

HB

408

HFIN

FILE

FISCAL NOTE

Revised

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB408CS(FIN)-DHSS-OCS-03-07-06

Revision Date/Time (Note if correction): _____

() Publish Date: _____
Dept. Affected: Health & Social Services

Title RELATING TO CHILD IN NEED OF AID PROCEEDINGS

RDU Children's Services
Component Children's Services Management

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester HOUSE (FIN)

Component No. 2666

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services | . | . | . | . | . | . |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | . | . | . | . | . | . |

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| CAPITAL EXPENDITURES | | | | | | |
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|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES (0) | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---------------------------------------|---|---|---|---|---|---|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | . | . | . | . | . | . |
| 1037 GF/Mental Health | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | |
| TOTAL | . | . | . | . | . | . |

Estimate of any current year (FY2006) cost: _____
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: *(Attach a separate page if necessary)*

The OCS has determined it is unable to attach a potential cost to CS HB 408 Sec. 7, AS 47.10.115 Permanent fund dividend (e) as written. A fiscal note would vary based on whether or not the OCS is required to continue to apply for a child's PED under (e) after a guardianship is established; or whether a child's PEDs under a guardianship will be regulated as for any legal custody circumstance, with the legal guardian having responsibility for applying for the PED. If the second is true, the fiscal note would be affected by whether the OCS will be required to track the child through the years until the child is 18 years of age in order to release monies held in trust prior to the guardianship being established. The OCS currently does not track children once they are in a successful guardianship situation unless OCS is making guardianship assistance payments to the guardians.

Prepared by: Tammy Sandoval, Deputy Commissioner Phone 465-3191
Division Office of Children's Services Date/Time 03/07/2006
Approved by: Karleen Jackson, Commissioner Date 03/07/2006
Agency Department of Health and Social Services

HOUSE COMMITTEE REPO

(11)

Date Referred to Committee: February 15, 2006

FURTHER REFERRALS:

Date of Committee Action: 3/7/06

The FINANCE Committee considered:

HB 408

HOUSE BILL NO. 408

DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date."

Recommends it be replaced with HCS or CS for HB 408 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DEG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 LA

| NEW FISCAL NOTES | | | | |
|-----------------------------------|------|--------|--------|------|
| *Assigned by Chief Clerk's Office | | | | |
| List by Dept(s): | *FN# | Fiscal | Indet. | Zero |
| HFC | | | | ✓ |
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| PREVIOUS FISCAL NOTES | | | | |
|-----------------------|-----|--------|--------|------|
| List by Dept(s): | FN# | Fiscal | Indet. | Zero |
| DHSS | #1 | | | ✓ |
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| Signing with recommendations | Printed Last Name | DP | DNP | NR | AM |
|------------------------------|--------------------|----|-----|----|----|
| <i>[Signature]</i> | Hawker | | | ✓ | |
| <i>[Signature]</i> | Relly | X | | | |
| <i>[Signature]</i> | <i>[Signature]</i> | | | ✓ | |
| Betty Bertel | | | | ✓ | |
| <i>[Signature]</i> | Joule | | | X | |
| <i>[Signature]</i> | MOSES | | | X | |
| Chair: <i>[Signature]</i> | Meyer | | | | |
| Chair: <i>[Signature]</i> | Chenault | | | | |

FISCAL NOTE

new

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 408
 (H) Publish Date: 1/30/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title SUBSTANCE EXPOSED NEWBORNS AND CHILD ABUSE

RDU Children's Services
 Component Front Line Social Workers

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester GOVERNOR

Component No. 2305

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

| OPERATING EXPENDITURES | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

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|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES (0) | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|---------------------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: *(Attach a separate page if necessary)*

The Office of Children's Services (OCS) has determined that many medical professionals in Alaska are already reporting affected infants to our offices. The potential increased reporting that would result from the enactment of this bill should be minimal, and the OCS does not anticipate any fiscal impact.

