

**SB**

**82**

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110601  
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January 27, 2004

Honorable Fred Dyson, Chairman  
Senate Health, Education and  
Social Services Committee  
Alaska State Capitol, Rm. 121  
Juneau, AK 99801

Dear Senator Dyson,


The Department of Health and Social Services respectfully requests a hearing in the Senate Health, Education, and Social Services Committee on Senate Bill 82 "An Act relating to child protection, including forensic interviews and transportation of children; and providing for an effective date."

This bill would amend AS 47.17.064 to permit the department, or certain persons authorized by the department, to conduct, without first notifying the child's parents, a forensic interview of a child suspected of suffering sexual abuse or physical harm as a result of child abuse or neglect.

A copy of Governor Murkowski's transmittal letter providing additional information on the bill and the associated fiscal note should be on file with the committee.

Your favorable consideration of this request will be appreciated.

Sincerely,

  
Sherry Hill, Special Assistant  
Office of the Commissioner

cc: Kevin Jardell, Legislative Director  
Office of the Governor

Marcie Keamai, Deputy Commissioner  
Division of Health Care Services

5582



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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 25, 2005

The Honorable Ben Stevens  
President of the Senate  
Alaska State Legislature  
State Capitol, Room 111  
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to child protection, including forensic interviews and transportation of children.

Under current AS 47.17.064, the Department of Health and Social Services (department) may take photographs of areas of trauma visible on a child, and have x-rays and medical examinations done, without first notifying the child's parents, if the department has reasonable cause to suspect that the child has suffered physical harm as a result of child abuse or neglect. This bill would amend AS 47.17.064 to permit the department, or certain persons authorized by the department, to conduct, without first notifying the child's parents, a forensic interview of a child suspected of suffering sexual abuse or physical harm as a result of child abuse or neglect.

Implicit in the existing statute is the recognition that the department has the authority to transport a child in order to take the photographs or to have the medical examination or x-rays done. This bill would amend AS 47.17.064 to make it explicit that the department has that authority, as well as the authority to transport a child for purposes of conducting a forensic interview authorized by the bill. The clear authority to transport the child for these procedures is key to ensuring that they can be conducted in an appropriate environment that is not threatening to the child.

The bill also would give the state and the department, its officers, its employees, and its agents certain immunity for certain actions taken related to the transportation of a child under AS 47.17.064.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski  
Governor

Enclosure

COMMI, FREE COPY

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 82  
 ( S ) Publish Date: 1/26/05  
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title FORENSIC INTERVIEWS AND  
TRANSPORTATION OF CHILDREN

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 2005	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
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<b>CHANGE IN REVENUES (0)</b>						
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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)						
<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 (FY2005) cost: \_\_\_\_\_

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The intent of this proposed legislation is to allow the department to transport a child for medical examinations and/or forensic interviews without parental permission in cases where the department has reasonable cause to suspect that a child has been physically and/or sexually abused. It is important that forensic interviews of children who appear to have suffered severe physical or sexual abuse be conducted in an appropriate environment that is not threatening to the child. When one or potentially both of the parents are the alleged perpetrators, it is not always possible to obtain parental cooperation to transport children for examinations. Child advocacy centers are facilities that are designed to be safe, neutral places, where children can be interviewed by professionals with special training in these areas. They are also designed to minimize the number of interviews that a child may have to go through in an effort to minimize the trauma as much as possible. We anticipate no fiscal impact.

Prepared by: Marcia Kennai, Deputy Commissioner  
 Division Office of Children's Services  
 Approved by: Joel S. Gilbertson, Commissioner  
 Agency Department of Health and Social Services

Phone 465-3191  
 Date/Time 01/14/2005  
 Date 01/18/2005

\* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

**LEGISLATIVE INTENT; FINDINGS.** (a) The Legislature recognizes the serious need for the adequate assessment of children who are victims of child sexual abuse and serious physical abuse. No child in Alaska should be denied access to comprehensive services during a child abuse investigation, including medical assessment because of inability to pay

(b) Child Advocacy Centers are desirable in promoting a timely, coordinated, multi-disciplinary approach for the investigation, treatment and prosecution of child abuse cases, thereby enhancing the safety of children within Alaska, minimizing trauma created for children and their families, and holding more offenders accountable for their behavior.

(c) The cost of not assessing and treating abused children thoroughly is too high. It is the purpose of this Act to help ensure that when ever possible, children reasonably suspected to have been subject to child sexual abuse or serious physical abuse receive a skilled, complete and therapeutic child abuse medical assessment and videotaped forensic interview at a Child Advocacy Center.

