

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

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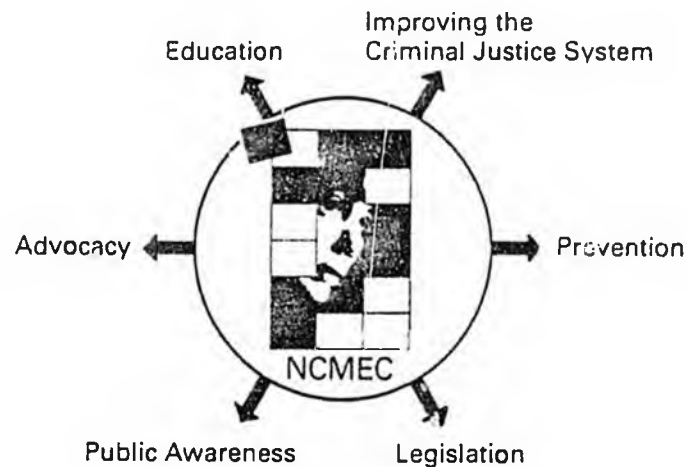
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The National Center for Missing and Exploited Children

- provides training assistance to law-enforcement and child protection agencies to develop effective procedures to investigate and prosecute cases of missing and exploited children
- assists individuals, groups, agencies, and state and local governments involved in investigating and prosecuting cases of criminally or sexually exploited children
- provides information and advice on effective state legislation to assure the safety and protection of children
- provides prevention and education programs for parents, schools, action groups, agencies, communities, volunteer organizations, law enforcement, and local, state, and federal institutions
- distributes comprehensive instruction packages to aid communities in protecting children
- organizes networks of information among school systems, school boards, parent-teacher organizations, and community organizations about proven techniques for implementing educational programs
- conducts an outreach program to alert families, communities, the criminal justice system, and concerned organizations about the nature and extent of child victimization and exploitation
- ensures coordination among parents, missing children groups, and the media to distribute photos and descriptions of missing children
- coordinates the exchange of information regarding child exploitation

. . . Is at the Center of the Problem

The Center is a primary resource for assistance and expertise in all these areas:



Information Please
















The National Center for Missing and Exploited Children offers a national clearinghouse that collects, compiles, exchanges, and disseminates information. Anyone who is seeking information or who wishes to contribute information about the problem should write to the following address:

The National Center for Missing and Exploited Children
1835 K Street, N.W.
Suite 700
Washington, D.C. 20006

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OFFICE OF MINORITY WHIP

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TRANSPORTATION
SENATE CHAIR, ANCHORAGE CAUCUS

February 25, 1985

The Honorable Don Bennett
President
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

As Chair for the Senate Health, Education and Social Services Committee in the Thirteenth Alaska Legislature, I am pleased to transmit the report of the November, 1984, Policy Conference on Young Children.

The Conference was sponsored by the Senate HESS Committee of the Thirteenth Alaska Legislature, the Department of Education, the Department of Health and Social Services, and the Department of Community and Regional Affairs. I express my thanks to Commissioner Raynolds, Commissioner Pugh, and Commissioner Notti, and their staffs, for their participation and contributions to the success of the Conference. Former Senate President Jay Kerttula was especially supportive as well, and I wish to acknowledge that interest and helpfulness here.

The Policy Conference on Young Children brought hundreds of Alaskans together to discuss the needs and problems of young Alaskans of pre-school age. Papers presented at the Conference demonstrated the truth of the old adage that "As the twig is bent, so grows the tree." Studies show that children who receive the benefit of high quality early childhood education fare markedly better as adults in their adaptability to employment, educational achievement and social adjustment.

The implications of these data are especially significant in the light of the programmed federal budget reductions for pre-school children under the Johnson-O'Malley Act. I am informed that thousands of young Alaska Native children whose pre-school experience is federally funded are scheduled to lose funding support in FY 1986. The data also suggest that expanded state efforts on

The Honorable Don Bennett
February 25, 1985
Page Two

behalf of this age group will be cost-effective in the long run with regard to reducing future demands upon the corrections, welfare and social service agencies of the State.

The attached report also describes some of the criteria for quality in early childhood education and in day care. This portion of the report is valuable, therefore, for policy makers and consumers alike.

An important factor, of course, in the development of healthy and well-adjusted adults is prevention, identification, and treatment of child neglect and abuse. Prevention is especially important and cost-effective.

Parental training and volunteer programs to provide respite for parents under emotional and physical stress may prove effective in reducing instances of neglect and abuse.

The several hundred Alaskans at the Conference took part actively in several workshops, which identified issues for guidance to policy makers. The attached Report summarizes the issues and policy proposals which were developed at the workshops.

The report should be viewed as a beginning, and not the end, of a process to develop coherent goals and objectives for young children. Since young children cannot advocate for themselves, the responsibility befalls to us as adults to speak on their behalf in the interests of generations of Alaskans yet to come.

With best wishes, I am

Sincerely,


Joe P. Josephson

JPJ:rak

Policy Conference on Young Children



Conference Summary

November 18, 19 & 20, 1984
Sheraton Hotel · Anchorage

Please, following a review of the Conference Summary, indicate below what priorities you would have regarding policy on young children.

(List up to 5)

1) _____

2) _____

3) _____

4) _____

5) _____

Postage

Return to:

Senator Joe P. Josephson
Pouch V
Juneau, AK 99811



Policy Conference
on Young Children

Alaska State Legislature

Joe P. Josephson, Chairman
Vic Fischer
Paul Fischer
Rick Halford
H. Pappy Moss

Senate
Committee on

Pouch V
State Capitol
Juneau, Alaska 99311

Health, Education & Social Services

Dear Fellow Alaskan:

The attached document presents the composite results of the Policy Conference on Young Children sponsored by the Senate Committee on Health, Education and Social Services and the Departments of Education, Health and Social Services and Community & Regional Affairs. The conference was held in Anchorage from November 18th through the 20th at the Sheraton Hotel, featured three nationally renowned speakers and over 100 Alaskan specialists in workshops and panel discussions.

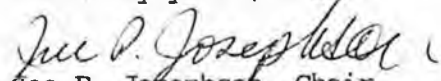
The conference addressed a wide range of issues affecting young children and families, including child abuse, quality in pre-elementary programs and responsibility for delivery of services.

This summary of the conference delineates the policy issues identified by attendees in the sixteen workshops held during the three days, and summarizes the addresses of the three major speakers: Dr. Donald C. Bross, from the Kempe National Child Abuse Center in Denver; Dr. David Weikart, Executive Director of the High/Scope Research Foundation, who specializes in early childhood research; and Dr. Shirley Moore, professor of Child Psychology with the Child Development Institute of the University of Minnesota.

Because the participants made up an energetic and devoted group of people who represented the spectrum of those involved in early childhood -- educators, parents, child care providers, social service agencies, attorneys and state departments -- I hope this document will be considered an accurate statement of statewide concerns and will be used as a planning tool by Legislators and the Administration.

For more information or additional copies of this report, please contact my office at Pouch V, Juneau, Alaska 99811.

Sincerely yours, I am



Joe P. Josephson, Chair
Senate Committee on Health, Education and Social Services

Note: Please return the enclosed mailer immediately, to help us identify for possible legislative action, the top five priorities in early childhood. (Be as specific as possible in the space constraints).



Policy Conference on Young Children

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THE NATIONAL TRENDS IN CHILD ABUSE AND NEGLECT

Donald C. Bross, J.D., Ph.D
Henry Kempe National Center
Denver, Colorado

When parents are inadequate, society's remedies are limited. These limitations lead us to examine the evolution of recognized children's rights in our culture, and the parallel development of public education.

In the United States, mandatory education was not required until the middle of the last century. The field of child welfare also had its beginnings in the 1800's, followed by child health (pediatrics) which was recognized as a medical specialty early in the twentieth century. In this historical perspective, then, birth certificates, immunization programs, compulsory education, and mandatory reporting of abuse and neglect are recent phenomena. Indeed, the first statute requiring reporting of suspected child abuse and neglect was enacted in 1963.

In our society, physical abuse and extreme forms of violence are part of the experience of many children. Statistics suggest that between twenty to forty percent of our children are exposed to violence in the home. Figures released in 1980 by the United States Department of Health and Human Services suggest that there are 5.7 cases of abuse per 1000 total population.

In another study, forty-two percent of mentally ill adolescents had histories of physical abuse. In the mentally ill group with histories of physical abuse, seventy-two percent acted aggressively towards others, while in the mentally ill group with no such histories, only forty-six percent acted aggressively.

And it is an interesting footnote to the study that neither group showed aggressive behavior towards their parents. Children rarely attack their parents. But the adolescents who were abused at home were twice as likely to attack their peers, and four times as likely to have attacked their teachers.

Sexual abuse of children is not confined to any single socio-economic group. Many studies support findings of sexual abuse at all socio-economic levels. A study in Georgia found that rural households, and households headed by women, were at greater risk for sexual abuse than other households.

Dr. Bross

In the school setting, the reporting of suspected cases of child abuse is mandated by law. But in spite of the legal requirement to report, deterrent factors to reporting exist. Reports, of course, will affect the relationship between the school and its personnel, on the one hand, and the parent, on the other. And although personnel may be aware of the duty to report, and the consequences of failure to report, studies suggest a need for mandatory training. Moreover, training should focus upon not just the reporting and treatment of very obvious cases, but also upon the need to recognize and deal with degrees of maltreatment and upon cases of lesser obviousness. Instructing teachers and administrators about the basic facts and signs of child abuse and neglect can increase the chances of reporting.

Those children who have survived histories of child abuse and neglect reasonably well appear to have had the benefit of supportive and safe adults -- such as a respected teacher or neighbor -- to whom they were able to turn in their time of need.

Thus, children require the interest and concern of not only their families, but also of their teachers, school officials, social workers, mental health professionals, and law enforcement officers. All have a job to do. A workable model that is made up of these components can be used to examine situations of family and institutional abuse and can deal best with the problems of children who have been subjected to these situations.

In addition to dealing with cases where abuse has occurred, communities are seeking to develop the right programs for prevention, to reduce occurrences of abuse and neglect. Options for such programs can include home visits for new-borns; allowing parents the opportunity to relinquish children they cannot care for; and training in parenting skills. Twenty states have now enacted children's trust funds.

In this country, there is no visible individual, official guardian, or other public official whose primary function is the responsibility to bring cases or situations of institutional abuse, or general concern for children as a class, to the attention of the executive, legislative and judicial branches of government, and to the public.

Another forward step would be to provide education in the schools on child development, and on the misuse of children, to increase accountability.

Dr. Bross

It is a principle of our society to maximize individual opportunity. Henry Kempe, who coined the term "battered child syndrome", asserted that each child belongs to himself or herself, and is in the care of a parent (or in the care of others when the parent permits or when the parent has betrayed the trusteeship for that care).

Children have two major rights, the right to protection and the right to choice. The right to protection exists from prior to birth onwards, and the right of choice comes with development. Society must enforce the child's right to protection if the person who is affecting the child most directly cannot do so, or even violates the right to protection. If the future for children is to remain promising, we must develop our efforts to teach children about their rights and the manner in which disputes concerning children can be handled.

THE 19TH YEAR LONGITUDINAL STUDY OF THE PERRY PRE-SCHOOL PROJECT
AND THE
"PAY OFF" FOR ALASKA FROM EARLY CHILDHOOD EDUCATION

Dr. David Weikart
High/Scope Research Foundation
Ypsilanti, Michigan

Wherever a child may be, learning of some kind is taking place; wherever a child is, care of some kind is being provided. The vital question is about the quality of learning, and the quality of care.

