

**2/08/12
PRESENTATION
ALASKA
CHILDREN'S
JUSTICE ACT
TASK FORCE**

<TARGET><BILL></BILL><SUBJECT>2-08-12 PRESENTATION
ALASKA CHILDREN'S JUSTICE ACT TASK
FORCE</SUBJECT><COMM>SHSS27</COMM></TARGET>



Alaska Children's Justice Act Task Force

**Presentation to Joint Senate Judiciary and HSS Committees, Alaska
Legislature**

February 8, 2012

hss.state.ak.us/ocs/ChildrensJustice/default.htm

OVERVIEW OF 2012 PRESENTATION

- Background on CJA: Who we are and what we do
- Child maltreatment in Alaska
- Proposed legislative changes

OVERVIEW OF CJA TASK FORCE

- Background: Founded 2002
 - Federal mandate: Child Abuse Prevention and Treatment Act (CAPTA) 42 U.S.C. 5101 and Victims of Crime Act 42 U.S.C. 10601
 - Multidisciplinary/statewide representation
 - Federally funded based on population

Mission

- Identify areas where improvement is needed in the statewide response to child maltreatment, particularly child sexual abuse, make recommendations and take actions to improve the system

Task Force Projects

- Develop and distribute better data
 - Collaboration with DHSS, Maternal Child Health Epidemiology Unit - Surveillance of Child Abuse and Neglect (SCAN) program
- Improve system response
 - Support the development of Child Advocacy Centers (CACs) and Multidisciplinary Teams (MDTs)
 - Support innovative programs
 - Support education and training
- Make recommendations for law changes

IMPROVE THE SYSTEM RESPONSE



Support the development of CACs and MDTs

- Alaska now has 10 regional CACs and 2 satellite centers
- Publications:
 - Guidelines for the Multidisciplinary Response to Child Abuse in Alaska
 - Standardized medical documentation forms

Support Innovative Programs

- Pathway to Hope
 - Tribal facilitator curriculum to assist community healing from intergenerational trauma due to sexual abuse
- Sexual exploitation of children protection
 - Internet Crimes Against Children
 - NetSmartz
 - In-school education programs

Education and training

- Educate mandatory reporters
 - Developed Mandatory Reporter Training CD
- Encourage professional development
 - Scholarships for trainings
 - Sponsor biennial Alaska Child Maltreatment Conference (collaboration with the Alaska Children's Alliance)
- Yearly legislative presentations

Yearly legislative presentations

- Children's Caucus
- Legislative committee presentations
- 2012 presentation to Senate Judiciary & HSS
 - Child maltreatment in Alaska
 - Proposed legislation

Child maltreatment in Alaska

- Data
- Fiscal impact

Maltreatment-Related Child Deaths

Deaths occurring between 2000-2008,
children ages 0 – 9 years

- Approximately **1 out of every 5** (20%) Alaskan child deaths is maltreatment-related
 - ~ **1 out of every 4** (25%) for Alaska Native children
- Nearly **3 out of every 4** (~75%) maltreatment-related deaths occur in infants

Maltreatment - All Types

- In 2008 ~ **12,400 Alaskan children** were likely victims of at least one incident of maltreatment
 - **24%** had at least one incident confirmed
 - Substantiated or conviction
 - “Tip of the iceberg”
 - As many as **34 children a day** are likely maltreated, or **3,000** during this 90 day legislative session

Maltreatment - Neglect

- In 2008 ~ **8,900 Alaskan children** were the likely victims of at least one incident of neglect
 - **25%** had at least one incident confirmed
 - As many as **25 children a day** ,or **2,200** during this 90 day legislative session

Maltreatment – Physical Abuse

- In 2008 ~ **2,700 Alaskan children** were likely victims of at least one incident of physical abuse
 - **22%** had at least one incident confirmed
 - As many as **7 children a day**, or **630** during this 90 day legislative session

Maltreatment – Sexual Abuse

- In 2008 ~ **1,900 Alaskan children** were likely victims of at least one incident of sexual abuse
 - Among the children experiencing sexual abuse, **16%** had at least one incident confirmed
 - ~ **As many as 5 children a day**, or **450** during this 90 day legislative session

What does this cost?

