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STATE OF ALASKA
THE LEGISLATURE

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

3/13/86

1:30 pm

**HOUSE
COMMITTEE REPORT**

(7)

Date referred: 1/31/86

FURTHER REFERRALS:

DATE: _____

The JUDICIARY Committee has considered CSSSH B 471 (HESS)

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

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CSSSH B 471 (JUD) same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Pass if amended

Chairman

Original sponsors: Geil and Gruenberg

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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

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 exploitation of
7 children."

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, shall promptly report
14 the harm to the nearest law enforcement agency if the person making
15 the report (1) has cause to believe that the harm was caused by a
16 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 (3)
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.

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

1 (10) "sexual exploitation" includes [MEANS]

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

6 (B) allowing, permitting, encouraging, or engaging in
7 [PERMISSION, ENCOURAGEMENT, OR] activity [INVOLVED IN THE UNLAW-
8 FUL EXPLOITATION OF A MINOR] prohibited by AS 11.41.455(a)
9 [11.41.455], by a person responsible for the child's [MINOR'S]
10 welfare.

Offered: 1/31/86
Referred: Judiciary

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
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9 [11.41.455], by a person responsible for the child's [MINOR'S]
10 welfare.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: (907) 465-4356

OFFICE ADDRESS: 450 WHITTIER STREET

October 31, 1985

The Honorable Mike Miller, Chair
House Judiciary Committee
Alaska State Legislature
Capitol Building
Pouch V
Juneau, Alaska 99811

Dear Representative Miller:

I've learned about your interim hearings to address legislation to further protect children. Thank you for the attention your committee has and continues to pay to these issues. I cannot attend the hearings on November 21-23, so I am writing this letter to provide input to your process.

The Council on Domestic Violence and Sexual Assault is grateful for the legislation regarding child protection that passed last session. It clarified and closed gaps in existing legislation. One section of HB88 that did not pass, which we feel is important, required reporting of child abuse committed by an individual who is not responsible for the child's welfare. Section 18 of the original HB88 amended AS 47.17 to address what we consider a major gap in the existing system.

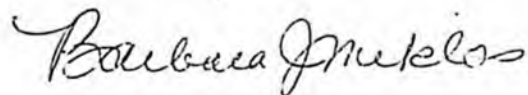
AS 47.17.02 requires reporting to the Department of Health and Social Services if "in the performance of their professional duties", a person listed in statute has "cause to believe that a child has suffered harm as a result of abuse or neglect". Section 47.17.070(i) defines child abuse or neglect as "the physical injury or neglect, sexual abuse, sexual exploitation or maltreatment of a child...by a person who is responsible for the child's welfare..." Therefore, there is no existing mandate for a professional to report abuse by a non-caretaker. For instance, a teacher who has reason to believe that another teacher is harming a child is not mandated to report.

Although, national statistics show that most abuse occurs in the home, it is obvious from talking to Alaskan professionals and reading the newspaper and police reports that there are many non-family incidences in our state. Often parents can and do take action if a non-family member is abusing the child. However, they may not know that abuse is occurring or where to turn if it does. Reporting these crimes will further protect children.

Representative Mike Miller
October 31, 1985
Page Two

We also feel it is necessary for the system to address the emotional needs of the child victims and families when abuse is by a person who is not responsible for the child's welfare. Presently, in Alaska, there are insufficient support and treatment resources for these cases. Domestic violence and sexual assault programs provide support, assistance and, in some cases, counseling to victims and their families. However, these services are severely limited due to insufficient funding. In order to address the needs of all victims and their families, legislation must address child protection adequately and resources must be provided so children throughout the state are given the services they need to grow up to be healthy adults.

Sincerely,



Barbara Miklos
Executive Director

cc: Members, Council on Domestic
Violence & Sexual Assault

Council funded programs

POSITION PAPER

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

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

The bill as originally proposed 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 HESS Committee Substitute also added a new section two which would amend AS 47.17.070(10) to broaden the definition of sexual exploitation. Our goal is to meet the federal model language for defining sexual exploitation and, thereby, close a possible loophole in the present definition. Under the current definition, a caretaker could be aware that a child was involved in sexually exploitative activities, but still not be held liable because, although aware, the caretaker did not actually give permission for the child to engage in the activity. Suggested language would not require affirmative action by the caretaker, and the department supports section two.

The department continues to support this bill.

RECOMMENDED:

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

DATE:

March 12, 1986

APPROVED:

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

DATE:

March 12, 1986

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SS HB471(HESS)
 Title : "An Act relating to the
 abuse and neglect of children"
 Sponsor : Goll and 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. Director
 Division : Council on DV/SA

Phone : 465-4356
 Date : 2/10/86

Approved by Commissioner : [Signature]
 Agency : Dept. of Public Safety

Date : 2/13/86

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. : SSHB471
 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
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CAPITAL						
---------	--	--	--	--	--	--

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

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GENERAL FUND						
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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
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DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SSHB 471

January 31, 1986

Support

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

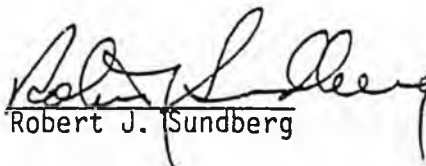
The Council on Domestic Violence and Sexual Assault supports HB 471 which adds a new section requiring that reports of harm to children caused by persons not responsible for the child's welfare be reported to law enforcement agencies. Existing legislation requires only reporting child abuse committed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

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SSHB 471

January 31, 1986

Support

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

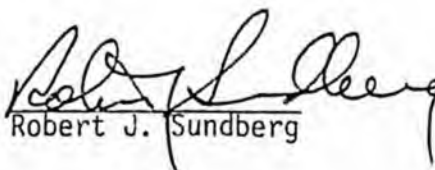
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Robert J. Sundberg

ALASKA WOMEN'S LOBBY

POST OFFICE BOX 10-1571, ANCHORAGE, ALASKA 99510

March 6, 1986

Honorable Mike M. Miller, Chairman
House Judiciary Committee

Mr. Chairman and members of the committee:

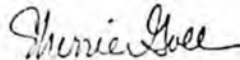
The Alaska Women's Lobby would like to express it's strong support for HB 471 which addresses a serious loophole in the state's reporting statute on child abuse and neglect.

The flaw requires that the person who recognizes that a child has suffered harm must first make a determination of who caused the harm and is only required to report if they believe the harm was caused by a person responsible for the child's welfare.

This legislation addresses that flaw by requiring that all suspected cases of child abuse and neglect must be reported regardless of who may have caused the harm. It also clarifies the definition of child sexual exploitation.

We believe the changes provided by HB 471 will benefit the welfare of Alaskan children and we urge it's passage.

Thank you for your consideration.



Sherrie Goll
Alaska Women's Lobby