H.*, Ct. App. Op. No. 375 (File No. 7768), P.2d (1984).

Applicability to psychologists. — The court assumed but did not decide that this section applies to psychologists, who are not physicians. *State v. R.H.*, Ct. App. Op. No. 375 (File No. 7768), P.2d (1984).

"Judicial proceeding". — This section only applies to child protective proceedings instituted under AS 47.10 and not to criminal proceeding for sexual abuse. *State v. R.H.*, Ct. App. Op. No. 375 (File No. 7768), P.2d (1984).

Giving the Department of Health and Social Services primary control of the abused child again indicates a legislative intent that the "judicial proceedings"

referred to in this section occur through the department in relation to protective services, and are civil rather than criminal. *State v. R.H.*, Ct. App. Op. No. 375 (File No. 7768), P.2d (1984).

Since AS 47.17.025 refers to the Department of Law, without reference to the criminal division, AS 47.17.025 does not, standing alone, necessarily resurrect the requirement of former AS 11.67.040 that the district attorney receive child abuse reports; nor does it establish an intent that child abuse reports result in criminal prosecutions; and consequently, the Court of Appeals could not find that a criminal prosecution for child sexual abuse is necessarily "a judicial proceeding related to a report made under this chapter" pursuant to this section. *State v. R.H.*, Ct. App. Op. No. 375 (File No. 7768), P.2d (1984).

Sec. 47.17.064. Photographs and x-rays. The department or a person required under AS 47.17.020(a)(1) to report that a child suffered substantial harm as a result of physical abuse or neglect may without the permission of the parents

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

(2) if medically indicated, have a radiological examination of the child performed. (§ 7 ch 104 SLA 1982)

Sec. 47.17.068. Penalty for failure to report. A person required to file a report of abuse or neglect under AS 47.17.020 who wilfully or knowingly fails or refuses to report the harm required under AS 47.17.020 is guilty of a class B misdemeanor. (§ 7 ch 104 SLA 1982)

Cross references. — For penalties for misdemeanors, see AS 12.55.135.

Sec. 47.17.070. Definitions. In AS 47.17.010 — 47.17.070

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

(2) "child" means a person under 18 years of age;

(3) "department" means the Department of Health and Social Services;

(4) "institution" means a private or public hospital or other facility providing medical diagnosis, treatment, or care;

(5) "neglect" means the failure to provide necessary food, care, clothing, shelter, or medical attention for a child;

(6) "practitioner of the healing arts" includes chiropractors, dentists, health aides, nurses, optometrists, osteopaths, physical therapists, physicians, psychiatrists, psychologists, religious healing practitioners, and surgeons;

(7) "sexual exploitation" means

(A) permission or encouragement to a child for prostitution prohibited by AS 11.66.100 — 11.66.150 by a person responsible for the child's welfare;

(B) permission, encouragement, or activity involved in the unlawful exploitation of a minor prohibited by AS 11.41.455 by a person responsible for the minor's welfare. (§ 1 ch 106 SLA 1971; am § 6 ch 104 SLA 1971; am § 3 ch 222 SLA 1976; am §§ 56, 57 ch 94 SLA 1980; am §§ 8, 9 ch 104 SLA 1982)

Effect of amendments. — The 1980 amendment substituted "18" for "eighteen" near the middle of paragraph (1), and substituted "18" for "16" in paragraph (2).

The 1982 amendment inserted "or neglect" and "sexual exploitation" in paragraph (1) and added paragraph (7).

NOTES TO DECISIONS

Where parents refuse permission for blood transfusion because of religious conviction, the state may intercede and make the child a dependent minor by the parents' failure to provide medical

attention under paragraph (5) of this section, obtaining custody and thereafter consenting to the operation. In re Lausterer, Superior Court, 3rd Jud. Dist., No. CP2720 (1972).

Chapter 20. Exceptional Children.

Section

05. Purpose

10. Assistance authorized

Section

20. Standards for assistance

50. Definitions

Sec. 47.20.005. Purpose. It is the purpose of AS 47.20.005 — 47.20.050 to provide appropriate public education and training for the exceptional children in this state who have not reached the age of three. To the maximum extent possible, the department shall establish a learning program which emphasizes individual needs, is home based, and involves parents in the education and training of their children. (§ 1 ch 77 SLA 1978)

Sec. 47.20.010. Assistance authorized. (a) The department shall provide professional guidance and financial assistance to organized groups of parents, nonprofit corporations, school districts, and regional educational attendance areas.