Prepared by: Tammy Sandoval, Deputy Commissioner
 Division: Office of Children's Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 465-3791
 Date/Time: 11/04/2005
 Date: 11/08/2005

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 408 (FIN)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DHSS
 Title Relating to Child in Need of Aid RDU Children's Services
Proceedings Component Children's Services Management
 Sponsor (RLS) by Request of Governor
 Requester HFC Component No. 2666

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
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|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Finance Committee

Phone 465-4945/465-3779

Rep. Kevin Meyer, Co-Chair

Date 3/7/2006

Rep. Mike Chonault, Co-Chair

FISCAL NOTE

new

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 408
 (H) Publish Date: 1/30/06
 Dept. Affected: Health & Social Services
 RDU Children's Services
 Component Front Line Social Workers

Collected

Revision Date/Time (Note if correction):

Title SUBSTANCE EXPOSED NEWBORNS AND CHILD ABUSE

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester GOVERNOR

Component No. 2305

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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| CHANGE IN REVENUES (0) | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---------------------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The Office of Children's Services (OCS) has determined that many medical professionals in Alaska are already reporting affected infants to our offices. The potential increased reporting that would result from the enactment of this bill should be minimal, and the OCS does not anticipate any fiscal impact.

Prepared by: Tammy Sandoval, Deputy Commissioner
 Division: Office of Children's Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 465-3791
 Date/Time: 11/04/2005
 Date: 11/08/2005

CALLED 3:10 pm 3/7/06

WORK DRAFT

WORK DRAFT

WORK DRAFT

R/O

adopted

3/7/06 pm

(24-GH2021)Y
Mischel
3/4/06

CS FOR HOUSE BILL NO. 408()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the standard of proof required to terminate parental rights in child-
2 in-need-of-aid proceedings; relating to the definition of 'child abuse or neglect'; relating
3 to disclosure of confidential or privileged information about certain children by the
4 Departments of Health and Social Services and Administration; relating to permanent
5 fund dividends paid to foster children and adopted children; amending Rule 18, Alaska
6 Child in Need of Aid Rules of Procedure; and providing for an effective date."

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

8 * Section 1, AS 47.10.086(c) is amended to read:

9 (c) The court may determine that reasonable efforts of the type described in
10 (a) of this section are not required if the court has found by clear and convincing [A
11 PREPONDERANCE OF THE] evidence that

12 (1) the parent or guardian has subjected the child to circumstances that
13 pose a substantial risk to the child's health or safety; these circumstances include

1 abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm;

2 (2) the parent or guardian has

3 (A) committed homicide under AS 11.41.100 - 11.41.130 of a
4 parent of the child or of a child;

5 (B) aided or abetted, attempted, conspired, or solicited under
6 AS 11.16 or AS 11.31 to commit a homicide described in (A) of this
7 paragraph;

8 (C) committed an assault that is a felony under AS 11.41.200 -
9 11.41.220 and results in serious physical injury to a child; or

10 (D) committed the conduct described in (A) - (C) of this
11 paragraph that violated a law or ordinance of another jurisdiction having
12 elements similar to an offense described in (A) - (C) of this paragraph;

13 (3) the parent or guardian has, during the 12 months preceding the
14 permanency hearing, failed to comply with a court order to participate in family
15 support services;

16 (4) the department has conducted a reasonably diligent search over a
17 time period of at least three months for an unidentified or absent parent and has failed
18 to identify and locate the parent;

19 (5) the parent or guardian is the sole caregiver of the child and the
20 parent or guardian has a mental illness or mental deficiency of such nature and
21 duration that, according to the statement of a psychologist or physician, the parent or
22 guardian will be incapable of caring for the child without placing the child at
23 substantial risk of physical or mental injury even if the department were to provide
24 family support services to the parent or guardian for 12 months;

25 (6) the parent or guardian has previously been convicted of a crime
26 involving a child in this state or in another jurisdiction and, after the conviction, the
27 child was returned to the custody of the parent or guardian and later removed because
28 of an additional substantiated report of physical or sexual abuse by the parent or
29 guardian;

30 (7) a child has suffered substantial physical harm as the result of
31 abusive or neglectful conduct by the parent or guardian or by a person known by the

1 parent or guardian and the parent or guardian knew or reasonably should have known
2 that the person was abusing the child;

3 (8) the parental rights of the parent have been terminated with respect
4 to another child because of child abuse or neglect, the parent has not remedied the
5 conditions or conduct that led to the termination of parental rights, and the parent has
6 demonstrated an inability to protect the child from substantial harm or the risk of
7 substantial harm;

8 (9) the child has been removed from the child's home on at least two
9 previous occasions, family support services were offered or provided to the parent or
10 guardian at those times, and the parent or guardian has demonstrated an inability to
11 protect the child from substantial harm or the risk of substantial harm; or

12 (10) the parent or guardian is incarcerated and is unavailable to care
13 for the child during a significant period of the child's minority, considering the child's
14 age and need for care by an adult.