In this address, I will focus upon early childhood education and care. I will refer to the experience of young children, and especially the long-term results of our Perry Pre-School Early Childhood Education Project which we conducted in Ypsilanti, Michigan. The results of the study, and its implications, may affect the thinking of policy makers and educational leaders in Alaska with respect to early childhood education and care. The Project's outcomes are important. The results show measurable and verifiable benefits, with respect to life achievement and social adjustment, from early childhood education.

The Project began in 1962, and has been continuing for 22 years. It is an experiment to learn whether or not early childhood education programs ought to be in existence. The Project does not evaluate programs. The pivotal question of the experiment is whether an early childhood education experience can make a long-term difference in the life of a child.

At the start, in 1962, there was opposition to the very idea of having young children, three and four years of age, taken from their homes and placed in a center-based program. This opposition was overcome, and the program began with children from one neighborhood in Ypsilanti who all met the criterion of coming from families of lower income and educational attainment.

The children were then divided, on a random basis, into two groups, Group A and Group B.

The long-term Project followed the children into adulthood. The experiment shows that high quality early childhood education makes a significant difference in the long-term outcomes of the lives of young children.

Dr. Weikart

123 children began the project in the years 1962-1965. The experiment has followed the lives of all these children, who remained part of the experiment at age 19. Our researchers remained in contact with every child, including those who left Ypsilanti.

The two groups showed great differences in performance levels over time. Achievement patterns of those who had pre-school experience began to differentiate early in life from the patterns of those without the pre-school experience.

67 percent of those from Group A -- the group with the pre-school experience -- completed high school; only 49 percent of those from Group B -- the group without pre-school experience -- completed high school. We learned that the rate of high school attendance, and completion, can be increased by about 50 percent through pre-school programs.

38 percent of the Group A youngsters attended post-secondary job training programs or colleges, but only 21 percent from Group B attained comparable educational levels.

We also found that only 15 percent of the students from Group A required placement in the high cost, "special education" programs, while 35 percent of the students from Group B received such placement.

We looked at the world of work as well as educational attainment. The children from Group A, by age 15, were more apt to have part-time jobs: 50 percent of the Group A children held part-time jobs, but only 32 percent of the Group B children held employment.

By age 19, 45 percent of the Group A children were self-supporting, compared to only 25 percent of the Group B children.

Although workers from both groups reported dissatisfaction with wages, 42 percent of the Group A workers said they were satisfied with their work, in contrast with Group B workers, of whom only 26 percent reported job satisfaction.

These statistics suggest that there should be a dialogue between educators and business leaders to emphasize the link between early childhood education and the production of a reliable and employable work force.

And beyond educational attainment and employment, we examined social adjustment. We found that 31 percent from Group A, the group with pre-school experience, had arrest records,

Dr. Weikart

while 51 percent from Group B had arrest records. Moreover, Group A showed fewer arrests for crimes of violence or property. Females who had pre-school education had lower pregnancy rates than women without pre-school education. And only 18 percent of the people from Group A were getting general assistance, compared to 32 percent for the people from Group B.

In summary, these data lead to the conclusion that pre-school education produces a significant reduction in crime, teen-age pregnancies, welfare rolls, and other social problems and community burdens. Early childhood education sets the child upon a more promising course through life.

In the pre-school experience, the young child develops a willingness to try new things, and confront new issues, and the capacity to project this willingness and competence to others. Our studies suggest that for every dollar we invest in early childhood education, society receives a pay-back of seven dollars, after adjustments for inflation. Thus, there is little social or economic reason not to have early childhood education programs.

In light of these data, we must strengthen the dialogue among the political, business, and service sectors of our communities. We need, too, to link the efforts of early childhood education professionals with the efforts of others who serve young people. Of course, our investment in teen-age programs, through employment training and job corps or internship opportunities and similar efforts, must continue. But, while those of us involved in early childhood education and care must develop a common ground with other professionals, all concerned must seek to build sensible statewide policies which create a framework for prevention in order that, as early childhood education and care programs continue to grow and prove their effectiveness, the need for remedial programs may be lessened.

I wish to close by emphasizing one important caveat or "catch" to all this: in order for a pre-school program to be effective, its quality must be high. High quality is not determined by licensing standards, or any regulatory process that now exists. Licensing standards do not cause high quality; instead, they only help create an environment in which high quality can exist.

For quality, there are three important requirements. First, a program must have a clear and distinct curriculum. Second, it must have good supervision, leadership and management. Third, it must offer training for those who work with young children.

QUALITY PROGRAMS AND THE EDUCATION OF YOUNG CHILDREN

Dr Shirley Moore
Institute of Child Development
University of Minnesota, Minneapolis

As a group, early childhood professionals are dedicated to providing quality in early childhood education and care. When children are away from their homes in day care, it is important that attention be given to the quality of the programs that serve them. These programs must provide an all-around good experience for children, preparing them for school and caring for them effectively.

Quality in early childhood education and care is attainable and must continue to be the goal of the efforts of all early childhood professionals. Quality day care is not a frivolous expenditure. It is an important necessity. To improve the status quo, it is important to expand available resources. In this effort, early childhood professionals, active citizens, and parents will have to undertake the politically awesome task of ensuring that enough resources are provided for both education and child care.

It is expected that by 1990, three out of four mothers of young children will work outside the home. This will create an enormous need for out-of-home care of all kinds. It is important to attend to the quality of this care as this predicted growth occurs. Job related work ethics which focus on the child care needs of working parents will need to be developed and implemented in the workplace. Employers have a responsibility to accommodate working parents involved in child rearing.

The informal care network in the United States has broken down and for the most part is no longer available, in contrast to many other cultures where the child is cared for in extended family situations. The need for mothers to work outside of the home is a constantly increasing demand. Very little of the economic resources in this country are available to this group (working mothers with young children), yet the burden of rearing the next generation is primarily theirs. It is important to consider supplementing resources for early childhood education and care, as well as providing more flexible schedules to working mothers.

The early years of life are critically important to a child's development. Research suggests that the long-term positive affects of an environment that supports cognitive development in children and provides motivation to achieve in school is going to pay off. The fundamental research question has been "Are we damaging young children by having them in day care?". It is safe to generalize the conclusions which appear to indicate that children in day care programs do not differ from home care children in overall cognitive language skills and social development. The research is less extensive for infants and toddlers in day care; however, they too appear to fare reasonably well.

In more than one study it has been found that children who spent from early infancy on at day care centers seemed more assertive with peers and adults. Some observations show that these children were more aggressive than the home care children and that they must make adjustments to the orderliness of the school classroom.

Other studies have shown that day care children have been found to be more friendly with adults and other children, more involved in school activities, and more independent than home care children. Generally, there is no evidence of adverse affects on the development of children enrolled in good quality programs from their earliest months of life. Their health was found to be good and their attachments to their mothers and their mothers' attachment to them was not affected. It is important when considering the impact of day care on infants and toddlers to examine the effect on attachment and related psycho-social behavior. Infants and toddlers are considerably more dependent on primary care givers than are pre-school children. Pre-school children can incorporate a greater variety of people caring for them without losing their sense of security than can infants and toddlers.

One of the big issues surrounding attachment and care programs is the extent to which the child can be comforted when distressed. Evidence indicates that a careful nurturing and building of the relationship between the care giver and the child is essential. Currently, child care centers are studying how to introduce children into centers in a gradual way, a practice which helps them with making the adaptation. For babies, family day care may be preferred to day care centers because babies can adapt to a new relationship with one care giver better than with the three or four to whom a baby is likely to be exposed in a center situation.

Dr. Moore

Four indicators that make a difference in the quality of the experience that children are having in day care centers are:

1. Group size - it does appear to be significantly more difficult to provide a high quality social experience and a good program of cognitive activities in large groups compared to smaller groups, even when the child-to-adult ratio remains essentially the same;
2. Ratio of children to adults - a high ratio of children to adults culminates in the reduction of positive exchanges between the children and the adults, according to various studies;
3. Stability in child care givers - when given a chance to develop a relationship with a stable care giver, the observed children in some center programs did appear to form attachments with their care givers that allowed them to seek affection and help when needed, to play contentedly, to be comforted when distressed, and to express positive enjoyment in the company of the care giver;
4. Training for care givers - training increases the likelihood of a center offering a high quality child care program particularly training in early childhood development and education.

Having identified the quality indicators, it is important that we work toward their full implementation whenever possible. Our society will pay the price if poor child care is allowed to proliferate without the controls and resources to improve it.



**Policy Conference
on Young Children**

POLICY CONFERENCE ON YOUNG CHILDREN

ISSUES AND RECOMMENDATIONS

Each of the three days of the Policy Conference on Young Children, had a different emphasis. Participants gathered in workshops to identify issues to provide guidance for policy makers regarding the future well-being of young children in our state. The key issues identified by participants for each selected area of emphasis have been summarized below. The summary constitutes a list of proposals from the workshop participants.

TAKING ACTION ON CHILD ABUSE AND NEGLECT
(Conference Day No.1)

Criminal History Review

Revise access procedures to acquire better information - i.e., charges, arrests and convictions - about care givers.

Require criminal history background checks on all people working with children (school personnel, etc.).

Provide better training on fingerprinting methods and review effectiveness.

Require the registration of convicted criminals entering the state.

Prevention

Need full-time nurses and/or counselors in elementary schools.

Encourage schools and child care facilities to use available prevention curricula.

Educate children to distinguish appropriate touch from inappropriate touch.

Support increased funding for the Homemakers Program.

Develop community support groups, teams and networking throughout the state so that professionals, non-professionals and agencies are communicating with each other.

Promote networking between existing agencies.

(Conference Day No.1)

Define corporal punishment, what it is (as opposed to abuse), who can use it, and under what circumstances it is appropriate.

Provide better training and supervision of child care staffs and better salaries to attract professionals and discourage turn-over.

Allocate resources for child care provider training in child abuse treatment.

Increase funding and staff resources for the Division of Family & Youth Services so all reports are investigated.

Require mandatory sentencing for "first degree" convicted offenders.

Training

Require mandatory training for child care providers and educators and allocate resources for this training.

Make available more funding for a statewide media campaign designed to increase public awareness of child abuse and neglect.

Teach parenting skills in High School.

Provide parenting education in the community; provide better family support; and, provide parents with enough information to know how to react and respond.

Provide funding for statewide child care information and referral agencies which may be able to coordinate the sharing of successful techniques between facilities and communities.

Promote networking between existing agencies.

Provide special mandatory training for those working in rural areas to promote cultural relevance and to encourage self-determination.

Centralize training in child abuse treatment, for consistency.

Work toward empowering community residents with resources and confidence to build trust within their communities.

(Conference Day No.1)

Treatment

Obtain better evaluations of child care programs which include perceptions of children.

Apply the mandatory reporting law as intended - protection, prevention, and rehabilitation.

Increase funding for offender treatment and continue support of programs so treatment can be increased.

Include juvenile offenders in the treatment plan.

Study the level of effectiveness of treatment programs.

Increase funding to establish a data base on follow-up studies of victims and offenders.

Treatment should be available to families in all communities.

Other

Stress videotaping of child victims of sexual assault.

Study preservative sentencing, length of prison sentences and cost impact of mandates to see if they have had the desired effect.

Establish the use of hearsay evidence in grand jury proceedings with minors involved as victims of sexual assault.

Mandate investigation of runaway children.