POSITION PAPER

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471

For an Act entitled: "An Act relating to the abuse and neglect of children."

This bill would add to and clarify the responsibility of persons now required to report instances of suspected child abuse or neglect. It would make reporting mandatory in suspected instances of child abuse or neglect involving perpetrators who are not responsible for the child's welfare or in situations in which the perpetrator is unknown. The current statute requires that specified persons report only when it is suspected that the person responsible for the child's welfare is the perpetrator.

The amendment also requires that reports of abuse or neglect of this nature be reported to the nearest law enforcement agency, as distinguished from reports involving perpetrators within the family, which are reported to the Department of Health and Social Services.

The department supports the amendment.

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE: January 28, 1986

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 1/28/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SS HB 471
 Title : An Act relating to Abuse and Neglect of Children
 Sponsor : Goll and Gruenberg
 Requestor : _____
 Date of Request : 1/24/86

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : Social Services
Youth Services
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Michael L. Price, Director *Michael L. Price* Phone : 465-3170
 Division : Family and Youth Services Date : January 27, 1986 *cc*

Approved by Commissioner : John R. Pugh *John R. Pugh* Date : 1/28/86
 Agency : Health and Social Services

- Distribution (by Agency preparing fiscal note) :
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

1 AN ACT Relating to assault; amending RCW 9A.04.110, 9A.16.020, CR 9A
 2 and 10.99.020; adding a new section to chapter 9A.16 RCW; adding new
 3 sections to chapter 9A.36 RCW; creating a new section; repealing RCW
 4 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, and 28A.87.14C; -J257
 5 prescribing penalties; and providing an effective date. :1

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON: PAATA

7 Sec. 1. Section 9A.04.110, chapter 260, Laws of 1975 1st ex. :10
 8 sess. and RCW 9A.04.110 are each amended to read as follows: 21

9 In this title unless a different meaning plainly is required: 22

10 (1) "Acted" includes, where relevant, omitted to act; 23

11 (2) "Actor" includes, where relevant, a person failing to act; 24

12 (3) "Assault" is: 25

13 (a) An act done with intent to cause fear in another of immediate 26
 14 bodily harm or death to that person or another; 27

15 (b) The intentional infliction of or attempt to inflict bodily 28
 16 harm upon another; or 29

17 (c) An intentional touching which would be offensive to a 30
 18 reasonable person or which creates an unreasonable risk of bodily 31
 19 harm to another; 32

20 (4) "Benefit" is any gain or advantage to the beneficiary, 33
 21 including any gain or advantage to a third person pursuant to the 34
 22 desire or consent of the beneficiary; 35

23 ((1)) (5) "Bodily injury" ((or)) "physical injury" or 36
 24 "bodily harm" means physical pain or injury, illness, or an 37
 25 impairment of physical condition; 38

26 (b) "Substantial bodily harm" means bodily injury which involves 39
 27 a temporary but substantial impairment, or which causes 40
 28 temporary but substantial loss or impairment of the function of any 41
 29 bodily part or organ, or which causes a fracture of any bodily part; 42

1 ~~(c)~~ "Great bodily harm" means bodily injury which creates a high 41
 2 probability of death, or which causes serious permanent 42
 3 disfigurement, or which causes a permanent or protracted loss of 43
 4 impairment of the function of any bodily part or organ: 44

5 ~~((45))~~ (6) "Building", in addition to its ordinary meaning, 45
 6 includes any dwelling, fenced area, vehicle, railway car, cargo 46
 7 container, or any other structure used for lodging of persons or for 47
 8 carrying on business therein, or for the use, hire or deposit of 48
 9 goods; each unit of a building consisting of two or more units 49
 10 separately secured or occupied is a separate building; 50

11 ~~((46))~~ (7) "Deadly weapon" means any explosive or loaded or 51
 12 unloaded firearm, and shall include any other weapon, device, 52
 13 instrument, article, or substance, including a "vehicle" as defined 53
 14 in this section, which, under the circumstances in which it is used, 54
 15 attempted to be used, or threatened to be used, is readily capable of 55
 16 causing death or ~~((serious-bodily-injury))~~ substantial bodily harm: 56

17 ~~((47))~~ (8) "Dwelling" means any building or structure, though 57
 18 movable or temporary, or a portion thereof, which is used or 58
 19 ordinarily used by a person for lodging; 59

20 ~~((48))~~ (9) "Government" includes any branch, subdivision, or 60
 21 agency of the government of this state and any county, city, 61
 22 district, or other local governmental unit; 62