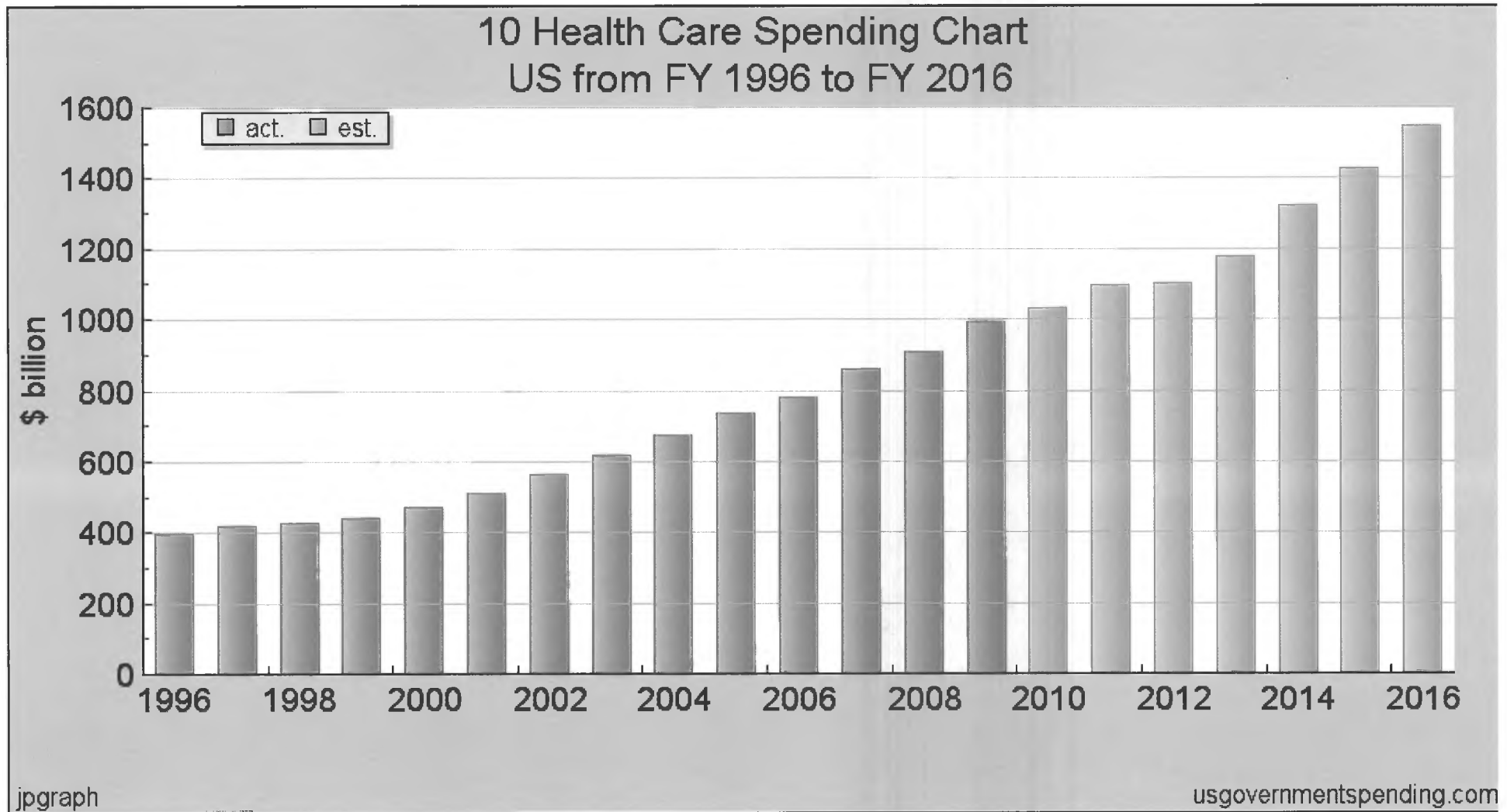
- Medical & mental health care
 - Short and long term
- Child protection system
- Criminal justice system
- Future earnings
- Quality of life

Health Care Costs

- Adverse Childhood Experiences Studies:
“Turning Gold Into Lead”
- “...much of what is recognized as common in adult medicine is the result of what is not recognized in childhood.”
- Link to ALL most common causes of adult disease and death in US today

www.cdc.gov

Health Care Costs



Average lifetime cost per case of fatal child maltreatment

- Medical costs
- Productivity losses
- Total

- \$ 14,000
- \$1,258,800
- \$1,272,900

Annual economic burden to Alaskans: fatal child maltreatment (infants only)