Clarify reporting statute and add pre-school personnel and social service agency personnel to the list of those required to report.

Correct loophole in child pornography law.

Combine state and municipal licensing requirements and procedures, to eliminate redundancy in the Municipality of Anchorage.

WHO SHOULD RECEIVE EARLY CHILDHOOD SERVICES?
(Conference Day No. 2)

Funding

Increased funding is essential to support the development of the child and the stability of the family through early childhood programs.

State and federal governments should be urged to provide start-up dollars for early childhood information and referral programs at the local level.

Competition for funds should be broad-based across all state budget priorities with early childhood program funding receiving an appropriate, proportionate, share of social services funding within the over-all state budget.

Develop innovative ways of funding children and youth programs, including children's trust funds with receipts from marriage licenses, and birth certificates, luxury taxes, etc.

Special Needs

Day care subsidies are needed for handicapped children whose families are above the income limits of the current Department of Community & Regional Affairs regulations.

Physical space needs for special education programs must be included in the facilities planning and design stage of school buildings.

Programs for physically handicapped children must be provided in barrier-free accessible buildings.

Action is required to:

Enforce existing state laws requiring physical accessibility of buildings constructed with public funds.

Improve the process in Department of Transportation & Public Facilities for design specifications and design review of architectural plans for new or remodeled school facilities.

Programs for physically handicapped children must provide opportunities for mainstreaming and normalization.

Rewrite Special Education Definitions.

(Conference Day No.2)

Conduct an analysis of the discrepancy in the number of birth-to-three year old handicapped children served in infant learning programs as compared with three-to-five year olds in pre-elementary special education programs of school districts.

Administration and Special Needs

Steps must be taken administratively:

- * to determine if children are not being served;
- * to remedy difficulties in referring children from infant learning to special education programs;
- * to address insufficient school district utilization and funding of Head Start and day care programs to serve these children;
- * to establish reporting requirements and a data base for planning and services budgeting;
- * to strengthen identification and screening of three-to-five year old children with special needs.

Administration

A mechanism for early childhood policy coordination at the state level, such as a mini-cabinet at the Governor's level, or establishing a new Office of Child Advocacy, is essential given:

- 1) the number of public and private sector agencies involved,
- 2) the fact that early childhood is a multi-million dollar business in Alaska,
- 3) evidence that Alaska far exceeds national rates in the number of families with young children, number of families with both parents working outside the home, and the number of single parent households,
- 4) the lack of coordinated statewide system of early childhood services, and
- 5) decreasing state revenues.

Better coordination is required, including a greater interchange of information among agencies and also between agencies and the public.

(Conference Day No.2)

Some agencies and activities can be consolidated in state administration so as to increase efficiency and prevent duplication.

All early childhood education programs should be licensed and/or certified through a single state agency or a single system coordinated among the various state agencies.

Regulations should be based on group size rather than child/staff ratio.

Education/Training/Research

Minimum training level standards, based on current research, need to be established and enforced for early childhood program staff.

The career of early childhood education needs professionalization.

A four-year degree program providing for specific competencies in child development (prenatal through age seven) with sub-specialties in program areas such as handicapped, gifted, child protection, cross-cultural programs, and family needs should be available through the University of Alaska statewide system.

Parenting education should commence in junior high school and continue through high school.

Implement Latchkey Programs for all school age children including kindergarten.

Require school buildings to be available for Latchkey Programs.

Continue research on young children, build data base and more extensive reporting.

Mandate Infant Learning Programs throughout the state.

Parent involvement should be sought throughout the educational system.

Systems that encourage regular parental input should be established in all educational endeavors and programs.

Initiate school curriculum that builds self-esteem in grades K-12.

(Conference Day No.2)

The home-based model of comprehensive services for children and parents should be expanded on a state-wide basis.

Cultural Differences

Bilingual Education needs to be brought to the pre-school level with all programs culturally as well as developmentally appropriate.

Develop child care programs for rural children.

Involve the parent(s) with language skills development.

Prevention

Programs and services that enhance early learning and parenting skills should be expanded to encourage prevention of learning problems and child abuse and neglect.

Determine whether or not the state should begin early prevention programs at birth rather than at age three, the present legal age for intervention.

ACHIEVING, MAINTAINING AND PROMOTING QUALITY IN EDUCATION
(Conference Day No. 3)

Education/Training/Research

Educate parents as consumers on what to look for in obtaining high quality child care.

Offer parent training classes.

Educate the public regarding the role of child care providers by increasing availability of publications, self-help booklets, and media campaigns.

Provide child care resource and referral services to be monitored through an early childhood agency.

Maintain resource centers and libraries.

Research parent home-based programs.

Training needs to come into the child care provider's home with follow-up visits from licensing office.

An educational process should be required of providers interested in obtaining a license.

Educate policy makers, i.e. legislators.

Improve the quality and availability of training in the University system, in regional schools/skill centers, and in high schools.

Child care providers need access to higher education whether through college classes, correspondence courses, teleconference network.

Funding

Provide a stable, dependable funding source.

Pool resources among different agencies and create partnerships with the business community.

Increase child care grant amounts to \$100 per child.

Relate child care grants to a percentage capture of the maximum and to levels of quality.

Encourage parent cooperatives through funding and technical assistance.

(Conference Day No. 3)

Increase levels available to parents and adjust regional differentials.

Increase funding for infant learning programs and make day care centers eligible for funds.

Review day care assistance income guidelines.

Need tax incentives, credits, and deductions to benefit the individual.

Provide additional loans or grants for equipment for centers for handicapped children.

Licensing/Regulations

Improve the quality of licensing.

Generate uniform standards to determine quality in child care.

Reform pre-school regulations. Do not allow exemptions.

Combine and streamline the regulatory process presently practiced by the Municipality of Anchorage, Alaska Department of Health and Social Services, and the Alaska Department of Education.

Waive the \$200 DHSS Licensing Fee.

Provide increased inspections of facilities without prior notice of when they are to occur.

Need distinctions between day care and pre-schools and licensing and regulatory requirements affecting them.

Add more licensing positions.

Teachers and staff should be required to have knowledge of early child educational development.

Provide standardized licensing via Department of Education with enforcement through the Department of Health & Social Services.

(Conference Day No. 3)

Cultural

Incorporate Native language and cultural programs into curriculum.

Increase awareness of cultural diversity by involving Native corporations in early childhood education.

Improving Conditions

Increase staff incentives to remain in the profession, by providing more adequate salaries and increasing employee benefits.

Unemployment insurance should be available for part-time employment.

Information on child care providers should be easily accessible.

Better communication is necessary between home providers and centers and between care providers and the state.

Expand availability of the food program to include for-profit centers.

Set criteria for defining quality pre-school co-ops.

Provide assistance for child care home providers to include a relief system and benefit package.

Develop an Office of Child Development.

Develop quality curriculum, programs and evaluation procedures.



Policy Conference on Young Children

COMMENTS AND OBSERVATIONS

BY

DR. WEIKART AND DR. MOORE

COMMENTS AND OBSERVATIONS OF THE POLICY CONFERENCE ON YOUNG CHILDREN

BY

DR. WEIKART & DR. MOORE

Dr. Weikart

There is a commitment throughout Alaska to the idea of child development - the idea children build and construct their own knowledge, through their action and through participation in programs.

The role of men in early childhood education needs to be expanded.

Diagnostic screening tests and their value requires a look at the statistical sophistication of the instruments in order to predetermine courses of action for children.

The dilemma is actualizing the rhetoric statement of commitment to child growth and development through hard work and extensive effort.

Curriculum is a topic of major importance.

There needs to be a commitment to parents and to cultural issues by early childhood professionals.

Child abuse and reporting and the dilemma surrounding the rights of the individuals and responsibility to the community must continue to be dealt with.

There is a lack of hard data - actual facts and figures. The state should get more clarity as to exactly what the situation is, how it functions and what the relationships are.

The need for and the provision of training and the need for and the provision of supervision are key to staff development.

These two areas (training & supervision) need consideration and continued development with the services provided in Alaska both because of the extensive rural networks and because of the necessity to make programs function and be of high quality.

Dr. Moore

Carry forth - be tenacious and be tough.

Expand the base of support through very broad public awareness campaigns designed to impact people outside the ordinary spheres of influence.

Organize information and distribute it on any items that require action to 300 - 400 influential people throughout the state.

Become involved in the legislative process.

- Go to hearings.
- Get to people who are influential.
- Do your legislative homework.

Above all, be persistent.



Policy Conference on Young Children

CONFERENCE AGENDA



Policy Conference on Young Children

A G E N D A

SUNDAY, NOVEMBER 18

8:00 AM - NOON	Registration	Mezzanine
NOON - 2:00 PM	Conference Luncheon & General Session	Ballroom A & B

Opening Remarks & Welcome
Senator Joe P. Josephson
Chair, Senate Committee on Health,
Education and Social Services

Welcoming Remarks
The Honorable Bill Sheffeild, Governor
State of Alaska

Keynote Address

The National Trends in Child Abuse & Neglect
Dr. Donald C. Bross, J.D., Ph.D.
Assistant Professor, University of Colorado
School of Medicine and Legal Counsel for C.
Henry Kempe National Center, Denver, Colorado

Statewide Trends

An Alaskan Perspective on Child Abuse & Neglect
John Pugh, Commissioner, Alaska Department
of Health & Social Services

S03-HOW CAN SMALL COMMUNITIES DEAL WITH CHILD ABUSE?

Room 308

Moderator: Kathy Tibbles, Regional Manager, Division of Family & Youth Services

Panelists: Representative Peter Goll, Haines
Jamie Buckner, Education Specialist, Southeast Regional Resource Center
Was Terwilliger, Director, Gateway Community Mental Health Center, Ketchikan
Carolyn Epple, Project Coordinator for Southeast Abuse/Neglect Prevention Program, Southeast Alaska Health Systems Agency

S04-WHAT CAN PARENTS, TEACHERS AND CARE GIVERS TEACH CHILDREN TO PREVENT CHILD ABUSE?

Ballroom C

What Resources are available: What is "good touch and bad touch"? What is available in prevention curricula?

Moderator: Steve Wilson, Social Worker/Counselor
Division of Family & Youth Services, Fairbanks

Panelists: Dr. Marianne von Hippel, Behavioral Pediatrician
Anchorage
Susan Leddy, Education Services Coordinator, S T A R
Anchorage
Carol McElroy, Co-Director, Bayshore Learning Center
Anchorage
Aileen McInnis, Community Education Specialist,
Resource Center for Parents & Children, Fairbanks
Sue Hull, State PTA Liason with the State Board of
Education, Fairbanks

S05-WHAT IS BEING DONE TO REDUCE RISK?

Kuskokwim East

Regulations, criminal history background checks: screening those who work with children. Mandatory inservice training, public awareness: what is the future of risk reduction?

Moderator: Kathleen Shaw, Social Worker, Division of Family & Youth Services, Anchorage

Panelists: Bill Mellow, Assistant Attorney General, Juneau
Robert Sundberg, Commissioner, Alaska Department of Safety
Dorcas Lewis, Childcare Licensing Specialist,
WIN-ANCHORAGE
Frank Millett, Big Brothers/Big Sisters, Anchorage

SUNDAY, NOVEMBER 18 - CONTINUED

2:30 - 5:00 PM Concurrent Workshops

TAKING ACTION ON CHILD ABUSE AND NEGLECT

S01-WHAT IS THE LEGAL RESPONSIBILITY OF THE SCHOOLS AND
CHILD CARE FACILITIES RELATING TO CHILD ABUSE?