23 ~~((49))~~ (10) "Governmental function" includes any activity which 63
 24 a public servant is legally authorized or permitted to undertake on 64
 25 behalf of a government; 65

26 ~~((40))~~ (11) "Indicted" and "indictment" include "informed 66
 27 against" and "information", and "informed against" and "information" 67
 28 include "indicted" and "indictment"; 68

29 ~~((41))~~ (12) "Judge" includes every judicial officer authorized 69
 30 alone or with others, to hold or preside over a court; 70

31 ~~((42))~~ (13) "Malice" and "maliciously" shall import an evil 71
 32 intent, wish, or design to vex, annoy or injure another person. 72
 33 Malice may be inferred from an act done in wilful disregard of the 73
 34 rights of another or an act wrongfully done without just cause or 74
 35 excuse, or an act or omission of duty betraying a wilful disregard of 75
 36 social duty; 76

Original sponsors: Goll and Gruenberg

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the abuse and neglect of chil-
7 dren."

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

9 * Section 1. AS 47.17.020 is amended by adding a new subsection to
10 read:

11 (e) A person listed in (a) of this section, who in the perfor-
12 mance of the person's occupational duties has cause to believe that a
13 child has suffered harm as a result of abuse or neglect, shall prompt-
14 ly report the harm to the nearest law enforcement agency if the person
15 making the report (1) has cause to believe that the harm was caused by
16 a person who is not responsible for the child's welfare; or (2) is
17 unable to determine (A) who caused the harm to the child; or (B)
18 whether the person who is believed to have caused the harm has respon-
19 sibility for the child's welfare. If a person making a report under
20 this subsection cannot reasonably contact the nearest law enforcement
21 agency, and immediate action appears necessary for the well-being of
22 the child, the person shall make the report to the nearest office of
23 the department. The department shall take immediate action to protect
24 the child and shall, at the earliest opportunity, notify the nearest
25 law enforcement agency. In this subsection, "abuse" means the phys-
26 ical injury, sexual abuse, sexual exploitation, or maltreatment of a
27 child by any person under circumstances that indicate that the child's
28 health or welfare is harmed or threatened.

Original sponsors: Goll and Gruenberg

1 IN THE HOUSE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the abuse and neglect of chil-
7 dren."

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

9 * Section 1. AS 47.17.020 is repealed and reenacted to read:

10 Sec. 47.17.020. REPORTING OF CHILD ABUSE OR NEGLECT. (a) The
11 following persons are required to report abuse or neglect of a child
12 as required in (b) and (c) of this section:

- 13 (1) practitioners of the healing arts;
- 14 (2) school teachers and school administrative staff members
15 of public and private schools;
- 16 (3) social workers;
- 17 (4) peace officers, and officers of the Department of
18 Corrections;
- 19 (5) administrative officers of institutions;
- 20 (6) child care providers;
- 21 (7) paid employees of domestic violence and sexual assault
22 programs, and crisis intervention and prevention programs as defined
23 in AS 18.66.900.

24 (b) A person listed in (a) of this section, who in the perfor-
25 mance of the person's occupational duties has cause to believe that a
26 child has suffered harm as a result of abuse or neglect by a person
27 responsible for the child's welfare, shall promptly report the harm to
28 the nearest office of the department. If the person making a report
29 of harm under this subsection cannot reasonably contact the nearest

1 office of the department and immediate action is necessary for the
2 well-being of the child, the person shall make the report to a peace
3 officer. The peace officer shall take immediate action to protect the
4 child and shall, at the earliest opportunity, notify the nearest
5 office of the department.

6 (c) A person listed in (a) of this section, who in the perfor-
7 mance of the person's occupational duties has cause to believe that a
8 child has suffered harm as a result of abuse or neglect, shall prompt-
9 ly report the harm to the nearest law enforcement agency if the person
10 making the report (1) has cause to believe that the harm was caused by
11 a person who is not responsible for the child's welfare; or (2) is
12 unable to determine (A) who caused the harm to the child; or (B)
13 whether the person who is believed to have caused the harm has respon-
14 sibility for the child's welfare. If a person making a report under
15 this subsection cannot reasonably contact the nearest law enforcement
16 agency, and immediate action appears necessary for the well-being of
17 the child, the person shall make the report to the nearest office of
18 the department. The department shall take immediate action to protect
19 the child and shall, at the earliest opportunity, notify the nearest
20 law enforcement agency.