15 * Sec. 2. AS 47.10.088(a) is amended to read:

16 (a) Except as provided in AS 47.10.080(o), the rights and responsibilities of
17 the parent regarding the child may be terminated for purposes of freeing a child for
18 adoption or other permanent placement if the court finds

19 [(1)] by clear and convincing evidence that

20 (1) [(A)] the child has been subjected to conduct or conditions
21 described in AS 47.10.011;

22 (2) [AND (B)] the parent

23 (A) [(i)] has not remedied the conduct or conditions in the
24 home that place the child at substantial risk of harm; or

25 (B) [(ii)] has failed, within a reasonable time, to remedy the
26 conduct or conditions in the home that place the child in substantial risk so that
27 returning the child to the parent would place the child at substantial risk of
28 physical or mental injury; and

29 (3) [(2) BY PREPONDERANCE OF THE EVIDENCE THAT] the
30 department has complied with the provisions of AS 47.10.086 concerning reasonable
31 efforts.

1 * Sec. 3. AS 47.10.088(b) is amended to read:

2 (b) In making a determination under (a)(2) [(a)(1)(B)] of this section, the court
3 may consider any fact relating to the best interests of the child, including

4 (1) the likelihood of returning the child to the parent within a
5 reasonable time based on the child's age or needs;

6 (2) the amount of effort by the parent to remedy the conduct or the
7 conditions in the home;

8 (3) the harm caused to the child;

9 (4) the likelihood that the harmful conduct will continue; and

10 (5) the history of conduct by or conditions created by the parent.

11 * Sec. 4. AS 47.10.092 is amended by adding a new subsection to read:

12 (f) Each department shall respond to a request made by an official identified
13 under (a) of this section within five working days after receiving the request, or by a
14 later date specified in the request, by providing access to all or part of the information
15 requested or by providing the specific citation to a federal or state law that prohibits
16 disclosure of all or part of the information requested.

17 * Sec. 5. AS 47.10.093(i) is amended to read:

18 (i) The commissioner of health and social services or the commissioner's
19 designee or the commissioner of administration or the commissioner's designee, as
20 appropriate, may disclose to the public, upon request, confidential information, as set
21 out in (j) of this section, when

22 (1) the parent or guardian of a child who is the subject of one or more
23 reports [A REPORT] of harm under AS 47.17 has made a public disclosure
24 concerning the department's involvement with the family;

25 (2) the alleged perpetrator named in one or more reports [A
26 REPORT] of harm under AS 47.17 has been charged with a crime concerning the
27 alleged abuse or neglect; or

28 (3) abuse or neglect [A REPORT OF HARM UNDER AS 47.17] has
29 resulted in the fatality or near fatality of a [THAT] child who is the subject of one or
30 more reports of harm under AS 47.17.

31 * Sec. 6. AS 47.10.093(j) is amended to read:

1 (j) The type of information that may be publicly disclosed under (i) of this
2 section is information related to the determination, if any, made by the department
3 regarding the nature and validity of any [A] report of harm under AS 47.17
4 pertaining to a child in the family and the department's activities arising from the
5 department's investigation of such a [THE] report. The commissioner or the
6 commissioner's designee

7 (1) shall withhold disclosure of the child's name, picture, or other
8 information that would readily lead to the identification of the child if the department
9 determines that the disclosure would be contrary to the best interests of the child, the
10 child's siblings, or other children in the child's household; or

11 (2) after consultation with a prosecuting attorney, shall withhold
12 disclosure of information that would reasonably be expected to interfere with a
13 criminal investigation or proceeding or a criminal defendant's right to a fair trial in a
14 criminal proceeding.