Kuskokwim West

The reporting law: what it means to teachers, care givers
and administrators; interfacing with the law and the legal
system.

Moderator: Dee Ann Grummett, Social Services Program
Coordinator, Division of Family & Youth Services

Panelists: Steve Warner, Investigator Youth Services Bureau
Anchorage Police Department
Noreen Thompson, Superintendent, Kodiak Island
School District
Carolyn Cannava, Kindergarten Teacher and School
Board Member, Kenai
Myra Munson, Assistant Attorney General, Human
Services Section, Fairbanks
Wanda Spenny, Child Care Provider, Anchorage

S02-HOW DO YOU RECOGNIZE AND TREAT CHILD ABUSE?

Yukon Room

The signs; what to look for. The role of the teacher and
child care provider on the treatment team - teaching trust
and teaching sexually appropriate behavior. The aftermath
of abuse: the view of the child.

Moderator: Carolyn Frichette, Staff Development Coordinator
Division of Family & Youth Services

Panelists: Dr. Alan MacFarlane, Pediatrician, Fairbanks
Pam Kirk, Human Relations Center, Anchorage
Judy Moor, Regional Supervisor, Homemaker
Program of Alaska, Juneau
Carol Comeau, Teacher, President, Anchorage
Education Association
Susan Humphrey-Barnett, Director Statewide
Programs, Alaska Department of Corrections



Policy Conference on Young Children

MONDAY, NOVEMBER 19

7:30 - 8:30 AM	Registration	Mezzanine
8:30 - 9:30 AM	General Session	Ballroom A & B

WHO RECEIVES AND WHO PROVIDES
EARLY CHILDHOOD SERVICES?

Remarks and Introductions
Senator Joe P. Josephson

Population Projections and Demographics of Alaska:
The Changing Role of Women in the Workforce
Greg Huff, Economist, Alaska Department of Labor

Profiles on the Range of Services Available in Alaska
L's. Lare, Child Care Coordinator, Alaska Department
of Community & Regional Affairs

MONDAY, NOVEMBER 19 - CONTINUED

9:30 - 11:00 AM A Panel Debate - Who Should Provide Ballroom A & B
Early Childhood Services?

Introduction of Panelists
Senator Joe P. Josephson

Pro-Government

*On the State Level

Lisa Rudd, Commissioner
Alaska Department of Administration

*On the Local Level

Heather Flynn, Member
Anchorage Municipal Assembly
E.E. (Gene) Davis, Superintendent of Schools
Anchorage School District

What is the government providing and are these services a spending priority for: parents, the administration and the legislature? Day care assistance, child care tax credits, public school education and early intervention programs are only a few programs sponsored by the state.

Pro-Business

Sister Barabara Haase, Administrator,
Ketchikan General Hospital

The benefits of employer sponsored child care: to the industry, the parent, the child and the family unit.

Pro-Parent

Susan Clark, Chair, The Committee on Women
Alaska Division, American Association of University
Women.
Chris Wright-Ibanez, Sr. Employee Relations
Specialist, ARCO, ALASKA, Inc.

Parents, not government, have responsibility and control over the care and education of young children.

Summary of the Debate

Senator Joe P. Josephson

MONDAY, NOVEMBER 19 - CONTINUED

11:00 - 12:00 N Special Presentations

Kuskokwim East

RurAL CAP Early Childhood Planning Project
Debra Ward, Early Childhood Consultant

Kuskokwim West

Head Start Training Guide for Preventing
Maltreatment of Children with Handicaps
Sharon Fortier, Resource Access Project

Yukon Room

Changing Roles of Native women and Family
Structure in Rural Alaska
Lary Schafer, University of Alaska, Fairbanks

Room 305

Findings of the Alaska State Employee Child Care
Survey Commissioned by the Alaska Department of
Administration
Richard Smiley, Ph. D., Educational Psychologist
Southeast Regional Resource Center

Room 308

Day Care Based Research Concerning Environmental
Organization and Staff Training
Dr. Todd Risely, Psychology Department
University of Alaska, Anchorage

Ballroom C

"Training For Quality", a film made at Islands
Community College, the Betty Eliason Center, Mt.
Edgcombe pre-school and the Infant Learning Program
in Sitka, showing the need for staff training in
recognition of developmentally appropriate curricula
for children.

Karen Marie, Program Coordinator for Early
Childhood Education and the Betty Eliason
Child Care Center

Room 301

Anchorage Youth At Risk, presentation of a report
by the Anchorage Commission on Youth.
Patrick Burke-Reinhart
Youth Program Coordinator, M O A

MONDAY, NOVEMBER 19 - CONTINUED

1:30 - 4:30 PM Concurrent Workshops

Room 305

Moderator: Ms. Lare, Child Care Coordinator, Alaska Department
of Community & Regional Affairs

Panelists: Carlos Ovando, Associate Professor, University of
Alaska, Anchorage
Mary Jo Hotchkiss, Teacher - Early Childhood Education
Anchorage Community College
Betty McCormick, Director, Career Center Lab School
Anchorage School District
Karen Lamb, State Coordinator, Infant Learning Program
Anchorage

Kuskokwim West

Moderator: Pat O'Brien, Social Services Program Officer
Division of Family & Youth Services

Panelists: Mary Asper, State President, NAEYC
Margaret Lowe, Principal, Whaley Center, and Special
Education Administrator, Anchorage School District
Kerry Reardon, NAEYC Child Care Resource Center
Theresa Scott, Gastineau Elementary School, Latchkey
Douglas, Juneau

Ballroom C

Moderator: Annie Calkins, Early Childhood Coordinator, Alaska
Department of Education

Panelists: Sandi Haynes, Program Supervisor, Anchorage Head Start
RURAL CAP
Sharon Hodgins, Supervisor, Yukon-Kuskokwim Parent/
Child Program, Bethel
Dr. Marjorie Fields, Associate Professor, Early
Childhood, University of Alaska, Juneau & National
Governing Board Member - NAEYC
Patti Dunlap, Principal, Rigel High School, Anchorage

MONDAY, NOVEMBER 19 - CONTINUED

1:30 - 4:30 PM Concurrent Workshops

Yukon Room

Moderator: Karen Perdue, Director, Division of Community
Development, Alaska Department of Community &
Regional Affairs, Juneau

Panelists: Joan Hurst, Campfire, Anchorage
Barabara Smith, Ph.D., Co-Director, Preschool Resources
for Alaskan Special Education, Early Childhood
Coordination Project, Anchorage
Mike Travis, Program Manager, BIB Education, Alaska
Department of Education
Una Kernodle, Home Economics, Chugiak High School

Kuskokwim East

Moderator: Fran Rose, Special Assistant, Mini-Cabinet on Women,
Juneau

Panelists: Dr. Marianne von Hippel, Pediatrician, Anchorage
Phyllis Murray, Bilingual Education Director, Lower
Kuskokwim School District
Jackie Schakel, Project Director, Preschool Resources
for Alaskan Special Education, Early Childhood
Coordination Project



Policy Conference on Young Children

TUESDAY, NOVEMBER 20, 1984

8:30 - 10:00 AM General Session Ballroom A & B

Opening Remarks & Introductions
Harold Reynolds, Sr., Commissioner
Alaska Department of Education

Keynote Address

Quality Programs and the Education of Young
Children
Dr. Shirley Moore, Professor of Child
Psychology
Institute of Child Development
University of Minnesota

Quality like "excellence" is a term we recognize as desirable, but in terms of educating young children, what do we mean? Who determines what criteria define "quality"? What are national organizations doing to promote quality among their members? Are educators solely responsible for the quality of programs, and what is the relationship of the state and federal government to the parent in early childhood development?

10:00 - NOON Concurrent Workshops

ACHIEVING, MAINTAINING AND PROMOTING QUALITY IN
EDUCATION

Issues and reality about quality - how has it been achieved, maintained and promoted? These workshops are discussion oriented rather than show-&-tell, to delve into issue exploration with the participants.

T01-FAMILY AND HOME BASED CARE

Kuskokwim West

Moderator: Betty Ramage, Chair, Alaska Women's Commission

Panelists: Julie Stone, Ketchikan Home Based Program
Deborah Jackson, Juneau Family Day Care Provider
Mary Carr, Director, Anchorage Infant Learning Program
Jo Putnam, Director, Kawarek Head Start, Nome
Pat Brunelle, President, Alaska Family Child Care
Society, Anchorage
Sharon Hodgins, Supervisor, Yukon-Kuskokwim Parent/
Child Program, Bethel

TUESDAY, NOVEMBER 20 - CONTINUED

10:00 AM - NOON Concurrent Workshops

T02-PRIVATE CHILD CARE/PRE-SCHOOL PROVIDERS

Ballroom C

Moderator: Marsha Hubbard, Special Assistant to the Governor

Panelists: Chris Booren, Bidarki Child Care Center, Cordova
Sue Adams, Director of Day Care, City of Kotzebue
Marian Estelle, Director, Petersburg Children's Center

T03-PARENT COOPERATIVES

Room 305

Moderator: Carol Richards, Director, Alaska Women's Resource Center, Anchorage

Panelists: Sally Bruce, Teacher/Director, Anchorage Co-Op Nursery
Gretchen Reynolds, Capitol Elementary School, Juneau
Linda Padden, New Horizons Pre-School, Anchorage

T04-SCHOOL DISTRICT PRE-SCHOOL PROGRAMS

Kuskokwim East

Moderator: Ernestine Griffin, President State School Board

Panelists: Felice Dunham, Chapter One Coordinator, Ipalook Elementary School, Barrow
Joe Cooper, Superintendent, Yukon-Koyukuk School District, Nenana
Mike Baumgartner, Elementary Education, Title VII Coordinator, Iditarod School District, McGrath
Alice Bosshard, Special Education Curriculum Director, Valdez School District

T05-PRIVATE PRE-SCHOOLS

Yukon Room

Moderator: Dr. Claudia Dybdahl, Assistant Professor, School of Education, University of Alaska, Anchorage

Panelists: Linda Schmidt, Director/Teacher, Mt. Edgecumbe Pre-School, Sitka
Joy Greison, Jewish Education Center, Anchorage
Mary Jo Kidd-Thomas, Director/Owner, St. Benedict's Pre-School, Anchorage
Mary Trosper, Administrator, Chugiak Children's Services

TUESDAY, NOVEMBER 20 - CONTINUED

NOON - 2:00 PM

Conference Luncheon &
Closing Session

Ballroom A & B

"WHERE DO WE GO FROM HERE?"

Introductions

Senator Joe P. Josephson

Keynote Presentation

Dr. Shirley Moore

Dr. David Weikart

Dr. Weikart & Dr. Moore will review what happened at the conference, the issues identified, and reflect on what they heard Alaskans saying about the future of our young children.

Questions to the Speakers

Conference Evaluation

Closing Remarks

Senator Joe P. Josephson



Policy Conference on Young Children

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ALASKA STATE LEGISLATURE

SENATE COMMITTEE

ON

HEALTH, EDUCATION & SOCIAL SERVICES

CHAIR

SENATOR JOE P. JOSEPHSON

ALASKA DEPARTMENT OF EDUCATION

COMMISSIONER HAROLD RAYNOLDS, SR.