21 (d) This section does not prohibit the named persons from re-
22 porting cases that have come to their attention in their nonoccupa-
23 tional capacities, nor does it prohibit any other person from report-
24 ing a child's harm that the person has cause to believe is a result of
25 abuse or neglect. These reports shall be made to the nearest office
26 of the department or to the nearest law enforcement agency in the
27 manner set out in (b) and (c) of this section.

28 (e) This section does not require a religious healing practi-
29 tioner to report as neglect of a child the failure to provide medical

1 attention to the child if the child is provided treatment solely by
2 spiritual means through prayer in accordance with the tenets and
3 practices of a recognized church or religious denomination by an
4 accredited practitioner of the church or denomination.

5 (f) In this section, "abuse" means the physical injury, sexual
6 abuse, sexual exploitation, or maltreatment of a child under circum-
7 stances that indicate that the child's health or welfare is harmed or
8 threatened.

HOUSE BILL NO. 524

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to reporting of child abuse or neglect."

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

* Section 1. AS 47.17.070(2) is amended to read:

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

* Sec. 2. AS 47.17.070(10) is amended to read:

(10) "sexual exploitation" includes [MEANS]

(A) allowing, permitting, or encouraging [PERMISSION OR ENCOURAGEMENT TO] a child to engage in [FOR] prostitution prohibited by AS 11.66.100 -- 11.66.150, by a person responsible for the child's welfare;

(B) allowing, permitting, encouraging, or engaging in [PERMISSION, ENCOURAGEMENT, OR] activity [INVOLVED IN THE UNLAWFUL EXPLOITATION OF A MINOR] prohibited by AS 11.41.455(a) [11.41.455], by a person responsible for the child's [MINOR'S] welfare.

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 29, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill amending two definitions in the child protection statutes, to bring our statutes into compliance with federal law.

The first amendment expands AS 47.17.070(2)'s definition of "child abuse or neglect" to expressly include "mental injury."

The second amendment clarifies AS 47.17.070(10)'s definition of "sexual exploitation." It makes clear that "allowing," i.e., not preventing, a child's participation in acts of prostitution, or engaging in conduct that constitutes criminal exploitation of a minor, is considered sexual exploitation for the purposes of finding child abuse or neglect.

By bringing Alaska's child protection statutes into compliance with the Child Abuse and Prevention Act, 42 U.S.C. sec. 5101 et seq, the amendments make the state eligible to receive federal grants for developing, supporting, and implementing child abuse and neglect programs. Alaska is currently operating under a one-year waiver of the federal eligibility requirements, granted June 26, 1985 by the regional administrator of the U.S. Department of Health and

Human Services. Because child abuse and neglect is a pressing problem in our state, and because federal support for our efforts to prevent and treat the problem is highly desirable, I urge your prompt passage of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield". The signature is written in dark ink and is positioned above the printed name and title.

Bill Sheffield
Governor

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST HB 524 #1
 Bill Resolution No. : Law #377-064-86
 Title : An Act relating to reporting of
child abuse or neglect

 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL
 Agency Affected : Public Safety
 Program : Domestic Violence and Sexual
Assault

 Components : Domestic Violence & Sexual
Assault

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICE		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary. No financial impact. According to AS 18.66.010, the purpose of the Council on Domestic Violence and Sexual Assault is to provide for planning and coordination of services to victims of domestic violence, sexual assault or to their families; to perpetrators of domestic violence and sexual assault; to provide for crisis intervention and prevention programs. This fiscal note expands the definition in the Child Protection Statute of Alaska.

Prepared by : Joseph Reeves, Budget Analyst Phone : 465-4349
 Division : Administrative Services Date : 12/27/85

Approved by Commissioner : [Signature] Date : 12/31/85
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : 377-064-86
 Title : An Act relating to the
protection of children - mental
injury
 Sponsor : Judiciary
 Requester : _____
 Date of Request : 12/18/85

FISCAL DETAIL

Agency Affected : DHSS-DFYS
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		196.5	196.5	196.5	196.5	196.5
TRAVEL		10.5	10.5	10.5	10.5	10.5
CONTRACTUAL		27.3	2.5	2.5	2.5	2.5
SUPPLIES		2.5	2.5	2.5	2.5	2.5
EQUIPMENT		7.3				
LAND & STRUCTURES						
GRANTS, CLAIMS		248.4	248.4	248.4	248.4	248.5
MISCELLANEOUS						
TOTAL OPERATING		492.5	460.4	460.4	460.4	460.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		492.5	460.4	460.4	460.4	460.4
FEDERAL FUNDS						
OTHER						
TOTAL		492.5	460.4	460.4	460.4	460.4

POSITIONS :

FULL-TIME		5	5	5	5	5
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Michael J. Price
 Division : Family and Youth Services
 Approved by Commissioner : John R. Poy
 Agency : DHSS

Phone : 465-3170
 Date : 12/24/85
 Date : 12/31/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE
FOR MENTAL INJURY

In FY 85, a zero fiscal note was submitted with similar legislation and was later amended in committee through a memo from Commissioner John Pugh to \$1.5 million based on subsequent analysis (copy attached). Recently the division has had an opportunity to discuss the analysis prepared for Representative Gruenberg with a national expert in mental injury, James Garbarino. Our fiscal note is revised based on his analysis of the probable financial impact. A brief summary of his analysis is presented under the heading "Assumptions" below. The division hopes to obtain, through contract with Mr. Garbarino in early January, an in-depth analysis of issues summarized below for attachment to the fiscal note.

Assumptions

Total caseload percentage growth per year for child abuse and neglect in Alaska has exceeded the national percentage for the past several years. Attached is a chart showing the national percentage increase in FY 84 to be 14%. The growth for the same time and client category in Alaska was 18%. Although caseloads continue to increase nationally, they are increasing at a lower rate. The trend in Alaska is expected to more closely parallel the national growth rate in upcoming years. Because Alaska is presently reporting at a higher rate than other states, it is anticipated that the total increase in caseload would not be as significant as previously thought. This is so because, unlike sexual abuse cases which increased dramatically after they were included in the definition of child abuse, mental injury cases are already being dealt with by other professionals such as private therapists and school personnel and are currently being reported to some extent under other categories of abuse/neglect. It is anticipated that the inclusion of mental injury would increase the caseload the first year 2% to 3% rather than 5% as previously indicated. Additionally, if the five clinical psychologist positions included in the Governor's budget are funded, the cost of evaluations for the division would decrease.

Program Summary

A caseload increase of two to three percent, rather than five percent, would translate into approximately half the resource requirements identified in the attached analysis prepared for Representative Gruenberg last year.

1. Positions Needed

5 Total

4 Social Workers
1 Clerical

Total Personnel and Support Costs

\$ 244,100

2. Psychological evaluations	\$ 25,000
(This amount would be reduced even further if the request for funding of Division clinical psychologists is made available)	
3. Psychological Counseling	\$ 90,000
(This amount would be reduced even further if the request for funding of Division clinical psychologists is made available)	
4. A. Substitute Care	
19 FTE's @ 19.24 per day =	\$ 133,422
	TOTAL \$ 492,522

Federal Receipts

Passage of this legislation would place Alaska in compliance with the Child Abuse and Prevention Act causing the State to be eligible to receive federal grants for developing, supporting, and implementing child abuse and neglect programs. While the federal grant fund cannot replace or supplant State money or responsibilities, the grants greatly assist the State in developing child protection programs. During FY 85 (conditional upon attempts to secure passage of this legislation) the State is receiving \$109,939 in Child Abuse Prevention and Treatment Act Grant Funds. A minimum of \$79,000 in grant funds is anticipated for FY 87. If passage of the legislation is not secured, grant funds will not be available to Alaska after FY 87.

While securing federal funds is important during a period of declining oil revenues, this legislation is also sound social policy.

Prepared by: Michael L. Price, Director *Frank Hecker for*
 Division: Division of Family and Youth Services

Position Title <u>Social Worker 111</u>			No. of Positions <u>1</u>	Range/Step <u>16/A</u>	Barg. Unit <u>GGU</u>	Gov. <u></u>	Approv. <u></u>	Disapp. <u></u>																																																											
Time Status <u>PFT</u>	Staff Months <u>12</u>	RP Number <u></u>	Location <u>Juneau</u>		Election District <u></u>	Leg. <u></u>	<u></u>	<u></u>																																																											
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>Amount</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td></td> <td>33,660</td> <td></td> <td></td> </tr> <tr> <td>Benefits</td> <td></td> <td>7,332</td> <td></td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total Personal Services</td> <td></td> <td>40,992</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td></td> <td>1,500</td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td></td> <td>5,950</td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td></td> <td>400</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td></td> <td>1,367</td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total Cost</td> <td></td> <td>50,109</td> </tr> </tbody> </table>			Type of Expenditure	1	2	Amount	3	Salary		33,660			Benefits		7,332			Premium Pay					Other					Total Personal Services				40,992	Travel				1,500	Contractual				5,950	Commodities				400	Equipment				1,367	Other					Total Cost				50,109	Justification: Responsibility to investigate reports of harm to children and to formulate a judgement to remove or not remove a child from an abusive situation. This entails an assessment of the client's emotional and environmental situation that may or may not be in crisis. Information is prepared for custody hearings based on established investigation techniques and close observation of client's actions and behaviors. Information must be verified and logically organized into a plan of treatment and care with recommendations for further action if necessary.				
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Request For
New Position

Agency Health & Social Services
 BRU Social Services
 Component Southeastern

Page 1 of 1
Revised Date _____

FY 87

Position Title Social Worker 111			No. of Positions 2	Range/Step 16/A	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Justification					
		Amount	responsibility to investigate reports of harm to children and to formulate a judgement to remove or not remove a child from an abusive situation. This entails an assessment of the client's emotional and environmental situation that may or may not be in crisis. Information is prepared for custody hearings based on established investigation techniques and close observation of client's actions and behaviors. Information must be verified and logically organized into a plan of treatment and care with recommendations for further action if necessary.					
1	2	3						
Salary	67,320							
Benefits	14,664							
Premium Pay								
Other								
Total Personal Services		81,984						
Travel		3,000						
Contractual		11,900						
Commodities		800						
Equipment		2,734						
Other								
Total Cost		100,418						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		100,418					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Health & Social Services
 BRU Social Services
 Component Southcentral

Page 1 of 1
 Revised Date

FY 87

Position Title Clerk-Typist III			No. of Positions 1	Range/Step 8A	Barg. Unit CCU	Gov.	Approv.	Disapp.
Time Status PFT	Start Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Justification					
1		2	3					
Salary		20,316	<p>The September 18, 1984 Report to the Governor on Child Abuse and Neglect in Alaska showed that clerical support staff had only increased 6% during the period FY 78 through FY 83 while the caseload increased 173%. The result was that social workers were performing a large amount of clerical work. While 15 clerical support positions were funded by the legislature for FY 86, the clerical shortage is a continuing problem.</p> <p>This clerk-typist III will perform a clerical support function in the Anchorage Service Unit, typing court documents and preparing other materials as required.</p>					
Benefits		5,963						
Premium Pay								
Other								
Total Personal Services		26,279						
Travel		-0-						
Contractual		5,950						
Commodities		400						
Equipment		1,357						
Other								
Total Cost		33,996						
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004		33,996				
		I.A. Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> For B&M Use Only Key Number _____ </div>								

Request For
New Position

Agency Health & Social Services
 BRU Social Services
 Component Southcentral

Page 1 of 1
Revised Date _____

FY 87

April 8, 1985

The Honorable Max Gruenberg
Alaska State House
Pouch V
Juneau, AK 99811

Dear Representative Gruenberg:

This letter is to provide you information regarding the impacts of inclusion of "mental injury" in AS 26.

While the per capita reporting of physical abuse and neglect in Alaska is twice the national average, the percentage breakdowns for physical abuse, child sexual abuse, and neglect are comparable ("Trends in Child Abuse and Neglect: A National Perspective"). That is to say, the proportions of abuse and neglect in Alaska parallel the national occurrence for these categories. Hence, it may be assumed that should the State implement mental injury reporting requirements, the impact would be comparable to the national experience. Nationally, emotional maltreatment was reported as a type of harm suffered in 17% of all reported cases of child abuse or neglect from 1976 - 1982. I estimate the ultimate number of mental injury reports in Alaska to be somewhat lower - approximately 10% of abuse/neglect reports - since some mental injury cases are already being dealt with under existing law, AS 47.10.010 (a)(2)(B), and because some overlap occurs. Reports of harm may include more than one type of maltreatment, e.g., physical abuse and mental injury so that the expected number of reports which involved only mental injury would be lower than 17% of the total, more likely about 10%. I would also expect that the full impact of implementing mental injury reporting requirements would not be experienced immediately. Rather, it would occur over a period of time as public awareness increased and reporters became more familiar with both the requirement to report and indicators of emotional maltreatment. As explained, I would estimate a 10% increase in total child protection reports to ultimately occur. However, I project only a 5% increase during the first year of implementation, with additional increases in succeeding years. Based on FY 84 caseloads, this would mean an additional 507 reports in FY 85, increasing to over 1,000 additional reports by FY 88.

Because of the nature and complexity of these cases, mental injury investigations are expected to require approximately twice the staff time needed to investigate reports of other types of harm. It is much easier to assess observable, physical evidence such as bruises, than it is to confirm a child's reported behavior is being the result of the particular actions. A very conservative estimate of time needed would

Rep. Max Gruenberg

- 3 -

April 3, 1985

Costs for succeeding years would, of course, reflect increases based on projections from actual cases in FY 86.