On page 2, lines 10 – 14, delete all material and replace with the following:

“ (1) ‘child advocacy center’ means a facility with a child-focused, community partnership committed to a multidisciplinary team approach that includes representatives from law enforcement, child protection, criminal prosecution, victim advocacy, and the medical and mental health fields who collaborate and assist in investigations of allegations of sexual or other abuse, and neglect, of children.”

**AMENDMENT**

**TO: Senate Bill 82**

On page 1, line 2 – following the word “children:” insert the following:

**“provide: a definition for a child advocacy center;”**

On page 1, line 4 – insert a new Section 1 as follows (and renumber following sections accordingly):

**\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

**LEGISLATIVE INTENT; FINDINGS.** (a) The Legislature recognizes the serious need for the adequate assessment of children who are victims of child sexual abuse and serious physical abuse. No child in Alaska should be denied access to comprehensive services during a child abuse investigation, including medical assessment because of inability to pay

(b) Child Advocacy Centers are desirable in promoting a timely, coordinated, multi-disciplinary approach for the investigation, treatment and prosecution of child abuse cases, thereby enhancing the safety of children within Alaska, minimizing trauma created for children and their families, and holding more offenders accountable for their behavior.

(c) The cost of not assessing and treating abused children thoroughly is too high. It is the purpose of this Act to help ensure that when ever possible, children reasonably suspected to have been subject to child sexual abuse or serious physical abuse receive a skilled, complete and therapeutic child abuse medical assessment and videotaped forensic interview at a Child Advocacy Center.

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240-1  
2/7/2005  
(3:40 PM)

**AMENDMENT**

OFFERED IN THE SENATE HEALTH,  
EDUCATION AND SOCIAL SERVICES COMMITTEE  
TO: SB 82

BY Dyson  
by request of OCS

1 Page 1, line 8, following "cause":  
2 Insert ", as documented by the department, "

3  
4 Page 2, following line 14:  
5 Insert the following new material:

6 "(2) "forensic interview" means a structured interview that employs  
7 objective and age-appropriate questioning techniques to elicit accurate and reliable facts  
8 that may be used in court proceedings;"  
9

10 Page 2, line 15:  
11 Delete "(2)"  
12 Insert "(3)"

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/26/05

FURTHER: Judiciary

Date of 5-Day Notice: \_\_\_\_\_  
(In accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2.17.05

Health, Education and Social Services Committee considered

SENATE BILL NO. 82

### SB 82 CHILD PROTECTION INTERVIEW & TRANS

"An Act relating to child protection, including forensic interviews and transportation of children; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 82 (HES)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indel.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indel.	Zero	FN#
HSS	1/18			X	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	FOR	AGAINST	NO REC	ABEND
<i>K. X 95</i>			✓	
<i>Ermy Wyle</i>			✓	
<i>Philip Green</i>				✓
<i>Richard Collins</i>				✓
CHAIR: <i>Paul Dyer</i>	✓			



## Health, Education, and Social Services Committee Alaska State Senate

To: Senator Ralph Seekins, Chair  
Senate Judiciary Committee

From: Senator Fred Dyson, Chair  
Senate H.E.S.S. Committee

Date: February 18, 2005

Re: SB 82—"An Act relating to child protection, including forensic interviews and transportation of children; and providing for an effective date."

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The Senate Health, Education, and Social Services Committee recently passed SB 82, and the bill is next referred to the Senate Judiciary Committee. During the H.E.S.S. Committee's deliberation, a provision in the bill—explained below—attracted attention that the committee did not resolve. The Committee decided to pass the bill on to Judiciary, so that the members could debate its legal matters, and requested an additional referral back to H.E.S.S. so that our members could again consider the provisions in light of any further discussion and amendments by the Judiciary Committee. I and my committee staff will attend the Judiciary hearings and will follow the discussion on this matter.

In the proposed new sections AS 47.17.064(c) and (d), the Department of Health and Social Services is given authority to transport children for forensic interviews—without the permission of the parents—if the department has reasonable cause to believe that sexual abuse or physical harm occurred because of child abuse or neglect. According to the bill, this transportation would not constitute "emergency custody."

Legal testimony, from outside government bureaucracy, cautioned against this language because of a lack of due process available to parents. It is understandably important that the State's child protective services have the authority to investigate sexual abuse or physical harm free from parental interference and coaching, but protection is needed to guard parents against losing control of their children and slanderous accusations in cases of false claims of abuse, for example.

Current statutes outline the process whereby the State secures emergency custody of children. This process requires court intervention. Magistrates, then, ensure protection for the parents based on testimony. SB 82 allows the State to take control of children without this judicial intervention. As the H.E.S.S. Committee Chair, I ask that the Judiciary Committee address the legal aspects of this provision, and that the H.E.S.S. Committee be allowed subsequent hearings to discuss policy implications. Thank you.