- Medical costs
- Productivity losses
- Total

- \$ 140,000
- \$12,588,000
- \$12,729,000

Average lifetime cost per case of nonfatal child maltreatment

• Short-term health care costs	• \$ 32,648
• Long-term health care costs	• \$ 10,530
• Productivity losses	• \$144,360
• Child welfare costs	• \$ 7,728
• Criminal justice costs	• \$ 6,747
• Special education costs	• \$ 7,999
• Total	• \$210,012

Estimated annual economic burden for Alaskans

• Short-term health care costs	• \$97 – 405 million
• Long-term health care costs	• \$31 - 130 million
• Productivity losses	• \$430 million -1.8 billion
• Child welfare costs	• \$23 – 96 million
• Criminal justice costs	• \$20 -84 million
• Special education costs	• \$24 – 99 million
• Total	• \$625 million - 2.6 billion

based on ~3000 - 12,400 children
annually

**SYSTEM IMPROVEMENT
THROUGH CHANGES TO OUR
CRIMINAL STATUTES**

RECOMMENDATION #1

**Modify assault statutes to create
broader criminal liability for assaults
to children**

Problem: Required for felony prosecution

- Serious physical injury OR
- Multiple events OR
- Reasonable caregiver would seek medical diagnosis and treatment

Problem: Definition of “serious physical injury”

- “**(A)** physical injury caused by an act performed under circumstances that create a substantial risk of death; or
- **(B)** physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy.”

Solutions: New definition “serious bodily injury to a child”

- “Serious bodily injury to the child” includes, but is not limited to, second- or third-degree burns, a fracture of any bone, a concussion, subdural or subarachnoid bleeding, retinal hemorrhage, cerebral edema, brain contusion, strangulation, injuries to the skin that involve severe bruising or the likelihood of permanent or protracted disfigurement, including those sustained by striking children with objects, or other physical injury that results in significant physical injury to the child

Solutions

- Apply the proposed “serious bodily injury” definition to
 - children under 12
 - children under age 16 who are mentally or physically impaired
- Add new theories to all three felony assault statutes that incorporate the definition of serious bodily injury to a child

Post-conviction recommendation:

- To recognize mental harm resulting from physical injury:
- Create a sentencing aggravator if the serious bodily injury caused to a child resulted in significant mental injury to the child

RECOMMENDATION #2

**STRENGTHEN STATUTES REGARDING
EXPOSURE OF CHILDREN TO DRUGS**

Problem:

- Difficult to prosecute person who has exposed a child to drugs to extent that child tests positive for drug
- Examples: meth lab, leaving drugs laying around, using drugs around child

Solution:

- Amend endangering the welfare of a minor statute by creating 2 new subsections to:
 - Penalize reckless exposure of child to controlled substance and, because of exposure, the child tests positive for the controlled substance
 - Penalties vary depending on dangerousness of drug

Problem:

- Inability to prosecute for indirect exposure to dangerous chemicals used in drug labs

Solution

- Penalize reckless exposure of child to chemicals used in meth labs

RECOMMENDATION #3

**INCREASE PENALITIES WHEN A PARENT
INTENTIONALLY WITHHOLDS
ADEQUATE FOOD OR LIQUIDS**

Problem:

- Current punishment for criminal nonsupport is a misdemeanor
- Intentional failure to provide adequate food or liquids to a child should be a felony

Solutions:

- Modify criminal nonsupport to create a class C felony for parent or guardian who intentionally fails to provide adequate food and liquids to the child
- Standard for determination: “a reasonable person would conclude the child was not receiving adequate food or liquids”

RECOMMENDATION #4

**CREATE A CRIMINAL LAW THAT PROHIBITS
AN INCARCERATED PERSON FROM
CONTACTING A VICTIM OR WITNESS**

Problem:

- Current statutes do not fully protect a child victim from influences and pressure prior to trial and sentencing
 - Only after sentencing
- Examples:
 - Incarcerated accused sex offender can contact under age victim
 - 3rd party can forward phone calls, letters from defendant to victim

Solutions:

- Add two new theories to unlawful contact statute to:
 - Penalize a person incarcerated before trial or sentencing for contacting a victim or witness of the offense in violation of no-contact order
 - Penalize person who assists the defendant in engaging in such contact



Alaska Children's Justice Act Task Force

- Problem: need legislative changes to enhance safety of Alaskan children
- Solution: introduce and pass proposed legislation

We need champions for children!