I hope this information is helpful when assessing the inclusion of mental injury in proposed legislation.

Sincerely,

John R. Pugh
Commissioner

cc: The Honorable Peter Goll
Alaska State House

JRP:MLP:FH:jsd

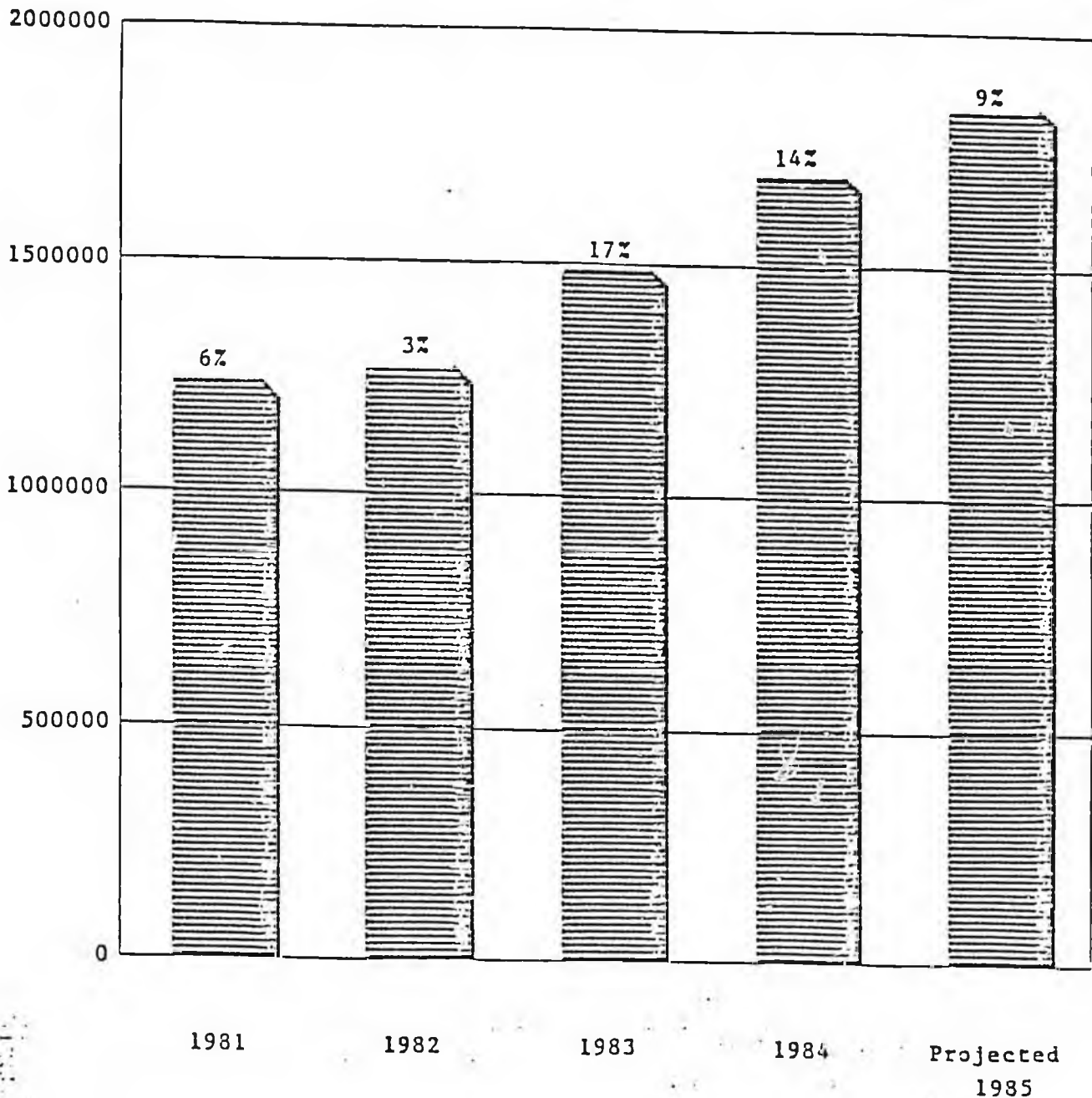
bcc: Division of Family and Youth Services