ALASKA DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS

COMMISSIONER EMIL NOTTI

ALASKA DEPARTMENT OF HEALTH & SOCIAL SERVICES

COMMISSIONER JOHN PUGH

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NANCY BENNETT

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KRISTI ANA BYRD

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LESLIE M. GOSS

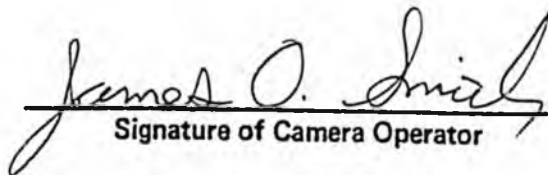
THE COORDINATORS

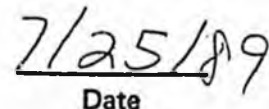


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FILE #2

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

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	4/12/85	1:30 pm
" "	4/13/85	9 Am
" "	4/20/85	1:30 pm

COMMITTEE REPORT
HOUSE

4/24

(7)

FURTHER: FINANCE

4/10/85

Date: _____

The Committee on JUDICIARY has had HB 88

"An Act relating to the protection of children; and amending Rules 504, 505, and 506, Alaska Rules of Evidence, and Rule 6(r), Alaska Rules of Criminal Procedures."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HB 88 (C) same title new title

and recommends do pass

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Alaska State Legislature



House of Representatives House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

House Bill 88 was heard by the House Judiciary Committee during an interim work session on November 22, 1985. See tapes K, L, M, N, & O dated November 22.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 88 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the protection of children and
7 family members; and providing for an effective date."

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

9 * Section 1. AS 11.61.125(a) is amended to read:

10 (a) A person commits the crime of distribution of child pornog-
11 raphy if the person brings or causes to be brought into the state for
12 [SALE OR] distribution, or in the state distributes, or in the state
13 possesses, prepares, publishes, or prints with intent to distribute,
14 [SELL, OR EXHIBIT TO OTHERS FOR COMMERCIAL CONSIDERATION,] any mater-
15 ial that visually depicts conduct described in [UNDER] AS 11.41.-
16 455(a), knowing that the production of the material involved the use
17 of a child under 18 years of age who engaged in the conduct.

18 * Sec. 2. AS 11.61.125 is amended by adding a new subsection to read:

19 (d) In this section, "distribution" includes delivering, sell-
20 ing, renting, leasing, lending, giving, circulating, exhibiting,
21 presenting, providing, and exchanging, whether or not for monetary or
22 other consideration.

23 * Sec. 3. AS 12.10.020(c) is amended to read:

24 (c) Even if the general time limitation has expired, a prose-
25 cution under AS 11.41.410 - 11.41.460, AS 11.66.110 - 11.66.130,
26 former AS 11.41.430, or former AS 11.51.130(a)(4), for offense
27 committed against a person under the age of 16 may be commenced within
28 one year after the crime is reported to a peace officer or the person
29 reaches the age of 16, whichever occurs first. This subsection does

1 not extend the period of limitation by more than five years.

2 * Sec. 4. AS 12.45.045(a) is amended to read:

3 Sec. 12.45.045. EVIDENCE OF PAST SEXUAL CONDUCT IN TRIALS FOR
4 SEXUAL OFFENSES [OF RAPE AND ASSAULT WITH INTENT TO COMMIT RAPE]. (a)
5 In prosecutions for the crimes [CRIME] of sexual assault in any de-
6 gree, sexual abuse of a minor in any degree, or unlawful exploitation
7 of a minor, or an attempt to commit any of these crimes [SEXUAL AS-
8 SAULT IN ANY DEGREE], evidence of the complaining witness' previous
9 sexual conduct may [SHALL] not be admitted nor may reference be made
10 to it in the presence of the jury except as provided in this section.
11 When the defendant seeks to admit the evidence for any purpose, the
12 defendant shall [MAY] apply for an order of the court at any time
13 before or during the trial or preliminary hearing. After the applica-
14 tion is made, the court shall conduct a hearing in camera to determine
15 the admissibility of the evidence. If the court finds that evidence
16 offered by the defendant regarding the sexual conduct of the complain-
17 ing witness is relevant, and that the probative value of the evidence
18 offered is not outweighed by the probability that its admission will
19 create undue prejudice, confusion of the issues, or unwarranted inva-
20 sion of the privacy of the complaining witness, the court shall make
21 an order stating what evidence may be introduced and the nature of the
22 questions that may [WHICH SHALL] be permitted. The defendant may then
23 offer evidence under the order of the court.

24 * Sec. 5. AS 25.35.010(a) is repealed and reenacted to read:

25 (a) A person who is subjected to domestic violence may petition
26 a superior court for injunctive relief restraining the infliction of
27 further domestic violence against the petitioner by the respondent.
28 The court may appoint a guardian ad litem or attorney to represent a
29 minor who is subject to this chapter in the same manner as an attorney

1 may be appointed under AS 25.24.310.

2 * Sec. 6. AS 25.35.060 is amended to read:

3 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic vio-
4 lence" means a crime under AS 11.41 when the victim is a spouse or a
5 former spouse of the respondent; a parent, grandparent, child, or
6 grandchild of the respondent; [,] a member of the social unit composed
7 [COMPRISED] of those living together in the same dwelling as the
8 respondent; [,] or a person who is not a spouse or former spouse of
9 the respondent but who previously lived in a spousal relationship with
10 the respondent.

11 * Sec. 7. AS 47.10.010(a) is amended to read:

12 (a) Proceedings relating to a minor under 18 years of age resid-
13 ing or found in the state are governed by this chapter, except as
14 otherwise provided in this chapter, when the court finds the minor

15 (1) to be a delinquent minor as a result of violating a
16 criminal law of the state or of a municipality of the state; or

17 (2) to be a child in need of aid as a result of

18 (A) the child being habitually absent from home or
19 refusing to accept available care, or having no parent, guardian,
20 custodian or relative caring or willing to provide care, includ-
21 ing physical abandonment by

22 (i) both parents,

23 (ii) the surviving parent, or

24 (iii) one parent if the other parent's rights and
25 responsibilities have been terminated under AS 47.10.080 or
26 voluntarily relinquished;

27 (B) the child being in need of medical treatment to
28 cure, alleviate, or prevent substantial physical harm, or in need
29 of treatment for mental harm as evidenced by failure to thrive,

1 severe anxiety, depression, withdrawal, or untoward aggressive
2 behavior or hostility toward others, and the child's parent,
3 guardian, or custodian has knowingly failed [PARENTS ARE UNWILL-
4 ING] to provide the [MEDICAL] treatment;

5 (C) the child having suffered substantial physical
6 harm or if there is an imminent and substantial risk that the
7 child will suffer such harm as a result of the actions done by or
8 conditions created by the child's parent, guardian or custodian
9 or the failure of the parent, guardian or custodian adequately to
10 supervise the child;

11 (D) the child having been sexually abused either by
12 the child's parent, guardian or custodian, or as a result of
13 conditions created by the child's parent, guardian or custodian,
14 or by the failure of the parent, guardian or custodian adequately
15 to supervise the child;

16 (E) the child committing delinquent acts as a result
17 of pressure, guidance, or approval from the child's parents,
18 guardian or custodian;

19 (F) the child having suffered substantial physical
20 abuse or neglect as a result of conditions created by the child's
21 parent, guardian or custodian.

22 * Sec. 8. AS 47.10.142(a) is repealed and reenacted to read:

23 (a) The Department of Health and Social Services may take emer-
24 gency custody of a minor upon discovering any of the following circum-
25 stances:

26 (1) the minor has been abandoned;

27 (2) the minor has been grossly neglected by the minor's
28 parents or guardian as "neglect" is defined in AS 47.17.070(5), and
29 the department determines that immediate removal from the minor's

1 surroundings is necessary to protect the minor's life or provide
2 immediate necessary medical attention;

3 (3) the minor has been abused by a person responsible for
4 the minor's welfare, as "abuse" is defined in AS 47.17.070(1), and the
5 department determines that immediate removal from the minor's sur-
6 roundings is necessary to protect the minor's life or that immediate
7 medical attention is necessary; or

8 (4) the minor has been sexually abused under circumstances
9 listed in AS 47.10.010(a)(2)(D).

10 * Sec. 9. AS 47.10.142(c) is amended to read:

11 (c) When a child is taken into custody under (a) or (b) of this
12 section, the department shall immediately, and in no event more than
13 12 hours later unless prevented by lack of communication facilities,
14 notify the parents or the person or persons having custody of the
15 child. If the department determines that continued custody is neces-
16 sary to protect the child, the department shall notify the court of
17 the emergency custody by filing, within 12 hours after custody was
18 assumed [AND THE COURT OF THE ACTION AND FILE WITH THE COURT] a peti-
19 tion alleging that the child is a child in need of aid.

20 * Sec. 10. AS 47.17.010 is amended to read:

21 Sec. 47.17.010. PURPOSE. In order to protect children whose
22 health and well-being may be adversely affected through the inflic-
23 tion, by other than accidental means, of harm through physical injury,
24 [ABUSE OR] neglect, [OR] sexual abuse, or sexual exploitation, the
25 legislature requires the reporting of these cases by practitioners of
26 the healing arts and others to the appropriate public authorities. It
27 is the intent of the legislature that, as a result of these reports,
28 protective services will be made available in an effort to prevent
29 further harm to the child, to safeguard and enhance the general well-

1 being of the children in this state, and to preserve family life
2 whenever preserving it is in the best interests of the child [POS-
3 SIBLE].

4 * Sec. 11. AS 47.17.020(a) is amended to read:

5 (a) The following persons who, in the performance of their
6 occupational [PROFESSIONAL] duties, have cause to believe that a child
7 has suffered harm as a result of abuse or neglect shall immediately
8 report the harm to the nearest office of the department:

9 (1) practitioners of the healing arts;

10 (2) school teachers and school administrative staff members
11 of public and private schools;

12 (3) social workers;

13 (4) peace officers, and officers of the Department of
14 Corrections;

15 (5) administrative officers of institutions;

16 (6) child [LICENSED DAY] care providers [AND PAID STAFF];

17 (7) paid employees of domestic violence programs and crisis
18 intervention and prevention programs as defined in AS 18.66.900
19 [LICENSED FOSTER CARE PROVIDERS].

20 * Sec. 12. AS 47.17.020(b) is amended to read:

21 (b) This section does not prohibit the named persons from
22 reporting cases that [WHICH] have come to their attention in their
23 nonoccupational [NONPROFESSIONAL] capacities, nor does it prohibit any
24 other person from reporting a child's harm that [WHICH] the person has
25 cause to believe is a result of abuse or neglect. These reports shall
26 be made to the nearest office of the department.

27 * Sec. 13. AS 47.17.020 is amended by adding a new subsection to read:

28 (d) This section does not require a religious healing practi-
29 tioner to report as neglect of a child the failure to provide medical

1 attention to the child if the child is provided treatment solely by
2 spiritual means through prayer in accordance with the tenets and
3 practices of a recognized church or religious denomination by an
4 accredited practitioner of the church or denomination.

5 * Sec. 14. AS 47.17 is amended by adding a new section to read:

6 Sec. 47.17.023. REPORTS REGARDING CHILD PORNOGRAPHY. A person
7 who, in the course of processing or producing visual or printed
8 matter, either privately or commercially, has reason to believe that
9 the matter visually depicts a minor engaged in conduct described in
10 AS 11.41.455(a) shall promptly report this to the nearest law enforce-
11 ment agency.

12 * Sec. 15. AS 47.17.064 is repealed and reenacted to read:

13 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. (a) The department or
14 a practitioner of the healing arts may, without the permission of the
15 parents, guardian, or custodian, take the following actions with
16 regard to a child believed to have suffered physical harm as a result
17 of abuse or neglect:

18 (1) take or have taken photographs of the areas of trauma
19 visible on the child; and

20 (2) if medically indicated, have a radiological examination
21 of the child performed by a person who is licensed to administer a
22 radiological examination.

23 (b) The department or a practitioner of the healing arts shall
24 notify the parents, guardian, or custodian of a child as soon as
25 possible after taking action under (a) of this section with regard to
26 the child.

27 * Sec. 16. AS 47.17.068 is repealed and reenacted to read:

28 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person who
29 knowingly fails or refuses to report as required under AS 47.17.020 or

1 47.17.023 is guilty of a class B misdemeanor.

2 * Sec. 17. AS 47.17 is amended by adding a new section to read:

3 Sec. 47.17.069. PROTECTIVE INJUNCTIONS. (a) A court may enjoin
4 or limit a person from contact with a child if the attorney general
5 establishes by a preponderance of the evidence that the person

6 (1) has sexually abused a child;

7 (2) has physically abused a child; or

8 (3) has engaged in conduct that constitutes a clear and
9 present danger to the mental, emotional, or physical welfare of a
10 child.

11 (b) This section does not limit the authority of the attorney
12 general or the court to act to protect a child.

13 * Sec. 18. AS 47.17.070(6) is amended to read:

14 (6) "practitioner of the healing arts" includes chiroprac-
15 tors, dental hygienists, dentists, health aides, nurses, nurse practi-
16 tioners, optometrists, osteopaths, physical therapists, physicians,
17 physician's assistants, psychiatrists, psychologists, psychological
18 associates, religious healing practitioners, and surgeons;

19 * Sec. 19. AS 47.17.070 is amended by adding new paragraphs to read:

20 (8) "child care provider" means an adult individual, or an
21 employee of an organization, who provides care and supervision to a
22 child for compensation;

23 (9) "organization" means a group or entity that provides
24 care and supervision for compensation to a child not related to the
25 caregiver, and includes a child care facility, pre-elementary school,
26 head start center, child foster home, residential child care facility,
27 recreation program, children's camp, and children's club;

28 (10) "person responsible for the child's welfare" means the
29 child's parent, guardian, foster parent, a person responsible for the

1 child's care at the time of the alleged abuse or neglect, or a person
2 responsible for the child's welfare in a public or private residential
3 agency or institution.

4 * Sec. 20. AS 47.35.070 is amended to read:

5 Sec. 47.35.070. VIOLATIONS. A person who violates a provision
6 of this chapter [AS 47.35.010 - 47.35.100] or a regulation adopted
7 under this chapter [AS 47.35.010 - 47.35.100] is guilty of a class B
8 misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE
9 THAN \$200].

10 * Sec. 21. AS 47.35.070 is amended by adding a new subsection to read:

11 (b) The department may by regulation devise a system of civil
12 enforcement. The system may employ civil penalties not to exceed \$200
13 for each day during which one or more violations of a licensing stat-
14 ute or licensing regulation occurs. The imposition of a civil penalty
15 does not prevent prosecution and sentence for a criminal offense.

16 * Sec. 22. Section 5 of this Act takes effect September 30, 1985.
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Hein
4/22/85

Original sponsor: Rules/Governor

1
2 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

3 CS FOR HOUSE BILL NO. 88 (Judiciary)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to the protection of children and
8 family members; and providing for an effective date."

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

10 * Section 1. AS 11.61.125(a) is amended to read:

11 (a) A person commits the crime of distribution of child pornog-
12 raphy if the person brings or causes to be brought into the state for
13 [SALE OR] distribution, or in the state distributes, or in the state
14 possesses, prepares, publishes, or prints with intent to distribute,
15 [SELL, OR EXHIBIT TO OTHERS FOR COMMERCIAL CONSIDERATION,] any mater-
16 ial that visually depicts conduct described in [UNDER] AS 11.41.-
17 455(a), knowing that the production of the material involved the use
18 of a child under 18 years of age who engaged in the conduct.

19 * Sec. 2. AS 11.61.125 is amended by adding a new subsection to read:

20 (d) In this section, "distribution" includes delivering, sell-
21 ing, renting, leasing, lending, giving, circulating, exhibiting,
22 presenting, providing, and exchanging, whether or not for monetary or
23 other consideration.

24 * Sec. 3. AS 12.10.020(c) is amended to read:

25 (c) Even if the general time limitation has expired, a prose-
26 cution under AS 11.41.410 - 11.41.460, AS 11.66.110 - 11.66.130,
27 former AS 11.41.430, or former AS 11.51.130(a)(4), for an offense
28 committed against a person under the age of 16 may be commenced within
29 one year after the crime is reported to a peace officer or the person
reaches the age of 16, whichever occurs first. This subsection does

1 not extend the period of limitation by more than five years.

2
3 * Sec. 4. AS 12.45.045(a) is amended to read:

4 Sec. 12.45.045. EVIDENCE OF PAST SEXUAL CONDUCT IN TRIALS FOR
5 SEXUAL OFFENSES [OF RAPE AND ASSAULT WITH INTENT TO COMMIT RAPE]. (a)
6 In prosecutions for the crimes [CRIME] of sexual assault in any de-
7 gree, sexual abuse of a minor in any degree, or unlawful exploitation
8 of a minor, or an attempt to commit any of these crimes [SEXUAL AS-
9 SAULT IN ANY DEGREE], evidence of the complaining witness' previous
10 sexual conduct may [SHALL] not be admitted nor may reference be made
11 to it in the presence of the jury except as provided in this section.
12 When the defendant seeks to admit the evidence for any purpose, the
13 defendant shall [MAY] apply for an order of the court at any time
14 before or during the trial or preliminary hearing. After the applica-
15 tion is made, the court shall conduct a hearing in camera to determine
16 the admissibility of the evidence. If the court finds that evidence
17 offered by the defendant regarding the sexual conduct of the complain-
18 ing witness is relevant, and that the probative value of the evidence
19 offered is not outweighed by the probability that its admission will
20 create undue prejudice, confusion of the issues, or unwarranted inva-
21 sion of the privacy of the complaining witness, the court shall make
22 an order stating what evidence may be introduced and the nature of the
23 questions that may [WHICH SHALL] be permitted. The defendant may then
24 offer evidence under the order of the court.

25 * Sec. 5. AS 25.35.010(a) is repealed and reenacted to read:

26 (a) A person who is subjected to domestic violence may petition
27 a superior court for injunctive relief restraining the infliction of
28 further domestic violence against the petitioner by the respondent.
29 The court may appoint a guardian ad litem or attorney to represent a
minor who is subject to this chapter in the same manner as an attorney

1 may be appointed under AS 25.24.310.

2
3 * Sec. 6. AS 25.35.060 is amended to read:

4 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic vio-
5 lence" means a crime under AS 11.41 when the victim is a spouse or a
6 former spouse of the respondent; a parent, grandparent, child, or
7 grandchild of the respondent; [,] a member of the social unit com-
8 prised of those living together in the same dwelling as the respon-
9 dent; [,] or a person who is not a spouse or former spouse of the
10 respondent but who previously lived in a spousal relationship with the
11 respondent.

12 * Sec. 7. AS 47.10.142(a) is repealed and reenacted to read:

13 (a) The Department of Health and Social Services may take emer-
14 gency custody of a minor upon discovering any of the following circum-
15 stances:

16 (1) the minor has been abandoned;

17 (2) the minor has been grossly neglected by the minor's
18 parents or guardian as "neglect" is defined in AS 47.17.070(5), and
19 the department determines that immediate removal from the minor's
20 surroundings is necessary to protect the minor's life or provide
21 immediate necessary medical attention;

22 (3) the minor has been abused by a person responsible for
23 the minor's welfare, as "abuse" is defined in AS 47.17.070(1), and the
24 department determines that immediate removal from the minor's surround-
25 ings is necessary to protect the minor's life or that immediate
26 medical attention is necessary; or

27 (4) the minor has been sexually abused under circumstances
28 listed in AS 47.10.010(a)(2)(D).

29 * Sec. 8. AS 47.10.142(c) is amended to read:

(c) When a child is taken into custody under (a) or (b) of this

1 section, the department shall immediately, and in no event more than
 2 12 hours later unless prevented by lack of communication facilities,
 3 notify the parents or the person or persons having custody of the
 4 child. If the department determines that continued custody is neces-
 5 sary to protect the child, the department shall notify the court of
 6 the emergency custody by filing, within 12 hours after custody was
 7 assumed [AND THE COURT OF THE ACTION AND FILE WITH THE COURT] a peti-
 8 tion alleging that the child is a child in need of aid.

9
 10 * Sec. 9. AS 47.17.010 is amended to read:

11 Sec. 47.17.010. PURPOSE. In order to protect children whose
 12 health and well-being may be adversely affected through the inflic-
 13 tion, by other than accidental means, of harm through physical injury,
 14 [ABUSE OR] neglect, [OR] sexual abuse, or sexual exploitation, the
 15 legislature requires the reporting of these cases by practitioners of
 16 the healing arts and others to the appropriate public authorities. It
 17 is the intent of the legislature that, as a result of these reports,
 18 protective services will be made available in an effort to prevent
 19 further harm to the child, to safeguard and enhance the general well-
 20 being of the children in this state, and to preserve family life
 21 whenever preserving it is in the best interests of the child [POS-
 22 SIBLE].

23 * Sec. 10. AS 47.17.020(a) is amended to read:

24 (a) The following persons who, in the performance of their
 25 occupational [PROFESSIONAL] duties, have cause to believe that a child
 26 has suffered harm as a result of abuse or neglect shall immediately
 27 report the harm to the nearest office of the department:

- 28 (1) practitioners of the healing arts;
- 29 (2) school teachers and school administrative staff

members;

- 1
2 (3) social workers;
3 (4) peace officers, and officers of the Department of
4 Corrections;
5 (5) administrative officers of institutions;
6 (6) child [LICENSED DAY] care providers [AND PAID STAFF];
7 (7) paid employees of domestic violence programs and crisis
8 intervention and prevention programs as defined in AS 18.66.900
9 [LICENSED FOSTER CARE PROVIDERS].

10 * Sec. 11. AS 47.17.020(b) is amended to read:

11 (b) This section does not prohibit the named persons from
12 reporting cases that [WHICH] have come to their attention in their
13 nonoccupational [NONPROFESSIONAL] capacities, nor does it prohibit any
14 other person from reporting a child's harm that [WHICH] the person has
15 cause to believe is a result of abuse or neglect. These reports shall
16 be made to the nearest office of the department.

17 * Sec. 12. AS 47.17.020 is amended by adding a new subsection to read:

18 (d) This section does not require a religious healing practi-
19 tioner to report as neglect of a child the failure to provide medical
20 attention to the child if the child is provided treatment solely by
21 spiritual means through prayer in accordance with the tenets and
22 practices of a recognized church or religious denomination by an
23 accredited practitioner of the church or denomination.

24 * Sec. 13. AS 47.17 is amended by adding a new section to read:

25 Sec. 47.17.023. REPORTS REGARDING CHILD PORNOGRAPHY. A person
26 who, in the course of processing or producing visual or printed
27 matter, either privately or commercially, has reason to believe that
28 the matter visually depicts a minor engaged in conduct described in
29 AS 11.41.455(a) shall promptly report this to the nearest law enforce-
ment agency.

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2 * Sec. 14. AS 47.17.064 is repealed and reenacted to read:

3 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. (a) The department or
4 a practitioner of the healing arts may, without the permission of the
5 parents, guardian, or custodian, take the following actions with
6 regard to a child believed to have suffered physical harm as a result
7 of abuse or neglect:

8 (1) take or have taken photographs of the areas of trauma
9 visible on the child; and

10 (2) if medically indicated, have a radiological examination
11 of the child performed by a person who is licensed to administer a
12 radiological examination.

13 (b) The department or a practitioner of the healing arts shall
14 notify the parents, guardian, or custodian of a child as soon as
15 possible after taking action under (a) of this section with regard to
16 the child.

17 * Sec. 15. AS 47.17.068 is repealed and reenacted to read:

18 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person who
19 knowingly fails or refuses to report as required under AS 47.17.020 or
20 47.17.023 is guilty of a class B misdemeanor.

21 * Sec. 16. AS 47.17 is amended by adding a new section to read:

22 Sec. 47.17.069. PROTECTIVE INJUNCTIONS. (a) A court may enjoin
23 or limit a person from contact with a child if the attorney general
24 establishes by a preponderance of the evidence that the person

25 (1) has sexually abused a child;

26 (2) has physically abused a child; or

27 (3) has engaged in conduct that constitutes a clear and
28 present danger to the mental, emotional, or physical welfare of a
29 child.

(b) This section does not limit the authority of the attorney

1
2 general or the court to act to protect a child.

3 * Sec. 17. AS 47.17.070(6) is amended to read:

4 (6) "practitioner of the healing arts" includes chiroprac-
5 tors, dental hygienists, dentists, health aides, nurses, nurse practi-
6 tioners, optometrists, osteopaths, physical therapists, physicians,
7 physician's assistants, psychiatrists, psychologists, psychological
8 associates, religious healing practitioners, and surgeons;

9 * Sec. 18. AS 47.17.070 is amended by adding new paragraphs to read:

10 (8) "child care provider" means an adult individual, or an
11 employee of an organization, who provides care and supervision to a
12 child for compensation;

13 (9) "organization" means a group or entity that provides
14 care and supervision for compensation to a child not related to the
15 caregiver, and includes a child care facility, pre-elementary school,
16 head start center, child foster home, residential child care facility,
17 recreation program, children's camp, and children's club;

18 (10) "person responsible for the child's welfare" means the
19 child's parent, guardian, foster parent, a person responsible for the
20 child's care at the time of the alleged abuse or neglect. or a person
21 responsible for the child's welfare in a public or private residential
22 agency or institution.

23 * Sec. 19. AS 47.35.070 is amended to read:

24 Sec. 47.35.070. VIOLATIONS. A person who violates a provision
25 of this chapter [AS 47.35.010 - 47.35.100] or a regulation adopted
26 under this chapter [AS 47.35.010 - 47.35.100] is guilty of a class B
27 misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE
28 THAN \$200].

29 * Sec. 20. AS 47.35.070 is amended by adding a new subsection to read:

(b) The department may by regulation devise a system of civil

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enforcement. The system may employ civil penalties not to exceed \$200 for each day during which one or more violations of a licensing statute or licensing regulation occurs. The imposition of a civil penalty does not prevent prosecution and sentence for a criminal offense.

* Sec. 21. Section 5 of this Act takes effect September 30, 1985.

Hein
4/19/85 ✓

Original sponsor: Rules/Governor

1
2 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

3 CS FOR HOUSE BILL NO. 88 (Judiciary)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to the protection of children."

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

9 * Section 1. AS 11.61.125(a) is amended to read:

10 (a) A person commits the crime of distribution of child pornog-
11 raphy if the person brings or causes to be brought into the state for
12 [SALE OR] distribution, or in the state distributes, or in the state
13 possesses, prepares, publishes, or prints with intent to distribute,
14 [SELL, OR EXHIBIT TO OTHERS FOR COMMERCIAL CONSIDERATION,] any mater-
15 ial that visually depicts conduct described in [UNDER] AS 11.41.-
16 455(a), knowing that the production of the material involved the use
17 of a child under 18 years of age who engaged in the conduct.

18 * Sec. 2. AS 11.61.125 is amended by adding a new subsection to read:

19 (d) In this section, "distribution" includes delivering, sell-
20 ing, renting, leasing, lending, giving, circulating, exhibiting,
21 presenting, providing, and exchanging, whether or not for monetary or
22 other consideration.

23 * Sec. 3. AS 12.10.020(c) is amended to read:

24 (c) Even if the general time limitation has expired, a prose-
25 cution under AS 11.41.410 - 11.41.460, AS 11.66.110 - 11.66.130,
26 former AS 11.41.430, or former AS 11.51.130(a)(4), for an offense
27 committed against a person under the age of 16 may be commenced within
28 one year after the crime is reported to a peace officer or the person
29 reaches the age of 16, whichever occurs first. This subsection does
not extend the period of limitation by more than five years.

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2 * Sec. 4. AS 12.45.045(a) is amended to read:

3 Sec. 12.45.045. EVIDENCE OF PAST SEXUAL CONDUCT IN TRIALS FOR
4 SEXUAL OFFENSES [OF RAPE AND ASSAULT WITH INTENT TO COMMIT RAPE]. (a)
5 In prosecutions for the crimes [CRIME] of sexual assault in any de-
6 gree, sexual abuse of a minor in any degree, or unlawful exploitation
7 of a minor, or an attempt to commit any of these crimes [SEXUAL AS-
8 SAULT IN ANY DEGREE], evidence of the complaining witness' previous
9 sexual conduct may [SHALL] not be admitted nor reference made to it in
10 the presence of the jury except as provided in this section. When the
11 defendant seeks to admit the evidence for any purpose, the defendant
12 shall [MAY] apply for an order of the court at any time before or
13 during the trial or preliminary hearing. After the application is
14 made, the court shall conduct a hearing in camera to determine the
15 admissibility of the evidence. If the court finds that evidence
16 offered by the defendant regarding the sexual conduct of the complain-
17 ing witness is relevant, and that the probative value of the evidence
18 offered is not outweighed by the probability that its admission will
19 create undue prejudice, confusion of the issues, or unwarranted inva-
20 sion of the privacy of the complaining witness, the court shall make
21 an order stating what evidence may be introduced and the nature of the
22 questions that may [WHICH SHALL] be permitted. The defendant may then
23 offer evidence under the order of the court.

24 * Sec. 5. AS 47.10.081(c) is amended to read:

25 (c) The court shall inform the child, the child's parents, [AND]
26 the attorneys representing the parties, and the guardian ad litem that
27 the predisposition report will be available to them not less than six
28 working [10] days before the disposition hearing.

29 * Sec. 6. AS 47.10.142(a) is repealed and reenacted to read:

(a) The Department of Health and Social Services may take emer-

1
2 agency custody of a minor upon discovering any of the following circum-
stances:

3 (1) the minor has been abandoned;

4 (2) the minor has been grossly neglected by the minor's
5 parents or guardian as "neglect" is defined in AS 47.17.070(5), and
6 the department determines that immediate removal from the minor's
7 surroundings is necessary to protect the minor's life or provide
8 immediate necessary medical attention;

9 (3) the minor has been abused by a person responsible for
10 the minor's welfare, as "abuse" is defined in AS 47.17.070(1), and the
11 department determines that immediate removal from the minor's
12 surroundings is necessary to protect the minor's life or that immedi-
13 ate medical attention is necessary; or

14 (4) the minor has been sexually abused under circumstances
15 listed in AS 47.10.010(a)(2)(D).

16 * Sec. 7. AS 47.10.142(c) is amended to read:

17 (c) When a child is taken into custody under (a) or (b) of this
18 section, the department shall immediately, and in no event more than
19 12 hours later unless prevented by lack of communication facilities,
20 notify the parents or the person or persons having custody of the
21 child. If the department determines that continued custody is neces-
22 sary to protect the child, the department shall notify the court of
23 the emergency custody by filing, within 24 hours after custody was
24 assumed [AND THE COURT OF THE ACTION AND FILE WITH THE COURT] a peti-
25 tion alleging that the child is a child in need of aid.

26 * Sec. 8. AS 47.10.290 is amended by adding a new paragraph to read:

27 (8) "sexual abuse" means

28 (A) conduct against a child that would constitute a
29 sexual offense under AS 11;

1
2 (B) the perpetrator's knowingly touching, directly or
3 through clothing, the genital area, groin, inner thighs, breast,
4 or buttocks of a child, or causing a child to touch, directly or
5 through clothing, the genital area, groin, inner thighs, or
6 buttocks of the perpetrator or another; sexual abuse does not
7 include reasonable touching in the exercise of normal caretaker
8 responsibilities for a child or normal caretaker interactions
9 with a child or a recognized and lawful form of contact that is
10 reasonably adapted to promoting the physical or mental health of
11 the child; reasonable perceptions of the child that the touching
12 is sexual in nature are relevant to the determination of whether
13 the touching is sexual abuse;

14 (C) exposing the genital area, anus, breast, groin, or
15 buttocks of a child to the perpetrator or another for the sexual
16 gratification of the child, the perpetrator, or another, or
17 exposing the genital area, anus, breast, groin or buttocks of the
18 perpetrator or another to a child for the sexual gratification of
19 the child, the perpetrator, or another; or

20 (D) statements to a child that express a desire or
21 intent to have sexual contact or sexual penetration with the
22 child or encourage the child to have sexual contact or sexual
23 penetration with the perpetrator or another.

24 * Sec. 9. AS 47.17.010 is amended to read:

25 Sec. 47.17.010. PURPOSE. In order to protect children whose
26 health and well-being may be adversely affected through the inflic-
27 tion, by other than accidental means, of harm through physical injury,
28 [ABUSE OR] neglect, [OR] sexual abuse, or sexual exploitation, the
29 legislature requires the reporting of these cases by practitioners of
the healing arts and others to the appropriate public authorities. It

1
2 is the intent of the legislature that, as a result of these reports,
3 protective services will be made available in an effort to prevent
4 further harm to the child, to safeguard and enhance the general well-
5 being of the children in this state, and to preserve family life
6 whenever preserving it is in the best interests of the child [POS-
7 SIBLE].

8 * Sec. 10. AS 47.17.020^(a) is repealed and reenacted to read:

9 Sec. 47.17.020. REPORTING OF CHILD ABUSE OR NEGLECT. (a) The
10 following persons are required to report abuse or neglect of a child:

- 11 (1) practitioners of the healing arts;
- 12 (2) employees of private and public schools;
- 13 (3) human services providers;
- 14 (4) peace officers, and officers of the Department of
15 Corrections;
- 16 (5) administrative officers of institutions;
- 17 (6) child care providers;
- 18 (7) court investigators;
- 19 (8) employees of domestic violence programs, sexual assault
20 programs, or crisis shelters.

21 (b) This section does not prohibit the named persons from re-
22 porting cases that have come to their attention in their nonoccupa-
23 tional capacities, nor does it prohibit any other person from report-
24 ing a child's harm that the person has cause to believe is a result of
25 abuse or neglect.

26 * Sec. 11. AS 47.17 is amended by adding a new section to read:

27 Sec. 47.17.023. REPORTS REGARDING CHILD PORNOGRAPHY. A person
28 who, in the course of processing or producing visual or printed
29 matter, either privately or commercially, has reason to believe that
the matter visually depicts a minor engaged in conduct described in

1 AS 11.41.455(a) shall promptly report this to the nearest law
2 enforcement agency.
3

4 * Sec. 12. AS 47.17.064 is repealed and reenacted to read:

5 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. The department or a
6 practitioner of the healing arts may, without the permission of the
7 parents, guardian, or custodian, take the following actions with
8 regard to a child believed to have suffered physical harm as a result
9 of abuse or neglect:

10 (1) take or have taken photographs of the areas of trauma
11 visible on the child; and

12 (2) if medically indicated, have a radiological examination
13 of the child performed by a person who is licensed to administer a
14 radiological examination.

15 * Sec. 13. AS 47.17.068 is repealed and reenacted to read:

16 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person who
17 knowingly fails or refuses to report as required under AS 47.17.020 or
18 47.17.023 is guilty of a class B misdemeanor.

19 * Sec. 14. AS 47.17 is amended by adding a new section to read:

20 Sec. 47.17.069. PROTECTIVE INJUNCTIONS. (a) The attorney
21 general may bring an action to enjoin or limit a person from contact
22 with a child if the person

23 (1) has sexually abused a child;

24 (2) has physically abused a child;

25 (3) has failed without lawful excuse to provide ne
26 food, care, clothing, shelter, supervision, or medical attention
27 child entrusted to the care of the person; or

28 (4) otherwise constitutes a substantial danger to the
29 mental, emotional, or physical welfare of a child.

(b) The court may grant an order in the form that is best suited

1
2 to protect a child from harm based upon the facts of the case. This
3 section does not limit the authority of the attorney general or the
4 court to act to protect a child.

5 * Sec. 15. AS 47.17.070(6) is amended to read:

6 (6) "practitioner of the healing arts" includes chiroprac-
7 tors, dental hygienists, dentists, health aides, nurses, nurse practi-
8 tioners, optometrists, osteopaths, physical therapists, physicians,
9 physician's assistants, psychiatrists, psychologists, psychological
10 assistants, religious healing practitioners, and surgeons;

11 * Sec. 16. AS 47.17.070(7) is repealed and reenacted to read:

12 (7) "sexual exploitation" means

13 (A) permitting, encouraging, inducing, or employing a
14 child to engage in prostitution or in the promotion of prosti-
15 tution as set out in AS 11.66.100 - 11.66.150; or

16 (B) engaging in conduct described in AS 11.41.455;

17 * Sec. 17. AS 47.17.070 is amended by adding new paragraphs to read:

18 (8) "child care provider" means an adult individual, or an
19 employee of an organization, who provides care and supervision to a
20 child;

21 (9) "human services provider" includes an individual human
22 services provider, and an employee of a human services organization,
23 such as a social service, youth service, mental health, or substance
24 abuse agency, or a shelter for runaway or homeless youth;

25 (10) "organization" means a group or entity that provides
26 care and supervision to a child not related to the caregiver, and
27 includes a child care facility, pre-elementary school, head start
28 center, child foster home, residential child care facility, recreation
29 program, children's camp, and children's club;

(11) "person responsible for the child's welfare" means the

1
2 child's parent, guardian, foster parent, a person responsible for the
3 child's care at the time of the alleged abuse or neglect, or a person
4 responsible for the child's welfare in a public or private residential
5 agency or institution.

6 * Sec. 18. AS 47.35.070 is amended to read:

7 Sec. 47.35.070. VIOLATIONS. A person who violates a provision
8 of this chapter [AS 47.35.010 - 47.35.100] or a regulation adopted
9 under this chapter [AS 47.35.010 - 47.35.100] is guilty of a class B
10 misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE
11 THAN \$200].

12 * Sec. 19. AS 47.35.070 is amended by adding a new subsection to read:

13 (b) The department may by regulation devise a system of civil
14 enforcement. The system may employ civil penalties not to exceed \$200
15 for each day during which one or more violations of a licensing stat-
16 ute or licensing regulation occurs. The imposition of a civil penalty
17 does not prevent prosecution and sentence for a criminal offense.

A M E N D M E N T

Offered in the HOUSE

By Goll

TO: CSHB 88 (HESS)

Page 3, after line 23:

Insert a new bill section to read:

"* Sec. 8. AS 47.10.010(a) is amended to read:

(a) Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the court finds the minor

(1) to be a delinquent minor as a result of violating a criminal law of the state or of a municipality of the state; or

(2) to be a child in need of aid as a result of

(A) the child being habitually absent from home or refusing to accept available care, or having no parent, guardian, custodian or relative caring or willing to provide care, including physical abandonment by

(i) both parents,

(ii) the surviving parent, or

(iii) one parent if the other parent's rights and responsibilities have been terminated under AS 47.10.030 or voluntarily relinquished;

(B) the child being in need of medical or other treat-

of treatment of mental or

anxiety, depression, withdrawal, or untoward aggressive behavior or hostility toward others, and the child's parent, guardian, or custodian has ^{knowingly} failed [PARENTS ARE UNWILLING] to provide the [MEDICAL] treatment;

(C) the child having suffered substantial physical harm or if there is an imminent and substantial risk that the child will suffer such harm as a result of the actions done by or conditions created by the child's parent, guardian or custodian or the failure of the parent, guardian or custodian adequately to supervise the child;

(D) the child having been sexually abused either by the child's parent, guardian or custodian, or as a result of conditions created by the child's parent, guardian or custodian, or by the failure of the parent, guardian or custodian adequately to supervise the child;

(E) the child committing delinquent acts as a result of pressure, guidance, or approval from the child's parents, guardian or custodian;

(F) the child having suffered substantial physical abuse or neglect as a result of conditions created by the child's parent, guardian or custodian."

Remember remaining bill sections accordingly.

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35. Suggested amendment from C. Giffith

Richard L. Block
2347 Hialeah Drive
Anchorage, AK 99503
April 10, 1985

Honorable M. Mike Miller, Chairman
House Judiciary Committee
Pouch V
State Capitol
Juneau, AK 99811

Re. House Bill 88
An Act Relating to the Protection
of Children

Dear Mike:

I am a Christian Scientist and an active and practicing member of the Christian Science Church in Anchorage. In that capacity I have been asked by the Christian Science Committee on Publication for Alaska to bring to your attention the need to make two amendments to the child protection legislation pending before your committee.

As you are surely aware, a practicing Christian Scientist relies exclusively on prayer for healing of all problems, including healing of physical ailments, for himself and for the members of his family. This reliance on prayer as an exclusive method of healing and as an alternative to medical means for oneself and one's family is recognized legislatively by the laws of almost all states and the federal law. It is already so recognized by several Alaska statutes, including AS 11.51 and AS 47.10, which are the areas of law which HB 88 seeks to amend.

For example, in 11.51.120(b) there is statutory recognition that relying on treatment solely by spiritual means for healing of a child is not "failure to provide medical attention."

As your committee considers adding AS 11.51.110, a statute which would make it a misdemeanor to fail to provide medical attention to a child, albeit under more severe circumstances, we would suggest that the parent or guardian or person entrusted with the care of a child should not be considered guilty of such a crime by reason of that person's reliance on prayer. Accordingly, I would urge you to add to AS 11.51.110(2) the following:

Honorable M. Mike Miller
April 10, 1985
Page 2

There is no failure to provide medical attention to a child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

Our other area of concern is in the reporting of child abuse provisions, under AS 47.17. The law already recognizes Christian Science practitioners as a "practitioner of the healing arts" (AS 47.17.070(6)), and requires them to report incidents of child abuse. Because the language of AS 47.17.020, particularly as amended as proposed in HB 88, read together with the definition of "neglect" as currently in the law (AS 47.17.070(5)), makes it incumbent upon a Christian Science practitioner to report a situation in which a child is not being provided medical care, it creates the very unfortunate situation that if a sincere and conscientious Christian Science parent seeks treatment solely by spiritual means for a child with a physical problem, the practitioner providing such treatment is guilty of a crime for not reporting it. We are certain this is not what the Legislature intends. It would be completely inconsistent with recognition given to treatment solely by spiritual means embodied in AS 47.10.085 and AS 47.10.080(k). We suggest that AS 47.17.020 be amended by adding a new subsection as follows:

- e) This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is being provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

Honorable M. Mike Miller


April 10, 1985

Page 3

These amendments have been discussed with the Department of Health and Social Services and approved by them.

With appreciation for your consideration of our position I remain,

Cordially yours,



Richard L. Block

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

CS HB 88 (HESS)

"An Act relating to the protection of children; and amending Rules 504 and 505, Alaska Rules of Evidence."

The Council on Domestic Violence and Sexual Assault (Council) is commenting upon those sections of CSHB88 (HESS) that directly affect the persons or programs the Council serves. The Council feels that other agencies and individuals have more information about the needs for sections not commented upon.

Sections 4 and 5. The Council supports the clarification and strengthening of AS 11.61.125(a) concerning child pornography. It is known that a large percentage of perpetrators of child sexual assault receive and utilize child pornography, and it is obvious that children who are presented in pornographic materials are victimized. Therefore, the Council feels that society should take the necessary steps to inhibit distribution of child pornography.

Section 6. The Council supports extending the statute of limitations in child prostitution cases and clarifying the extension of the statute of limitations in child sexual assault cases. As in child sexual assault, a child induced or forced into prostitution might be dependent upon a perpetrator or not have the information or wherewithal necessary to report the crime until he/she is older and more self confident. These crimes should receive the scrutiny of the criminal justice system even though they weren't reported immediately.

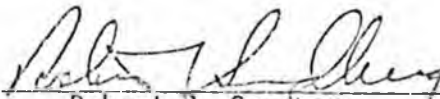
Section 7. The Council supports including child sexual assault cases in the rape shield law. A victim's past sexual conduct should not be admissible in court. This is as important for child victims as adult victims. Child sexual assault often makes victims more vulnerable to repeated assaults by adults in power; more knowledgeable and interested in sex and more sexually active than children who have not been victimized. Therefore, a child should be protected from further victimization by the court in making this information public.

Section 13. The Council supports expanding and clarifying the list of people required to report child abuse. It is the responsibility of all of us, particularly professionals and workers listed in this amendment to AS 47.17, to protect children.

The Council also supports adding section 13(c) to Alaska statutes so children who have been abused by an individual not responsible for the child's welfare can be guaranteed protection under the law. Under existing statute, reporting and protection is mandated only in cases where the abuse

or neglect is caused by a person who is responsible for the 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 Anne Russell an expert on adult and child sexual assault, 11 per cent of the perpetrators were total strangers, 29 per cent were relatives and 60 per cent were known but unrelated to the victim. Child victims of non-family assaults should be protected by the criminal justice system and receive support and treatment for the assaults.

Section 13. The Council supports this section to require reporting of suspected child pornography for the reasons explained for Sections 3 and 4.


Robert J. Sundberg
Commissioner 4/15/85
Department of Public Safety

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHR88(HFSS)
 Title: "An Act relating to the protection of children;
 Sponsor: Rules/Governor
 Requestor: HOUSE Judiciary
 Date of Request: 4/10/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: _____
Administration of Justice
 BRU, Program or Subprogram(s) Affected: Council on Domestic Violence and Sexual Assault

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		200.0	200.0	200.0	200.0	200.0
800 MISCELLANEOUS						
TOTAL OPERATING		200.0	200.0	200.0	200.0	200.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		200.0	200.0	200.0	200.0	200.0
FEDERAL FUNDS						
OTHER						
TOTAL		200.0	200.0	200.0	200.0	200.0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS: Attach a separate page if necessary

See attached.

Prepared By: Barbara Miklos, Executive Director Phone: 465-4356
 Division: Council on Domestic Violence and Sexual Assault Date: 4-17-85
 Approved by Commissioner: *[Signature]* Date: 4/17/85
 Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
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7/1/84