

**HB**

**408**



24-GH2021\G  
Mischel  
2/13/06

**CS FOR HOUSE BILL NO. 408(HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered:  
Referred:**

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

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the definition of 'child abuse or neglect'; and providing for an**  
2 **effective date."**

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

4 **\* Section 1.** AS 47.17.290(2) is amended to read:

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

1  
2  
3  
4

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

\* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

**AMENDMENT #1**

OFFERED IN THE HOUSE HEALTH,  
EDUCATION AND SOCIAL  
SERVICES COMMITTEE  
TO: HB 408

BY Rep. Gatto  
DATE 2/09/06

- 1 Page 1, line 1, following "An Act relating to the definition of 'child abuse':

Delete "and"  
Insert "or"

AMENDMENT #2

OFFERED IN THE HOUSE HEALTH,  
EDUCATION AND SOCIAL SERVICES  
COMMITTEE

BY Rep. Gardner & Rep. Wilson

TO: HB 408

1 Page 1, line 8, following "thereby;":

2 Insert "child abuse or neglect" includes a determination. at delivery. by a health  
3 care provider that a child has been adversely affected by. or is withdrawing from exposure  
4 to, a controlled substance or alcohol:"

5

6 Page 1, lines 9 - 12:

7 Delete all material.

8

9 Page 1, line 13:

10 Delete "(B)"

11 Insert "(A)"

12

13 Page 2, line 2:

14 Delete "(C)"

15 Insert "(B)"

# FISCAL NOTE

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES (0)</b>						

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 Childrer'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

Representative Peggy Wilson  
State Capitol, Room 108  
Juneau, AK 99801  
Phone: 907-465-3824  
Toll Free: 800-686-3824  
Fax: 907-465-3175  
Rep.Peggy.Wilson@legis.state.ak.us

STATE OF ALASKA

*Representative Peggy Wilson*

House District 2

FAX TRANSMITTAL SHEET

TO: Leg Legal

FAX # 2029 DATE 2/10/06

# of PAGES (total): 5

FROM:

- Representative Peggy Wilson
- Jean Ellis
- Becky Rooney
- Linda Miller -3759
- Aaron Danielson

COMMENTS:

I would like to order a HESS Committee CS incorporating  
Amendment 1 and 2 which are enclosed for HB408 Definition of  
Child Abuse and Neglect.

Thanks,

Linda

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# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

January 31, 2006

Honorable Peggy Wilson, Chair  
House Health, Education, and  
Social Services Committee  
Alaska State Capitol, Room 108  
Juneau, AK 99801-1182

Dear Representative Wilson,

The Department of Health and Social Services respectfully requests that House Bill 408, "An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date," be scheduled for a hearing in the House Health, Education, and Social Services Committee at your earliest convenience.

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.

A copy of a zero fiscal note should be on file with the committee. Your favorable consideration of this request will be most appreciated.

Sincerely,



Sherry Hill, Special Assistant  
Department of Health and Social Services

cc: Kevin Jardell, Director  
Governor's Legislative Office

Tammy Sandoval, Deputy Commissioner  
Department of Health and Social Services

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;