5/HFRNK2/Goll, Gruenberg Ltr/D43259/F#790,HB 63/4-4-85

FIGURE I

ACTUAL AND PERCENTAGE INCREASE IN NUMBERS OF CHILDREN REPORTED NATIONWIDE AS ABUSED AND NEGLECTED: 1981-1985

Numbers of Children



**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SSH471
 Title : "An Act Relating to the Abuse
 and Neglect of Children"
 Sponsor : Rep. Peter Goll & Rep. Gruenberg
 Requestor : H Judiciary
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Council on Domestic Violence
 and Sexual Assault
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Barbara Miklos, Exec. Dir.
 Division : Council on DV & SA

Phone : 465-4356
 Date : 1/31/86

Approved by Commissioner : *hms*
 Agency : Dept. of Public Safety

Date : 2/3/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SSHB 471

January 31, 1986

Support

HB 471 - "An Act relating to the abuse and neglect of children."


The Council on Domestic Violence and Sexual Assault supports HB 471 which adds a new section requiring that reports of harm to children caused by persons not responsible for the child's welfare be reported to law enforcement agencies. Existing legislation requires only reporting child abuse committed by persons responsible for a child's welfare.

Recent cases in Alaska and national studies show that non-familial child sexual assault is a major problem. In a study of child sexual abuse conducted by Dr. Anne Russell, an expert on adult and child sexual assault, 11 percent of the perpetrators were total strangers, 29 percent were relatives and 60 percent were known but unrelated to the victim.

It has been assumed that people accept their responsibility to report crimes against children to law enforcement agencies. However, this has not always proven to be the case. People may be reluctant to become involved with the criminal justice system because of the time required for the process. This reluctance is exacerbated in small communities where the alleged perpetrator is a peer and possibly a friend. This legislation provides a needed incentive to assure reporting of all assaults against children.

In order to more fully guarantee protection of children, all suspicions of child abuse should be investigated so the abuse can be stopped and the child and her/his family can receive the necessary support and treatment to overcome the trauma.

A suggested change to be made in the bill is to make the language in the bill that refers to the "nearest law enforcement agency" consistent with the language in the existing statute 47.17.020(c), to make reports to "a peace officer".


Robert J. Sundberg

ALASKA NETWORK

ON

DOMESTIC VIOLENCE

AND

SEXUAL ASSAULT

130 Seward, No. 501 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC);
Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG);
Cordova Women's Resource Center (CWRC); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRCC); MEN, Inc.;
Men's Support Network (MSN); Safe & Fear-Free Environment (SAFE);
Sikans Against Family Violence (SAFV);
Southwestern Alaska Council for the
Prevention of Child Sexual Assault (SWACPSA);
South Peninsula Women's Services (SPWPS);
Tundra Women's Coalition (TWC); Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WICCA);
Women in Safe Home (WISH); Women's Resource & Crisis Center (WRCC)

POSITION PAPER: HB 471

The Alaska Network on Domestic Violence and Sexual Assault is a membership organization composed of 19 programs that provide domestic violence and sexual assault services throughout the state. We provide member programs with training, technical assistance and information concerning current issues in the field.

The Network supports House Bill 471. Statistics from the U.S. Dept. of Justice's National Symposium, Oct., 1984 (unpublished report), reveal that in 1984, 1 in 3 females and 1 in 4 males between the ages of 3 to 18 years had been sexually abused. 64 percent of these children were abused by non-family members. Most other studies indicate a significantly higher incidence of abuse outside of the family. Further research reports indicate that in 76 to 90 percent of all reported cases of child sexual abuse, the offender is either a relative or is known to the victim (Finkelhor, 1978; U.S. Dept. of Justice Symposium, 1984; Conte and Berliner, 1981). Taken together, the research infers that most reported offenses are committed by non-family members who are known to the children.

Many of the same factors that make it unlikely a child will report an incest violation also operate for a child who has been abused by someone they know. People sometimes find it difficult to accept this possibility and believe a child, a child is embarrassed and fears other repercussions. This can be especially true in Alaska's small villages and towns where many people have known each other for the better part of their lives.

The Network feels it is essentially sound public policy to clearly define child abuse as unacceptable behavior whether it occurs inside or outside of the family. We feel that this legislation moves us closer towards this goal by helping to ensure that cases of child abuse will be reported whether or not they occur within or outside of the family.

In fact, we believe that in many instances this legislation may make it easier for required reporters to report. These reporters will no longer be put in the position of "accusing the family" since they will be required to report suspected abuse irregardless of whether it occurred inside or outside of the family. It will be up to others who work in the field to make a determination as to who the abuser might be.