15 * **Sec. 7.** AS 47.10 is amended by adding a new section to read:

16 **Sec. 47.10.115. Permanent fund dividend.** (a) The department shall annually
17 apply for a permanent fund dividend and retain in trust under AS 43.23.015(c) for the
18 benefit of the child the dividend and accrued interest on the dividend if the child is in
19 the custody of the department when the application is due.

20 (b) The department may not distribute the proceeds of a trust under this
21 section unless

22 (1) the child has reached 18 years of age and is no longer in the
23 custody of the department;

24 (2) the child has been adopted and one year has elapsed since the
25 adoption;

26 (3) the child is no longer in the custody of the department and the child
27 has not been adopted; or

28 (4) ordered by the court in the best interest of the child.

29 (c) Notwithstanding (b)(1) - (3) of this section, the department may not
30 distribute the proceeds of a trust under this section if the payment would be made to a
31 guardian of a child who had been in the custody of the department immediately before

1 the establishment of the guardianship, unless the guardianship was established under
2 AS 13.26.090 - 13.26.155.

3 * Sec. 8. AS 47.17.290(2) is amended to read:

4 (2) "child abuse or neglect" means the physical injury or neglect,
5 mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the
6 age of 18 by a person under circumstances that indicate that the child's health or
7 welfare is harmed or threatened thereby; "child abuse or neglect" includes an act or
8 omission described in this paragraph that results in a determination, at delivery,
9 by a health care provider that a child has been adversely affected by, or is
10 withdrawing from exposure to, a controlled substance or alcohol; in this
11 paragraph,

12 (A) "controlled substance" has the meaning given in
13 AS 11.71.900, but does not include a substance lawfully taken under a
14 prescription from a health care professional;

15 (B) "mental injury" means an injury to the emotional well-
16 being, or intellectual or psychological capacity of a child, as evidenced by an
17 observable and substantial impairment in the child's ability to function:

18 * Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 INDIRECT COURT RULE AMENDMENT. Sections 1 - 3 of this Act have the effect
21 of amending Rule 18, Alaska Child in Need of Aid Rules of Procedure, relating to the
22 termination of parental rights proceedings by increasing the standard of proof concerning
23 some elements from proof by a preponderance of the evidence to proof by clear and
24 convincing evidence.

25 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 APPLICABILITY OF SECS. 1 - 3 OF THIS ACT. Sections 1 - 3 of this Act apply to
28 a child-in-need-of-aid proceeding that is pending before the court, that is on appeal to the
29 court, or for which the time for appeal to the court has not yet passed on or after the effective
30 date of this Act.

31 * Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 CONDITIONAL EFFECT. Sections 1 - 3 of this Act take effect only if sec. 9 of this
3 Act receives the two-thirds majority vote of each house required by art. IV. sec. 15.
4 Constitution of the State of Alaska.

5 * **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).



FRANK H. MURKOWSKI
GOVERNOR

GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 27, 2006

The Honorable John Harris
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the definition of "child abuse and neglect" for child protection purposes.

This bill would clarify that the definition "child" includes an infant who has been identified by a health care provider involved in the delivery or care of that infant as being affected by abuse of a controlled substance or from withdrawal from prenatal exposure to a controlled substance. The purpose of the bill is to ensure that health care professionals report such infants to the Department of Health and Social Services under the state's mandatory reporting laws for child abuse and neglect. This provision is necessary to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect prevention and treatment.

I urge your prompt and favorable action on this measure.

Sincerely yours,

A handwritten signature in cursive script that reads "Frank H. Murkowski".

Frank H. Murkowski
Governor

Enclosure

Section of CAPTA Law that proposed legislation addresses

SECTION I: CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 106. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS. [42 U.S.C. 5106a]

b. ELIGIBILITY REQUIREMENTS.—

1. STATE PLAN.—

2. COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—

A. an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes—

i. provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

ii. policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition of such infants, except that such notification shall not be construed to—

I. establish a definition under Federal law of what constitutes child abuse; or

II. require prosecution for any illegal action.

iii. the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms;

iv. procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports;