

ALASKA LEGISLATURE COMMITTEE FILES

1985-1986 86/2

3914

SHEES

SB 28 - SB 29

790



# RECORDS CERTIFICATION



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*James O. Smith*  
Signature of Camera Operator

*10/31/89*  
Date

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STATE OF ALASKA  
THE LEGISLATURE

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JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*HESS*      *1-31-85*      *1:40 pm*  
*1-17-85*      *1:33 pm*

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

1/14/85

Date 1-31-85

Mr. President

The Committee on HESS considered SB 28

relating to training state employees on the prevention, recognition, intervention, and treatment of child abuse and neglect.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 28
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_

\_\_\_\_\_

*William S. ...*

*Ed B. ...*

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

*William S. ...*  
Chairman

Chairman recommendation

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

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SB 28

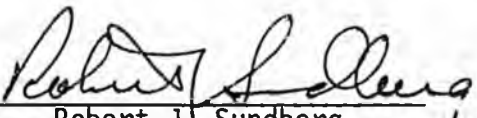
"An Act relating to training state employees on the prevention, recognition, intervention, and treatment of child abuse and neglect."

The Council on Domestic Violence and Sexual Assault supports the general concept of SB 28. There is a need for state employees who are required by AS 47.17.020 to immediately report when they believe a child has suffered harm as a result of abuse or neglect to have training on how to identify and intervene in situations of this nature. If state employees are not trained, it is possible that the state could be held accountable should AS 47.17.020 be violated by an employee. State employees covered by the mandated reporting law are primarily in the Departments of Health & Social Services, Public Safety, Corrections and Education.

Since not all the employees required to report under AS 47.17.020 are involved in child abuse prevention and treatment, the Council suggests rewording the first sentence of SB 28 as follows: A person employed by the state who is required to report under AS 47.17.020 shall receive training on the recognition and reporting of child abuse and neglect. This change deletes training on the "prevention and treatment" and replaces the word "intervention" with reporting. Those employees who are involved in the prevention and treatment of child abuse and neglect are or should be receiving training in their specific fields through other means.

The growing awareness about the need for identifying and reporting suspected cases of child abuse and neglect has not been accompanied by informing the public of accurate and sensitive ways to handle such concerns. This information has also not always been provided to state employees. In order to better ensure that appropriate cases are reported and inappropriate ones are not and that the reporting is done in the best manner for all concerned, quality training materials need to be developed, produced and used.

The Council on Domestic Violence and Sexual Assault which includes representatives from the Department of Public Safety, Health and Social Services, Education and Law plus three public members, is established to provide for planning and coordination of services to victims of domestic violence and sexual assault (AS 18.66.010). The broader responsibility for child abuse and neglect lies within the Department of Health and Social Services, Division of Family and Youth Services. The Council and the programs it funds would work closely with the Division of Family and Youth Services and other appropriate state agencies in developing the training materials.

  
Robert J. Sundberg  
Commissioner  
Department of Public Safety

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 28  
 Title: Training State Employees...  
 Child Abuse and Neglect  
 Sponsor: Senator Faiks  
 Requestor: Sen. HESS  
 Date of Request: 1-11-85

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
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	64.0	12.0	5.0	10.0	9.0	8.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>64.0</b>	<b>12.0</b>	<b>5.0</b>	<b>10.0</b>	<b>9.0</b>	<b>8.0</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	64.0	12.0	5.0	10.0	9.0	8.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>64.0</b>	<b>12.0</b>	<b>5.0</b>	<b>10.0</b>	<b>9.0</b>	<b>8.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

A one-time contract to develop a printed self-instructional training manual with audio and video cassettes, the production of sufficient copies and the distribution of them would be accomplished the first year. Succeeding years could entail revising of the materials as needed, and any additional production and distribution costs. This was chosen because it is the least expensive and simplest to maintain, particularly in rural areas.

Prepared By: Barbara Miklos, Executive Director

Phone: 465-4356

Division: Council on Dom. Violence & Sexual Assault

Date: January 11, 1985

Approved by Commissioner: Robert J. Sundberg

Date: 1/15/85

Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

SB 28 (FAIKS) RELATING TO TRAINING STATE EMPLOYEES ON THE RECOGNITION  
AND REPORTING OF CHILD ABUSE.

THIS IS A TITLE CHANGE.

ORIGINAL BILL:

MANDATED THAT TRAINING BE PROVIDED ON PREVENTION, RECOGNITION,  
INTERVENTION, AND TREATMENT OF CHILD ABUSE AND NEGLECT TO  
THOSE STATE EMPLOYEES REQUIRED BY LAW TO REPORT (SEE ATTACHED  
LIST). TRAINING BY COUNCIL ON DOMESTIC VIOLENCE & SEXUAL ASSAULT.

COMMITTEE SUBSTITUTE (HESS):

1. TRAINING ONLY ON RECOGNITION AND REPORTING.
2. TRAINING TO BE DONE BY RESPECTIVE STATE AGENCIES THAT  
EMPLOY PEOPLE REQUIRED TO REPORT (MOSTLY HEALTH AND SOCIAL  
SERVICES, BUT ALSO PUBLIC SAFETY, EDUCATION, CORRECTIONS).
3. STATE AGENCIES MUST PROVIDE COUNCIL ON DOMESTIC VIOLENCE  
AND SEXUAL ASSAULT WITH INFORMATION ON THEIR TRAINING  
CURRICULUMS.

LETTER OF INTENT:

ENCOURAGES SCHOOL DISTRICTS TO PROVIDE TEACHER TRAINING  
ON RECOGNITION AND REPORTING OF CHILD ABUSE.

FISCAL NOTE:

ZERO. THE SPECIFIC TRAINING REQUIRED BY SB 28 CAN BE  
INCORPORATED INTO AGENCIES' ONGOING EMPLOYEE TRAINING PROGRAMS.

Offered: 2/1/85  
Referred: Finance

Original sponsors: Faiks, Sturgulewski,  
Halford, et al

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 28 (HESS)

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 training state employees on the  
7 recognition and reporting of child abuse and ne-  
8 glect."

9

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

10

\* Section 1. AS 47.17 is amended by adding a new section to read:

11

Sec. 47.17.022. TRAINING. (a) A person employed by the state  
12 who is required under AS 47.17 to report abuse or neglect of children  
13 shall receive training on the recognition and reporting of child abuse  
14 and neglect.

15

(b) Each department of the state that employs persons required  
16 to report abuse or neglect of children shall provide

17

(1) initial training required by this section to each new  
18 employee during the employee's first six months of employment, and to  
19 any existing employee who has not received equivalent training; and

20

(2) appropriate in-service training required by this sec-  
21 tion as determined by the department.

22

(c) Each department that must comply with (b) of this section  
23 shall develop a training curriculum that acquaints its employees with

24

(1) laws relating to child abuse and neglect;

25

(2) techniques for recognition and detection of child abuse  
26 and neglect;

27

(3) agencies and organizations within the state that offer  
28 aid or shelter to victims and the families of victims of child abuse  
29 or neglect; and

1                   (4) procedures for required notification of suspected abuse  
2 or neglect.

3                   (i) Each department that must comply with (b) of this section  
4 shall file a current copy of its training curriculum and materials,  
5 with the Council on Domestic Violence and Sexual Assault. Any depart-  
6 ment may seek the technical assistance of the council or the Depart-  
7 ment of Health and Social Services in the development of its training  
8 program.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate Committee on Health, Education and Social Services

### LETTER OF INTENT FOR CS SB 28 (HESS)

Passage of CS SB 28 (HESS) reflects the Legislature's recognition that persons who come into contact with abused or neglected children are often unprepared to recognize symptoms, to report properly, or to otherwise respond in an appropriate manner.

Underlying the provisions of CS SB 28 (HESS) is the requirement in AS 47.17.020 that certain persons report instances of child abuse and child neglect to public authorities. Not only are state employees covered by this law, but school teachers and school administrative staff are also required to report. Such persons who willfully fail to report may be guilty of a misdemeanor and their school district may incur civil liability.

Although the new law does not require training of school district employees in this critical area, the Legislature recognizes that teachers and school administrators are often the first line of detection of child abuse and neglect.

Consequently, the Legislature urges each school district to provide corresponding training to its employees. In addition, school districts are encouraged to work with the Council on Domestic Violence and Sexual Assault concerning the features of the state training program. Not only will such training better prepare school district employees to comply with the reporting requirements of AS 47.17.010, but the Legislature believes that it will also contribute to the prevention of child abuse in Alaska.

1 IN THE SENATE

BY FAIKS

2 SENATE BILL NO. 28

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 training state employees on the  
7 prevention, recognition, intervention, and treatment  
8 of child abuse and neglect."

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

10 \* Section 1. AS 47.17 is amended by adding a new section to read:

11 Sec. 47.17.022. TRAINING. A person employed by the state who is  
12 required to report under AS 47.17.020 shall receive training on the  
13 prevention, recognition, intervention, and treatment of child abuse  
14 and neglect. The Council on Domestic Violence and Sexual Assault  
15 shall coordinate the training, prepare and disseminate educational  
16 programs and materials, and establish standards of training under  
17 AS 18.66.050.

SB 28

§ 47.17.020 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.17.020

other than accidental means, of harm through physical abuse or neglect or sexual abuse or sexual exploitation, the legislature requires the reporting of these cases by practitioners of the healing arts and others to the appropriate public authorities. It is the intent of the legislature that, as a result of these reports, protective services will be made available in an effort to prevent further harm to the child, to safeguard and enhance the general well-being of the children in this state, and to preserve family life whenever possible. (§ 1 ch 100 SLA 1971; am § 3 ch 104 SLA 1982)

**Effect of amendments.** — The 1982 amendment, in the first sentence, substituted "neglect or sexual abuse or sexual exploitation" for "neglect requiring the attention of a practitioner of the healing arts" and inserted "of the healing arts."

NOTES TO DECISIONS

**Use of reports.** — The reports of child abuse and neglect required by this section are intended for use in child protection proceedings and are not intended for use in criminal proceedings. *State v. R.H.*, Ct. App. Op. No. 375 (File No. 7768), P.2d (1984). See also notes to AS 47.17.060, under catchline "Judicial proceeding."

**Collateral references.** — 42 Am. Jur. 2d, *Infants*, §§ 16, 17.  
43 C.J.S., *Infants*, §§ 36 to 39, 70 to 75, 94.  
Medical attention, criminal neglect by failure to provide, 12 ALR2d 1047.  
Liability of parent for injury to unemancipated child caused by parent's negligence, 41 ALR3d 904.  
Validity and construction of penal statute prohibiting child abuse, 1 ALR4th 38.

**Sec. 47.17.020. Persons required to report.** (a) The following persons who, in the performance of their professional duties, have cause to believe that a child has suffered harm as a result of abuse or neglect shall immediately report the harm to the nearest office of the department:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members;
- (3) social workers;
- (4) peace officers, and officers of the Department of Corrections;
- (5) administrative officers of institutions;
- (6) licensed day care providers and paid staff;
- (7) licensed foster care providers.

(b) This section does not prohibit the named persons from reporting cases which have come to their attention in their nonprofessional capacities nor does it prohibit any other person from reporting a child's harm which the person has cause to believe is a result of abuse or neglect. These reports shall be made to the nearest office of the department.



Official Business

# Alaska State Legislature

*Senate*

*Committee on Finance*

JAN FAIKS  
Co-Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811

January 14, 1985

## MEMORANDUM

TO: Senator Bettye Fahrenkamp, Chairman  
Senate Health, Education and Social Services  
Committee

FROM: Senator Jan Faiks *JF*

SUBJECT: Senate Bill 28 - An Act relating to training state employees on the prevention, recognition, intervention and treatment of child abuse and neglect

Senate Bill 28 mandates training on the prevention, recognition, intervention, and treatment of child abuse and neglect for state employees who are required by law to report instances of harm under AS 47.17.020. While reporting instances of harm is mandated by state statute, associated training is discretionary, and often limited or nonexistent.

State employees, required to report cases of harm, do not always obtain training that is essential to the performance of their legal responsibilities, and thus are ill prepared to effectively comply with the law. Not only does the public, particularly children, suffer from lack of trained service providers, but the state faces potential liability for negligent acts of its employees.

### REPORTING MANDATED

In 1971, the Alaska legislature enacted AS 47.17.010 which mandates the reporting of the instances of child abuse and neglect to appropriate public authorities. The purpose of mandatory reporting is to prevent future harm to the child and safeguard and enhance the general well-being of children in Alaska.

Under AS 47.27.020 the following persons must report cases of suspected harm to the Department of Health and Social Services:

practitioners of the healing arts;

members; school teachers and school administrative staff

social workers;

peace officers, and officers of the Department of Corrections;

administrative officers of institutions;

licensed day care providers and paid staff; and

licensed foster care providers.

These people are often the first individuals who come in contact with abused or neglected children. Early detection of harm can result in the prevention of further abuse or neglect.

#### TRAINING

Without proper training, cases of abuse or neglect may not be recognized and reported and thus the safety of children is jeopardized. Implicit in the mandate to report suspected child abuse and neglect<sup>1</sup> is the ability to recognize what it is that must be reported.

Following nationwide hearings, the U. S. Attorney's Task Force on Domestic Violence recommended that federal, state and local government agencies train relevant personnel to diagnose and appropriately intervene in family violence cases. Initial and inservice training for social service providers (child protection workers, mental health professionals, alcohol and drug abuse counselors and shelter workers), criminal justice professionals (law enforcement officers, probation and parole officers), prosecutors, judges, medical professionals (physicians, nurses, paramedics, psychologists, emergency room personnel), and teachers was recommended. When these individuals are obligated by law to report child abuse it is very important that they are given proper training to identify it.<sup>2</sup>

#### IMMUNITY AND LIABILITY

Immunity from civil liability and criminal penalty exists under AS 47.17.050 for those who report cases of suspected child abuse or neglect in good faith. However, if those persons required to report cases of abuse or neglect willfully or knowingly fail or refuse to report the harm, they are guilty of a Class B misdemeanor under AS 47.17.068. Ignorance of the law is no excuse. If a state employee, required to report under AS 47.17.020, willfully or knowingly fails or refuses to report harm, that person is subject to prosecution under AS 47.17.068 and possible civil liability. The state may also be subject to

civil liability under AS 9.50.250 for the negligent actions or omissions of its employees.

#### RECENT FINDINGS IN ALASKA

In recent investigations conducted by both the State Ombudsman and Legislative Audit, it was determined that one group of state employees, who are in constant contact with abused or neglected children, lack sufficient training.

On July 12, 1984, the State Ombudsman concluded in Complaint F83-1576 that the Division of Family and Youth Services failed to act effectively to protect a child who had been reported to the Division as an abused child. (This child died from injuries inflicted by his live-in babysitter.) This finding was based on two factors.

The record of the agency's involvement in the matter suggested uncertainty and handling inconsistent with standard agency practices.

Despite the directive of the agency's program manual, staff assigned to this case provided no follow-up.

The Ombudsman concluded that understaffing was at a crisis level and contributed to the ineffective actions of the agency in this matter. Throughout the report, however, lack of proper training on child abuse and neglect for social workers, as well as medical personnel, was highlighted.<sup>3</sup>

On August 10, 1984, the Division of Legislative Audit reported that the Division of Family and Youth Services's ability to adequately investigate reports of child abuse and neglect is hampered by understaffing and insufficient management direction. Following interviews with parents, Department of Law personnel, Court System personnel, attorneys, and DFYS social workers, Legislative Audit concluded

In some instances, adequate policies and procedures may exist in the policy and procedures manual, but management has not provided the training and/or the review to ensure that social workers are following the manual. In either case, DFYS management needs to provide better direction to social workers for consistently interpreting their responsibilities and enacting legislative intent for child protection.

A survey of guardians ad litem, which accompanied the report, indicated that better training and supervision of social workers and supervisors was needed.<sup>4</sup>

#### CONCLUSION

Social workers are not the only persons in this state that need training, and training alone will not lessen the crisis situation that has been created by understaffing. However, the documented investigations indicate that there is a problem with a state agency providing protective services to children that have been abused or neglected. Since the state has undertaken the responsibility to provide protective services to children, intervene in appropriate cases, and require reporting of suspected cases of harm, it is imperative that those employed by the state receive adequate training to address this problem.

Non-state employees, primarily teachers and medical personnel should also receive adequate training. Local governments should be strongly encouraged to provide training for teachers employed by the district.

To date, the Council on Domestic Violence and Sexual Assault, the Department of Health and Social Services, the Public Defender Agency, and the Department of Education support this bill. The Alaska Network on Domestic Violence and Sexual Assault supported similar legislation last session.

Steve Lester Ester  
~~Buddy~~  
Son Andy Paul Creek  
A M E N D M E N T

Offered in the SENATE

By Sackett and Faiks

TO: CSSB 28 (HESS)

Page 1, line 6, following "employees" insert:

", and certain employees of the districts of the state public school system"

Page 2, line 9, add a new subsection to read:

"(e) The districts of the state public school system shall provide at least one-half day of in-service training to school teachers and school administrative staff members on the recognition and reporting of child abuse and neglect."

**POSITION PAPER**

**SENATE BILL NO. 28**

"An act related to training state employees on the prevention, recognition, intervention and treatment of child abuse and neglect."

This bill would require that state employees who, in their job capacity, are required by statute to report child abuse be trained in the prevention, recognition, intervention and treatment of child abuse and neglect. The bill assigns to the Council on Domestic Violence and Sexual Assault the authority and responsibility for establishing standards for this training, coordinating the training, and preparing and disseminating educational programs and materials.

The department supports the concept of required training for state employees but opposes the mechanism proposed in this bill to accomplish that training. The department proposes that the development of basic educational program materials should be developed and disseminated by the agency with the primary responsibility for preventing, identifying, intervening and treating child abuse and neglect and that these materials be incorporated in the regular training curriculum of the agencies employing persons required to report suspected cases of abuse and neglect. Because of the very distinct and different roles and responsibilities of those state employees required to report child abuse each requires specific training in carrying out those responsibilities which can best and most efficiently be developed and implemented by the agency employing the individual. The mechanism proposed in this bill to carry out training could impede staff training responsibilities of individual agencies and would be administratively inefficient.

The department supports cooperative agreements for coordinated multi-disciplinary efforts in training such as a state-wide child sexual abuse agreement as a more effective means of carrying out the training goals of this bill. Such agreements allow for clear definition of roles and responsibilities of each agency or organization and avoid unnecessary duplication of effort both in intervention and training.

Position Paper  
SB 28  
Page 2

Preparation and distribution of training materials concerning child abuse and neglect is appropriately a function of the Department of Health and Social Services given the primary responsibility of the department for intervening in such cases and in developing prevention and treatment programs. In addition, since the department already undertakes much of what is envisioned in SB 28 on a discretionary basis it would be most efficient and effective from an administrative standpoint for mandated efforts to be performed by the same agency. The department through its Division of Family and Youth Services already implements formal training program for its own staff members of the recognition, intervention, and treatment of child abuse and neglect and discretionarily provides training to other state agencies and private human service providers as is indicated in the attached DFYS training report for FY 84. The division has also undertaken significant public awareness efforts aimed at a variety of professionals statutorily required to report child abuse and neglect as well as the general public.

In contrast the Council on Domestic Violence and Sexual Assault has particular expertise in the area of sexual assault. Community domestic violence program personnel have provided, at the invitation of the Division of Family and Youth Services, training to community and division personnel in the specific areas of intervention and child sexual assault. A broad expertise, experience and responsibility that the Division of Family and Youth Services has in dealing with all aspects of child abuse and neglect would be critical to the development of appropriate basic educational materials. In Alaska the largest percentage of child maltreatment cases consist of neglect (63%) and physical abuse (25%). Child sexual abuse in contrast comprises only 6% of nationally reported child maltreatment cases and 11% of child maltreatment reports in Alaska. Expertise must focus on all categories of maltreatment in order to develop adequate training materials. This is particularly true when it is understood that profile of characteristics of child sexual abuse victims is significantly different than that for child victims of other types of abuse and neglect and that intervention and treatment approaches differ significantly also.

Position Paper  
SB 28  
Page 3

In summary the department supports the concept of training state employees on the various aspects of child abuse and neglect but proposes that this training occur through existing and appropriate state agency training mechanisms with the support of the department of Health and Social Services. As the bill reads now, it has no fiscal impact on the department. If amended to designate the department as the coordinating agency, a fiscal note will be prepared.

RECOMMENDED: Michael L. Price  
Michael L. Price, Director  
Division of Family  
and Youth Services

DATE: \_\_\_\_\_

APPROVED: John R. Pugh  
John R. Pugh, Commissioner  
Department of Health  
and Social Services

DATE: 1/17/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 28  
 Title: An Act....training of  
state employees  
 Sponsor: Sen. Faiks  
 Requestor: \_\_\_\_\_  
 Date of Request: 1/16/85

FISCAL DETAIL

Agency Affected: Health and Social Services  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected:  
Social Services, Youth Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

N/A

Prepared By: Michael L. Price *Michael L. Price* Phone: 465-3170  
 Division: Family and Youth Services Date: 1/16/85

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

DIVISION OF FAMILY AND YOUTH SERVICES

TRAINING SUMMARY - July 1, 1983 -- September 30, 1984

Total Trained	1,156 +
Staff	468 +
Community	688 +
Training Hours (time x participants)	25,025

SEXUAL ABUSE TRAINING - July 1, 1983 -- September 30, 1984

Total Trained	996
Staff	351
Community	635
Traing Hours	14,502

DIVISION OF FAMILY AND YOUTH SERVICES  
TRAINING SUMMARY 7/1/83 - 9/30/84

<u>Date</u>	<u>Topic and Location</u>	<u># Participants</u>	<u># Staff</u>	<u>Community</u>	<u>Hours</u>	<u>Leaders</u>
CHILD ABUSE/NEGLECT REPORTING						
8/30/83	Day Care Centers Anchorage	19	1	16	(3) 57	M. Munson
8/30/83	Placement Agencies Anchorage	13	1	12	(3) 39	M. Munson
8/30/83	Awareness in School Romig Junior High School Anchorage	96	0	96	(6)576	B. Garberding
8/29/83	Inservice - Snowbank School Wasilla	45	0	6	(1) 45	B. Garberding
CHILD SEXUAL ABUSE						
8/31/83	Parents United Facilitating Sexual Abuse Treatment Groups Anchorage	12	0	12	(2) 24	B. Garberding
3/21-23/84	Identification/Treatment Victims - NRO YS Fairbanks	20	20		(13)260	Glen Lambert
6/1/84	Evaluation and Treatment of Adolescent Sexual Abuse Offenders McLaughlin YS, Anchorage	20	20		(7)140	Gary Winet
5/30/84	Treatment Adolescent Victim Sexual Abuse McLaughlin YS, Anchorage	17	17		(8)136	Glen Lambert

DIVISION OF FAMILY AND YOUTH SERVICES  
TRAINING SUMMARY 7/1/83 - 9/30/84

<u>Date</u>	<u>Topic and Location</u>	<u># Participants</u>	<u># Staff</u>	<u>Community</u>	<u>Hours</u>	<u>Leaders</u>
5/31/84 6/1/84	Sexual Abuse Adolescent Victim and Offender SCRO YS, Anchorage	14	14		(14)196	Glen Lambert
6/7-8/84	Assessment and Treatment Youthful Sex Offender SERO, Juneau	26	12	14	(14)364	Nick Nichols and Irene Melinden
6/18/84	Treatment of Male Sexual Offender McLaughlin YS, Anchorage	10	10		(13)130	Jim Harper
6/25-29/84 9/10-14/84	Child Sexual Abuse (2 Sec) NRO, Fairbanks	60	25	35		
	- Intervention NRO				(7)420	D & J Ramon
	- Interviewing and Investigation				(4)240	Marsha Morgan
	- Using the Dolls for Inter- viewing				(4)240	Howard Anderson
	- Pre-trial Preparation				(7)420	Ellie Breslan
	- Assessment of Treatment Sexually Abused Child				(7)420	Steven Wolf
	- Classified Offender Treatment					
7/27-31/84	Child Sexual Abuse Social Services Agencies Barrow	49	2	47	(35)1715	Mary Abruska, Ginny McCarthy, Clara Kelly, Ken Roosa
9/18-20/84	Child Sexual Abuse Social Services Agencies Kotzebue	60	3	57	(21)7260	Rosemary Murry, Ken Duff, Jill Baker
5/16-18/84	Governor's Conference on Child Abuse and Neglect Sitka	153	29	124	(21)3212	National Leaders

DIVISION OF FAMILY AND YOUTH SERVICES  
TRAINING SUMMARY 7/83 - 9/30/84

<u>Date</u>	<u>Topic and Location</u>	<u># Participants</u>	<u># Staff</u>	<u>Community</u>	<u>Hours</u>	<u>Leaders</u>
May, Aug. Sept. 84	Child Sexual Abuse and Legal Training WRO FS, Bethel					Pam Kirk, Dolly Coke Don Edwards
9/6-7/84	Sexual Abuse					Lucy Berliner
FIELD STAFF TRAINING						
10/4-22/84	Orientation, Anchorage	14	14		(70)980	B. Garberding and M. Munson
9/25-28/84	Comprehensive Training NRO YS, Fairbanks	23	23		(30)690	Gene Shafer and Other Staff
4/24-27/84	Field Staff Training SCRO FS, Anchorage	23	23		(28)392	
	- Child Sexual Abuse				7	Pam Kirk
	- Cross Cultural				7	Phil Kaufman
	- Licensing				7	Fr. Oleksa
	- Family Systems				7	Pat O'Brien Paul Shanely
8/6-10/84	Individual and Family Assessment SCRO FS, Anchorage	25	25			
	- Working with Resistant Clients				(8)200	Pamela Moyer C. Wickersham
	- Working with and Under- standing Adolescents				(4)100	C. Wickersham
	- Separation and Loss				(4)100	C. Wickersham
	- Taking Care of Yourself				(4)100	C. Wickersham
	- Family Dynamics of Sexual and Physical Abuse				(4)100	C. Wickersham
8/15-17/84	Caseload Management YS Statewide, Juneau	31	31		(21)651	Todd Clear Brian Beamus

DIVISION OF FAMILY AND YOUTH SERVICES  
TRAINING SUMMARY 7/1/83 - 9/30/84

<u>Date</u>	<u>Topic and Location</u>	<u># Participants</u>	<u># Staff</u>	<u>Community</u>	<u>Hours</u>	<u>Leaders</u>
3/9/84	SCRO FS Registration, Anchorage					
ELDER ABUSE						
7/13/83	Adult Protection Senior Citizen Project Anchorage	50	2	48	(3)150	B. Garberding
9/13-14/84	Statewide FS Anchorage					Susan Tomita
CROSS CULTURAL TRAINING						
7/7/84	Indian Child Welfare Act Kotzebue	20		20	(5)100	M. Munson
4/10/84	Cross Cultural Awareness McLaughlin YS, Anchorage	14	0	14	(75)616	Nova University
FOSTER CARE						
4/26-28/84	Consensus Seeking and Mutual Selection SCRO FS, Anchorage	44	31	13	(74)616	Nova University
9/24-28/84	Discipline and Control and Nurture SERO FS, Kotchikan, Juneau	26	9	17	(14)364	Ray Curtis
5/18-20/84	Fairbanks Foster Parent Conference NRO FS, Fairbanks					M. J. Amundsen

DIVISION OF FAMILY AND YOUTH SERVICES  
TRAINING SUMMARY 7/1/83 - 9/30/84

<u>Date</u>	<u>Topic and Location</u>	<u># Participants</u>	<u># Staff</u>	<u>Community</u>	<u>Hours</u>	<u>Leaders</u>
3/21-23/84	Alaska State Foster Parent Conference NRO FS, Fairbanks					Sally Brown
WORKING WITH RESISTANT CLIENTS						
5/15-16/84	Working with Difficult Clients NRO FS, Fairbanks	17	10	7	(14)238	Barbara Niko and Mary J. Demond
7/12-13/84 9/27-28/84	Forming Relationships with Hard to Reach Youths SERO YS, Juneau SCRO YS, Anchorage	45	23	22	(14)630	Henry Maier
COURT WORK						
7/12/83	Prepare to be a Witness Department of Revenue Anchorage	20	0	20	(2) 40	M. Munson
7/24/84	Court Report Writing YS Statewide, Anchorage	11	11		(7) 77	Paul Kim
ADOPTION						
9/28/83	Special Needs Adoption Anchorage	20	0	20	(3) 60	B. Garberding
6/6-7/84	Adoption Disruption Statewide FS, Anchorage	13	7	6	(27)273	Jill Jasper

DIVISION OF FAMILY AND YOUTH SERVICES  
TRAINING SUMMARY 7/1/83 - 9/30/84

<u>Date</u>	<u>Topic and Location</u>	<u># Participants</u>	<u># Staff</u>	<u>Community</u>	<u>Hours</u>	<u>Leaders</u>
<b>MANAGEMENT TRAINING</b>						
9/5-7/84 9/10-12/84	Advanced Management Skills FS YS Statewide Juneau and Anchorage	41	41		(21)861	Mike Austin
9/27-28/84	Team Building CO Staff and RSSMs and RAs Juneau	23	23		(21)483	Michael Groh
3/14-15/84	Data Training FS YS Statewide Juneau					M. A. Arseneau
<b>CLERICAL TRAINING</b>						
9/11-14/84	SCRO FS/YS Anchorage	16	16		(21)336	Lisa O'Brien
7/11 to 8/1/84	DFYS CO Clerical Training, Juneau					Judy Crondahl
<b>OTHER</b>						
9/9/83	Men in Early Child Education, Anchorage	10	0	10	(3) 30	B. Carberding
8/15-17/84	Family Systems Therapy NRO FS, Fairbanks	15	11	4	(21)315	Mortiner, Perimutter
8/27-31/84	Preventing Adolescent Suicide, SERO FS Juneau and Ketchikan	28	5	23	(14)392	Dan Capuzzi
5/19-20/84	Building New Traditions Statewide, Anchorage					

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IN THE SENATE

BY FAIKS

CS SENATE BILL NO. 28 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to training state employees on the  
[prevention] recognition <sup>and reporting</sup> [intervention, and treatment]  
of child abuse and neglect."

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

\* Section 1. AS 47.17 is amended by adding a new section to read:

Sec. 47.17.022. TRAINING. A person employed by the state who is  
required to report under AS 47.17.020 shall receive training on the  
[prevention] recognition <sup>and reporting</sup> [intervention, and treatment] of child abuse  
and neglect. The Council on Domestic Violence and Sexual Assault  
shall coordinate the training, prepare and disseminate educational  
programs and materials, and establish standards of training under  
AS 18.66.050.

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

## POSITION PAPER

SB 23

The Alaska Network on Domestic Violence and Sexual Assault, a non-profit corporation representing 20 domestic violence and sexual assault programs state wide, supports SB28 to provide training to certain state employees in the area of child abuse and neglect.

This bill would require that those state employees required to report incidences of child abuse and neglect receive training in that field. Employees required to report under the law include: practitioners of the healing arts, school teachers and administrative staff, social workers, peace officers and officers of the Department of Corrections, administrative officers of institutions, licensed day care providers and staff, and licensed foster care providers. The state employees included in those job classes are most often employed by the Departments of Health and Social Services, Education, Public Safety, and Corrections.

It is the Network's position that those persons required to report should receive training in the recognition of child abuse and neglect, and training on the reporting law. However, since those required to report, with the exception of social workers, are not involved in the intervention, prevention, or treatment of child abuse and neglect, we do not feel it is necessary to provide training in those areas. Training in the intervention, prevention, and treatment of child abuse and neglect is provided to those involved in those areas by domestic violence and sexual assault programs and by the Division of Family and Youth Services.

Because of those distinctions, and the very real need to insure that those required to report are aware of their duty to do so, the Network suggests that SB28 be amended to read as follows:

"A person employed by the state who is required to report under AS 47.17.020 shall receive training on the recognition and reporting of child abuse and neglect. The Council on Domestic Violence and Sexual Assault shall coordinate the training, prepare and disseminate educational programs and materials, and establish standards of training under AS 18.66.050."

The bill would insure that those required to report would receive training in recognizing the signs of a child victim of abuse or neglect, knowledge of the reporting law and their duty to report, and information on the penalties for failure to report and the protections provided to those making reports.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate Committee on Health, Education and Social Services

### M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, Thursday, January 31, 1985

DATE: January 29, 1985


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On Thursday, January 31 from 1:30 - 3:30 pm in the Beltz Room, the Senate Committee on Health, Education and Social Services will take action on three bills relating to domestic violence. The bills received a preliminary hearing on January 17, and have been revised to address concerns raised at that time.

SB 27 Making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training program on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors.

SB 27 provides funding to the Department of Public Safety, Council on Domestic Violence and Sexual Assault to coordinate a training program for community professionals on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors.

SB 28 Relating to training state employees on the prevention, recognition, intervention, and treatment of child abuse and neglect.



SB 28 mandates that training be provided to those state employees required to report instances of child abuse and neglect. A committee substitute which places the training requirement in the departments of the state which employ these persons, and requires that training curriculums be filed with the Council on Domestic Violence and Sexual Assault, has been prepared.

A Letter of Intent encouraging school districts to provide employee training is attached.

SB 29 Relating to domestic violence.

SB 29 recognizes as victims of domestic violence parents, grandparents and children regardless of whether they are cohabiting with the abuser. A committee substitute which clarifies the relationship of the abuser to the victim and specifies how a petition for injunctive relief may be filed on behalf of a child is attached.

SB 28 Relating to training state employees on the prevention, recognition, intervention, and treatment of child abuse and neglect.

SB 28 mandates that training be provided on the prevention, recognition, intervention and treatment of child abuse and neglect. State law requires the reporting of suspected instances of harm to the public authorities. Implicit in the mandate to report is the ability to recognize what it is that must be reported, but under current law associated training is discretionary.

SB 28 would provide training to those state employees who are required by law to report instances of harm (school teachers and administrators, social workers, peace officers, practitioners of the healing arts, day care providers, foster care providers, and administrative officers of institutions).

A committee substitute which clarifies that those employees required to report will be trained specifically on how to recognize cases of abuse and on the nature of the reporting requirements is attached. A Letter of Intent encouraging school districts to provide employee training is being prepared.

Introduced: 1/23/85  
Referred: State Affairs and  
Health, Education & Social Services

1 IN THE SENATE

BY DEVRIES

2

SENATE BILL NO. 85

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 training of teachers and princi-  
7 pals on the subjects of child abuse and sexual abuse  
8 of minors."

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

10 \* Section 1. AS 14.03.030 is amended by adding a new subsection to  
11 read:

12 (b) Each school district shall annually use one of the 10 days  
13 of in-service training allowed under (a)(1) of this section for in-  
14 service training of teachers and principals on the subjects of child  
15 abuse and sexual abuse of minors.

# STATE OF ALASKA

## DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

SB 28  
BILL SHEFFIELD, GOVERNOR

GOLDBELT PLACE  
801 WEST 10th STREET  
POUCH F  
JUNEAU, ALASKA 99811

November 23, 1984

The Honorable Jan Faiks  
Alaska State Senate  
6060 Yukon Drive  
Anchorage, AK 99616

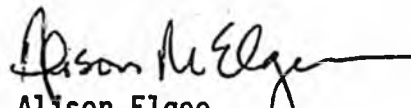
Dear Senator Faiks:

I have reviewed your proposals for draft legislation concerning child abuse. I believe you have made a fine start in addressing some areas of major concern.

I have only one comment, relating to Draft Bill #2 -- Training. As a member of the Council on Domestic Violence and Sexual Assault, I am very aware of the limited staff resources available to the Council. To take on the coordination of training responsibilities would not be possible given our present staff. We would either need additional staff or would have to look at contracting for services, probably with members of the Network. Have you considered using the resources of the Division of Family and Youth Services in the Department of Health and Social Services for this purpose? I believe they have already done a considerable amount of work in this area, and it may be more productive to have them coordinating training.

Again, I thank you for your efforts in addressing an area of vital concern to myself and to the welfare of our children.

Sincerely,

  
Allison Elgee  
Special Assistant

# STATE OF ALASKA

  
BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF PUBLIC SAFETY

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

POUCH N  
ROOM 312, GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811  
PHONE: 465-4356

November 28, 1984

Jan Faiks, Senator  
Alaska State Legislature  
6060 Yukon Drive  
Anchorage, Alaska 99516

Dear Senator Faiks:

I'm sorry that I haven't responded earlier to your letter of November 6, regarding proposed domestic violence and sexual assault legislation that you plan to introduce next session. The issues addressed in the three pieces of legislation are endorsed strongly by the Council on Domestic Violence and Sexual Assault. Following are comments about two of the draft bills.

→ Draft bill #2, which mandates training for state employees on the prevention, recognition, intervention and treatment of child abuse and neglect, begins to insure that important professionals receive training. However, if the appropriations in draft bill #1 are not made, this legislation would require a fiscal note. Also, it does not address school teachers who are a most important group of professionals required to report.

→ Draft bill #3 defines domestic violence in too broad a manner. By saying, "any other person related by blood or marriage" it could include cousins, brothers, sisters or other relatives who might attempt to obtain Temporary Restraining Orders. Also, how would "intimate relationship" be defined? The Council is most concerned about protecting parents or grandparents from elder abuse who no longer live with the offender but need to be protected from him/her. Instead of revising the whole definition, we propose adding parent or grandparent, by blood, marriage or adoption of the person who committed the crime to AS 12.25.030(b) and 25.35.060.

We sincerely appreciate your attention to domestic violence and sexual assault and are anxious to work with you. Please let me know if there's anything I can do.

Sincerely,

*Barbara*

Barbara Miklos  
Executive Director

cc: Legislative Committee, Council on  
Domestic Violence & Sexual Assault

# STATE OF ALASKA

5B 28  
BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF LAW CRIMINAL DIVISION

REPLY TO:

OFFICE OF THE CHIEF PROSECUTOR  
POUCH KC  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

January 2, 1985

Ms. Elizabeth Hickerson  
Senate Advisory Council  
1024 W. 6th Avenue, Suite 203  
Anchorage, AK 99501

Dear Ms. Hickerson:

This is in response to your letter to Genelle Massey, of our office, requesting "reports for 1982 and 1983 that include statewide statistics on the number of arrests and conviction status of sexual assault cases."

Although we can provide some of the information you request, we have no data on the number of arrests. You should contact the Department of Public Safety for that information, but this data may not be particularly useful for your purposes since the department's statistical system employs an unusual definition of "arrest" in conjunction with the FBI Uniform Crime Reporting System.

The data set out in the table below shows the number of defendants--it does not show the number of separate offenses. Often a single defendant will be charged with several offenses which generally represent multiple victims and/or multiple incidents, but this is treated as a single case if they are charged in the same indictment. There are some additional cases which involve multiple charges based on a single incident where separate theories are involved under separate statutory provisions. Consequently, it is generally more helpful to discuss the numbers involved in terms of defendants rather than offenses.

The data we use for our purposes is broken down by cases involving adult victims (the vast majority of which are for sexual assault in the first degree) and cases involving child victims. (The first number depicted in the table below shows the total number of defendants charged with sexual offenses; the number in parentheses is the portion related to child sexual assault.) Given the frequent changes in statutory offenses and numbering, we find that it is much more useful to consider only these two categories. If, after reviewing our statistics, you are still interested in the exact statutory citation for each offense in each case (most sexual assault

cases involve multiple offenses) then we will make our individual case data available to you or someone on your staff to review and compile. Statewide data on individual cases is stored in our office in Juneau. Please give us some advance notice so that we can set aside some space for your staff to work.

When comparing the statistics below with the ones previously sent to you by Victor Krumm, Anchorage District Attorney, you should keep in mind that his statistics labelled "1979" reflect fiscal year 1980; "1980" reflect fiscal year 1981; "1981" reflect fiscal year 1982. We have provided you with FY 83 and FY 84 statistics, thus showing the totals for five years.

You should also keep in mind that Mr. Krumm's figures for conviction rates are based on the number of cases referred and accepted, which is not the way that Criminal Division statistics are ordinarily compiled and which do not accurately reflect conviction rates. The figures we have provided show the number of convictions divided by the total number of cases disposed of during the period.

	FY 80	FY 81	FY 82	FY 83	FY 84
Referred for Prosecution	157 (52)	210 (84)	260 (108)	442 (170)	570 (343)
Accepted for Prosecution	103 (34)	134 (55)	179 (76)	327 (121)	366 (226)
Cases Completed	96 (32)	121 (42)	171 (68)	294 (120)	307 (172)
Pleas	53 (18)	72 (25)	97 (39)	164 (68)	150 (93)
Guilty Verdicts	10 (4)	11 (4)	37 (15)	38 (18)	70 (37)
Not Guilty Verdicts	1	6 (2)	7 (3)	11 (2)	8 (3)
Dismissals	32 (10)	32 (11)	30 (11)	81 (32)	79 (39)
Conviction Rate	$\frac{63}{96} = 66\%$	$\frac{83}{121} = 69\%$	$\frac{134}{171} = 78\%$	$\frac{202}{294} = 69\%$	$\frac{220}{307} = 72\%$
	$(\frac{22}{32} = 69\%)$	$(\frac{29}{42} = 69\%)$	$(\frac{54}{68} = 79\%)$	$(\frac{86}{120} = 72\%)$	$(\frac{130}{172} = 76\%)$

The most significant conclusion to be drawn from these statistics is that the number of child sexual assaults has now eclipsed the number of sexual assaults on adults, which actually appear to be dropping slightly. These child sexual assault cases are more difficult to handle than cases with adult victims, thus contributing to a large increase in trials and dismissals and creating a crying need for more resources, as reflected in our FY 86 budget submissions. Our hope is that with sufficient resources we can look forward to a decrease in the number of these cases in the near future, similar to the apparent decrease in adult sexual assaults. Our fear, however, is that the problem of child abuse in Alaska is so widespread that the current focus on sexual abuse will disclose problems of similar dimensions in the areas of physical abuse, child neglect, and child exploitation (pornography, prostitution, etc.). We believe the problem can only be dealt with through a coordinated interagency response involving police, prosecutors, social workers, correctional programs and educational programs. We would be glad to share our ideas with you.

Very truly yours,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By: 

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Daniel W. Hickey  
Chief Prosecutor

20-0  
ya

2/4/86

concur (Faiks)

file SB 28

SB 28 TRAINING STATE EMPLOYEES, ETC. ON RECOGNITION AND REPORTING OF CHILD ABUSE.

AS PASSED SENATE:

1. TRAINING ON RECOGNITION AND REPORTING ABUSE AND NEGLECT.
2. TRAINING TO BE DONE BY RESPECTIVE STATE AGENCIES THAT EMPLOY PEOPLE REQUIRED TO REPORT, INCLUDING SCHOOL DISTRICTS, DEPT. HEALTH AND SOCIAL SERVICES, DEPT. PUBLIC SAFETY, DEPT. EDUCATION, DEPT. CORRECTIONS.
3. STATE AGENCIES MUST PROVIDE COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT WITH INFORMATION ON THEIR TRAINING CURRICULUMS.

AS PASSED HOUSE:

PUTS THE REQUIREMENT THAT SCHOOL DISTRICTS OFFER TRAINING IN THE STATUTE THAT LISTS RESPONSIBILITIES OF SCHOOL DISTRICTS. SACKETT HAD TACKED IT ONTO THE END OF THE BILL AS A FLOOR AMENDMENT IN THE SENATE; IT IS MORE APPROPRIATELY PLACED NOW.

FISCAL NOTE:

ZERO. THE TRAINING CAN BE INCORPORATED INTO AGENCIES' ONGOING EMPLOYEE TRAINING PROGRAMS.

NOTE:

CURRENT STATUTE ALLOWS SCHOOL DISTRICTS 10 INSERVICE DAYS TO BE USED AT THEIR DISCRETION.

JO SWARNER  
CHAMBER MEETING

452-4882

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# House - passed version

Offered: 3/8/85  
Referred: Judiciary and  
Finance

Original sponsors: Faiks, Sturgulewski,  
Halford, et al

1 IN THE SENATE BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 28 (HESS)

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 training state employees, and  
7 certain employees of the districts of the state  
8 public school system on the recognition and reporting  
9 of child abuse and neglect."

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

11 \* Section 1. AS 47.17 is amended by adding a new section to read:

12 Sec. 47.17.022. TRAINING. (a) A person employed by the state  
13 who is required under AS 47.17 to report abuse or neglect of children  
14 shall receive training on the recognition and reporting of child abuse  
15 and neglect.

16 (b) Each department of the state that employs persons required  
17 to report abuse or neglect of children shall provide

18 (1) initial training required by this section to each new  
19 employee during the employee's first six months of employment, and to  
20 any existing employee who has not received equivalent training; and

21 (2) appropriate in-service training required by this sec-  
22 tion as determined by the department.

23 (c) Each department that must comply with (b) of this section  
24 shall develop a training curriculum that acquaints its employees with

25 (1) laws relating to child abuse and neglect;

26 (2) techniques for recognition and detection of child abuse  
27 and neglect;

28 (3) agencies and organizations within the state that offer  
29 aid or shelter to victims and the families of victims of child abuse

1 or neglect; and

2 (4) procedures for required notification of suspected abuse  
3 or neglect.

4 (d) Each department that must comply with (b) of this section  
5 shall file a current copy of its training curriculum and materials,  
6 with the Council on Domestic Violence and Sexual Assault. Any depart-  
7 ment may seek the technical assistance of the council or the Depart-  
8 ment of Health and Social Services in the development of its training  
9 program.

10 \* Sec. 2. AS 14.08.111 is amended by adding a new paragraph to read:

11 (11) train those persons required to report under AS 47.17.-  
12 020, in the recognition and reporting of child abuse, neglect, and  
13 sexual abuse of a minor.

14 \* Sec. 3. AS 14.14.090 is amended by adding a new paragraph to read:

15 (9) train those persons required to report under AS 47.17.-  
16 020, in the recognition and reporting of child abuse, neglect, and  
17 sexual abuse of a minor.

→ duties of regional school board (REFAA)  
→ duties of school board (city/borough)

↓  
school teachers & administrative staff  
of public & private schools

# Senate - passed version

Offered: 2/1/85  
Referred: Finance

Original sponsors: Faiks, Sturgulewski,  
Halford, et al

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 28 (HESS) am

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 training state employees, and

7

certain employees of the districts of the state

8

public school system on the recognition and reporting

9

of child abuse and neglect."

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

11 \* Section 1. AS 47.17 is amended by adding a new section to read:

12

Sec. 47.17.022. TRAINING. (a) A person employed by the state

13

who is required under AS 47.17 to report abuse or neglect of children

14

shall receive training on the recognition and reporting of child abuse

15

and neglect.

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(b) Each department of the state that employs persons required  
to report abuse or neglect of children shall provide

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(1) initial training required by this section to each new  
employee during the employee's first six months of employment, and to  
any existing employee who has not received equivalent training; and

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(2) appropriate in-service training required by this sec-  
tion as determined by the department.

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23

(c) Each department that must comply with (b) of this section  
shall develop a training curriculum that acquaints its employees with

24

25

(1) laws relating to child abuse and neglect;

26

(2) techniques for recognition and detection of child abuse  
and neglect;

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(3) agencies and organizations within the state that offer  
aid or shelter to victims and the families of victims of child abuse

29

1 or neglect; and

2 (4) procedures for required notification of suspected abuse  
3 or neglect.

4 (d) Each department that must comply with (b) of this section  
5 shall file a current copy of its training curriculum and materials,  
6 with the Council on Domestic Violence and Sexual Assault. Any depart-  
7 ment may seek the technical assistance of the council or the Depart-  
8 ment of Health and Social Services in the development of its training  
9 program.

10 (e) The districts of the state public school system shall devote  
11 at least one-half day of existing in-service training time to train  
12 school teachers and school administrative staff members on the recog-  
13 nition and reporting of child abuse and neglect.

AS 14.03.030 allows districts  
up to 10 in-service days.

→ This language was added on the  
Senate floor by Sackett. I've  
brought it to Max's attention.

This is the only element  
missing in the House version.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate Committee on Health, Education and Social Services

April 13, 1985

Carol Hinman, Chairperson  
Child Development Policy Council  
RURAL CAP  
P.O. Box 3-3908  
Anchorage, AK 99501

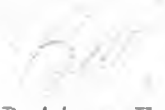
Dear Carol:

Thank you for your letter in support of SB 28, relating to training state employees and school teachers on the recognition and reporting of child abuse.

I am happy to report that SB 28 received the unanimous approval of the Senate on February 25, and is currently under consideration by the House. I agree that this bill is an integral part of any solution to the ever increasing problem of child abuse and neglect in our state, and assure you it has my support.

Again, I appreciate you sharing your views.

Sincerely,

  
Bettye Fahrenkamp  
Chairman

BF/ss

# Rural Alaska Community Action Program, Inc.

APR 11 1985

April 9, 1985

Senator Bettye Fahrenkamp  
Pouch V, Mail Stop: 3100  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

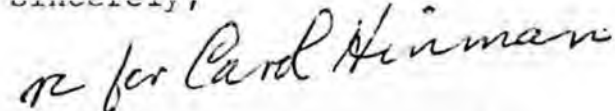
The RurAL CAP Child Development Policy Council is concerned about child sexual abuse. As parents of young children we are pleased to see the legislature working on this issue so that Alaska's children are safeguarded.

We strongly believe that the most effective way to decrease child sexual abuse is through training, education and awareness for children, parents, potential abusers and service providers.

Therefore, we support Committee Substitute for Senate Bill #28 which promotes the training of state employees in recognizing and reporting child abuse and neglect.

Thank you for your action on this vital issue and your continued concern for young children.

Sincerely,



Carol Hinman, Chairperson  
Child Development Policy Council

note

Title

change

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 28

Sponsor: FAKS

Date referred to committee:

Synopsis completed: 1/10/85

Fiscal note:

Further referrals:

CONTACTS:



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

*James O. Smith*  
Signature of Camera Operator

*10/31/89*  
Date

S

B

2

9

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 29

Sponsor: FAKS

Date referred to committee:

Synopsis completed: 1/10/85

Fiscal note:

Further referrals:

CONTACTS:

Barbara Miklós, Council Domestic Violence 4356

COMMITTEE REPORT  
SENATE

FURTHER:

JUDICIARY

1/14/85

Date 1-31-85

Mr. President

The Committee on HESS considered SB 29  
relating to domestic violence.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 29
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_

\_\_\_\_\_

Richard S. ...

...

\_\_\_\_\_

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\_\_\_\_\_

...  
Chairman

Chairman recommendation

SB 29 RELATING TO DOMESTIC VIOLENCE (FAIKS)

RECEIVED HESS COMMITTEE APPROVAL JANUARY 31. YOU WERE A DO PASS.

THE BILL RECOGNIZES AS VICTIMS OF DOMESTIC VIOLENCE PARENTS, GRANDPARENTS AND CHILDREN REGARDLESS OF WHETHER THEY ARE COHABITING WITH THE ABUSER. (CURRENT STATUTE LIMITS DOMESTIC VIOLENCE REMEDIES TO SPOUSES, FORMER SPOUSES, MEMBERS OF A SOCIAL UNIT LIVING TOGETHER, AND PERSONS WHO PREVIOUSLY LIVED IN A SPOUSAL RELATIONSHIP.)

HESS C.S. MAKES THE DEFINITION OF DOMESTIC VIOLENCE CONSISTENT THROUGHOUT THE STATUTES, AND ALLOWS ALL OF THE ABOVE TO:

1. FILE PETITIONS FOR EMERGENCY INJUNCTIVE RELIEF.
2. OBTAIN SERVICES FROM THE COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT.
3. HAVE AN OFFENDER ARRESTED WITHOUT WARRANT.

JUDICIARY C.S. MAKES A TECHNICAL CHANGE (PAGE 2, LINE 2) THAT WE BROUGHT TO THE JUDICIARY COMMITTEE'S ATTENTION ONCE THE ATTORNEY BROUGHT IT TO OUR ATTENTION:

THE BILL STATES THAT A CHILD SEEKING INJUNCTIVE RELIEF MUST PETITION THE COURT THROUGH A PARENT OR GUARDIAN. JUDICIARY C.S. CLARIFIES THAT THIS IS THE PROCEDURE ONLY IN THE CASE OF A MINOR CHILD (SO 40-YEAR OLD CHILDREN AREN'T REQUIRED TO PETITION THROUGH A PARENT).

ZERO FISCAL NOTE.

Offered: 2/1/85  
Referred: Judiciary

Original sponsors: Faiks, Sturgulewski,  
Halford, et al

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 29 (HESS)

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 domestic violence."

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

8 \* Section 1. AS 12.25.030(b) is amended to read:

9 (b) In addition to the authority granted under (a) of this  
10 section, a peace officer without a warrant may arrest a person when  
11 the peace officer has reasonable cause for believing that the person  
12 has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120  
13 when the victim is a spouse or former spouse of the person who commit-  
14 ted the crime; a parent, grandparent, or child of the person who  
15 committed the crime; [,] a member of the social unit comprised of  
16 those living together in the same dwelling as the person who committed  
17 the crime; [,] or another person who is not a spouse or former spouse  
18 of the person who committed the crime but who previously lived in a  
19 spousal relationship with the person who committed the crime.

20 \* Sec. 2. AS 18.66.900(3) is amended to read:

21 (3) "domestic violence" means a crime specified in AS 11.41  
22 when the victim is a spouse or a former spouse of the defendant; a  
23 parent, grandparent, or child of the defendant; [, OR] a member of the  
24 social unit comprised of those living together in the same dwelling as  
25 the defendant; or a person who is not a spouse or former spouse of the  
26 defendant but who previously lived in a spousal relationship with the  
27 defendant;

28 \* Sec. 3. AS 25.35.010(a) is amended to read:

29 (a) A person who is subjected to domestic violence may petition

2.7 prohibited - 5/11/5 9009

1 a superior court for injunctive relief restraining the infliction of  
2 further domestic violence against the petitioner by the respondent. A **minor**  
3 child seeking relief available under this chapter must petition the  
4 court by or through a parent, guardian, or legal custodian.

5 \* Sec. 4. AS 25.35.060 is amended to read:

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 29  
Title: Domestic Violence

Sponsor: Senator Faiks  
Requestor: SEN. HESS  
Date of Request: 1-11-85

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						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger  
Division: Administrative Services

Phone: 465-4338  
Date: 1-14-85

Approved by Commissioner: *[Signature]*  
Agency: Public Safety

Date: 1-14-85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

TO: BETTYE  
FROM: SANDRA

1/14/85

SB 29 DEFINITION OF DOMESTIC VIOLENCE

DEPT. HEALTH AND SOCIAL SERVICES RECEIVED STATUTORY AUTHORITY IN 1983 TO RECEIVE AND ACT ON REPORTS OF ELDER ABUSE. BILL PROVIDES PROTECTION FOR ABUSED ELDERS BY RECOGNIZING THEM IN DEFINITION OF DOMESTIC VIOLENCE.

ORIGINAL BILL AMENDS DEFINITION TO:

1. ENTITLE ELDERS TO FILE PETITIONS FOR EMERGENCY INJUNCTIVE RELIEF.

COMMITTEE SUBSTITUTE AMENDS TO:

2. ALLOW ARRESTS WITHOUT WARRANTS IN CASES OF ELDER ABUSE.
3. ALLOW COUNCIL ON DOMESTIC VIOLENCE TO ADDRESS CASES OF ELDER ABUSE.

(DEFINITION OF DOMESTIC VIOLENCE IS NOW CONSISTENT THROUGHOUT STATUTES.)

SB 29 Relating to domestic violence.

SB 29

SB 29 recognizes as victims of domestic violence parents, grandparents and children regardless of whether they are cohabiting with the abuser. Victims of domestic violence are entitled to file petitions for injunctive relief and emergency injunctive relief. Relief orders can be obtained on an expedited basis without normal requirements of notice to the perpetrator, and serve to restrain the infliction of further domestic violence against the petitioner. Filing of such a a petition does not preclude any other available civil or criminal remedies.

Current statute limits domestic violence remedies to spouses, former spouses, members of a social unit living together, and persons who previously lived in a spousal relationship.

A committee substitute which makes conforming amendments in Title 12 (grounds for arrest without a warrant) and Title 18 (responsibilities of the Council on Domestic Violence and Sexual Assault) has been prepared.

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child;

(9) "person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody;

(10) "state" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia. (§§ 1, 4 ch 61 SLA 1977)

NOTES TO DECISIONS

Applied in *Morgan v. Morgan*, Sup. Ct. Op. No. 2694 (File No. 7297), P.2d (1983).

Cited in *Szmyd v. Szmyd*, Sup. Ct. Op. No. 2472 (File No. 5854), 641 P.2d 14 (1982).

**Sec. 25.30.910. Short title.** This chapter may be cited as the Uniform Child Custody Jurisdiction Act. (§ 1 ch 61 SLA 1977)

Chapter 35. Domestic Violence.

<b>Section</b>	<b>Section</b>
10. Injunctive relief in cases involving domestic violence	40. Service of process
20. Emergency injunctive relief in cases involving domestic violence	50. Notification to law enforcement agencies
30. Forms for filing petition	60. Definitions

**Cross references.** — For domestic violence police training, see AS 18.65.510; for notification to victims of domestic violence, see AS 18.65.520.

**Editor's notes.** — Section 5, ch. 139, SLA 1980, provides: "Section 1 of this Act has the effect of changing Rule 3, Rules of Civil Procedure, by enacting a provision that allows a court to proceed upon the filing of a petition rather than a complaint, and Rule 76, Rules of Civil Procedure, by enacting a provision that allows a court to accept for filing petitions which are handwritten in part. Section 1 of this Act also has the effect of changing Rule 65,

Rules of Civil Procedure, by enacting a provision that establishes an alternate procedure for obtaining orders for relief from domestic violence."

**Collateral references.** — 6 Am. Jur. 2d, Assault and Battery, §§ 44, 109, 177, 181. 41 Am. Jur. 2d, Husband and Wife, § 11. 42 Am. Jur. 2d, Injunctions, §§ 23-68, 69, 80, 81, 83, 94.

41 C.J.S., Husband and Wife, § 396. 43 C.J.S., Injunctions, §§ 22-25, 146, 147, 161, 166 et seq.

Admissibility of expert or opinion testimony on battered wife or battered woman syndrome, 18 ALR4th 1153.

**Sec. 25.35.010. Injunctive relief in cases involving domestic violence.** (a) A person who is subjected to domestic violence may petition a superior court for injunctive relief restraining the infliction of further domestic violence against the petitioner by the respondent.

(b) Upon receiving a petition under (a) of this section, the superior court shall schedule a hearing and shall provide at least 10 days notice to the respondent of the hearing and of the respondent's right to appear

and to be heard either in person or by attorney. If, at the hearing, the superior court finds that the petitioner has been subjected to domestic violence by the respondent, the superior court may issue any order it determines to be necessary for the protection of the health, safety or welfare of the petitioner or of a minor child in the care of the petitioner. An order under this subsection may include provisions which

- (1) restrain the respondent from subjecting the petitioner to domestic violence;
- (2) direct the respondent to vacate the home of the petitioner;
- (3) restrain the respondent from communicating directly or indirectly with the petitioner;
- (4) direct the respondent to pay support for the petitioner or for a minor child in the care of the petitioner if there is an independent legal obligation of the respondent to support the petitioner or the child;
- (5) award temporary custody of a minor child to the petitioner;
- (6) direct the respondent to pay medical expenses incurred by the petitioner as a result of the domestic violence;
- (7) direct the respondent to engage in personal or family counseling;
- (8) restrain the respondent from entering a propelled vehicle in the possession of or occupied by the petitioner.

(c) An order issued under this section remains in effect for a period of time not to exceed 90 days. However, the petitioner may petition the superior court for an extension of a provision of the order if the provision is described in (b)(1), (b)(2), (b)(3), (b)(7), or (b)(8) of this section. If the superior court, after notice to the respondent of and a hearing on the petition for the extension in accordance with the procedures described in (b) of this section, finds that an extension of the provision of the order is necessary to protect the petitioner or a minor child in the care of the petitioner from domestic violence, the superior court may extend the provision of the order for a period of time not to exceed 45 days. The court may not grant more than one extension under this subsection.

(d) Proceedings under this section do not preclude any other available civil or criminal remedies. (§ 1 ch 139 SLA 1980; am §§ 3, 4 ch 61 SLA 1982)

Revisor's notes. — Formerly AS 09.55.600. Renumbered in 1983.

Cross references. — For release before trial in cases involving domestic violence, see AS 12.30.025; for related provisions concerning criminal trespass, see AS 11.46.320 — 11.46.350; for related provisions concerning harassment, see AS 11.61.120(a)(6).

Effect of amendments. — The 1982 amendment added paragraphs (7) and (8)

to subsection (b), and in subsection (c), substituted "90 days" for "45 days" at the end of the first sentence, substituted "an extension" for "extensions" and "(b)(1), (b)(2), (b)(3), (b)(7) or (b)(8) of this section" for "(b)(1), (b)(2) or (b)(3) of this section" in the second sentence, inserted "or a minor child in the care of the petitioner" in the third sentence, and added the last sentence.

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**Sec. 25.35.020. Emergency injunctive relief in cases involving domestic violence.** (a) A person who has been subjected to domestic violence may petition the superior court for a temporary order providing for emergency injunctive relief restraining the infliction of further domestic violence against the petitioner by the respondent. If there is no superior court within 50 road miles of the residence of the person subjected to domestic violence, the person may petition the nearest district court for a temporary emergency injunctive relief order. If there is no district court within 50 road miles of the residence of the person subjected to domestic violence, the person may petition the nearest magistrate for a temporary emergency injunctive relief order. The district court or magistrate shall notify the superior court immediately upon issuance of an order granting emergency injunctive relief under this section.

(b) An order under this section may be granted without written or oral notice to the respondent if the court finds that the petitioner has been subjected to domestic violence and

(1) it clearly appears that there is a substantial likelihood of immediate danger from the respondent to the health, safety, or welfare of the petitioner or of a minor child in the care of the petitioner; and

(2) the petitioner or the petitioner's attorney certifies to the court in writing the efforts, if any, which have been made to provide notice to the respondent and the reasons supporting the claim that notice should not be required.

(c) An order issued under this section may include a provision described in AS 25.35.010(b). The order shall be endorsed with the date and hour of issuance, shall be filed in the clerk's office and entered in the records of the court, and shall state the reason that it was granted without notice. The order shall remain in effect for a period not to exceed 20 days, unless extended by the court for good cause. The reasons for the extension shall be entered in the records of the court.

(d) If an order under this section is granted without notice, a hearing before the superior court for injunctive relief under AS 25.35.010 shall be scheduled by the superior court at the earliest possible time consistent with the notice provisions of AS 25.35.010. If at the hearing the petitioner does not proceed with the petition for injunctive relief, the superior court shall dissolve the emergency injunctive relief order.

(e) On three days notice to the petitioner, or on shorter notice as the superior court may prescribe, the respondent may make a motion to the superior court for the dissolution or modification of an order for emergency injunctive relief under this section. The superior court shall hear and rule on the motion in an expeditious manner.

(f) Proceedings under this section do not preclude other available civil or criminal remedies. (§ 1 ch 139 SLA 1980; am §§ 5, 6 ch 61 SLA 1982)

Revisor's notes. — Formerly AS 09.55.610. Renumbered in 1983.  
Effect of amendments. — The 1982 amendment substituted "20 days" for "10

days" in the third sentence of subsection (c) and "three days" for "two days" near the beginning of subsection (e).

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**Sec. 25.35.030. Forms for filing petition.** (a) The Alaska court system, in cooperation with interested persons and organizations, shall prepare forms and instructions for the use of persons seeking an order for relief under AS 25.35.010 or 25.35.020, including forms for waiving filing fees on the basis of indigency. The forms shall conform to the requirements of AS 25.35.010 and 25.35.020 and the Alaska Rules of Civil Procedure, except that information on the forms may be filled in by legible handwriting. The office of the clerk of each superior and district court shall make the forms and instructions available to the public.

(b) *[Repealed, § 16 ch 61 SLA 1982.]* (§ 1 ch 139 SLA 1980; am § 16 ch 61 SLA 1982)

Revisor's notes. — Formerly AS 09.55.620. Renumbered in 1983.  
Cross references. — For related court rules on filing fees, see Admin. R. 9 (f)(1) and Admin. R. 10.  
Effect of amendments. — The 1982 amendment repealed subsection (b), which read "The form for petition prepared under

(a) of this section shall include a notice that a false statement made in it stating that the respondent has subjected the petitioner to domestic violence constitutes the crime of unsworn falsification under AS 11.56.210, which is punishable by a maximum term of imprisonment of one year and a \$5000 fine."

**Sec. 25.35.040. Service of process.** Process issued under AS 25.35.010 or 25.35.020 shall be promptly served and executed. If a state peace officer is not available, a superior court, district court, or magistrate may designate any other peace officer to serve and execute process issued under AS 25.35.010 or 25.35.020. A peace officer shall use every reasonable means to serve process issued under AS 25.35.010 or 25.35.020. (§ 7 ch 61 SLA 1982)

Revisor's notes. — Formerly AS 09.55.625. Renumbered in 1983.

**Sec. 25.35.050. Notification to law enforcement agencies.** If a superior court, district court, or magistrate issues an order under AS 25.35.010 or 25.35.020 restraining a respondent from subjecting a petitioner to domestic violence, the superior court, district court, or magistrate shall transmit a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform their peace officers of copies of the orders received by the law enforcement agency under this section. Peace officers shall use every reasonable means to enforce an order issued under AS 25.35.010 or 25.35.020. (§ 1 ch 139 SLA 1980)

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**Sec. 25.35.060. Definitions.** In this chapter, "domestic violence" means a crime under AS 11.41 when the victim is a spouse or a former spouse of the respondent, a member of the social unit comprised of those living together in the same dwelling as the respondent, or a person who is not a spouse or former spouse of the respondent but who previously lived in a spousal relationship with the respondent. (§ 1 ch 139 SLA 1980; am § 8 ch 61 SLA 1982)

§ 16

Revisor's notes. — Formerly AS  
09.55.640. Renumbered in 1983.

respondent" for "committed against a spouse, a former spouse, or" and added the language beginning "or a person who is not a spouse or former spouse" to the end.

Effect of amendments. — The 1982 amendment substituted "when the victim is a spouse or a former spouse of the

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**Chapter 25. Arrest.**

**Section**

- 10. Persons authorized to arrest
- 20. Judge or magistrate may order arrest
- 30. Grounds for arrest by private person or peace officer without warrant
- 33. Arrest without warrant for operating vehicle while intoxicated
- 35. Arrest without warrant by state trooper when judicial officer is unavailable
- 40. Taking before judge or magistrate person arrested by bystander
- 50. Method of making arrest
- 60. Method of arrest by officer without warrant
- 70. Limitation on restraint in arrest
- 90. Authority to summon aid to make arrest
- 100. Breaking into building or vessel to effect arrest

**Section**

- 110. Breaking open building or vessel to liberate
- 120. Retaking escaped prisoner
- 140. Property taken from defendant on arrest
- 150. Rights of prisoner after arrest
- 160. Arrest defined
- 180. When peace officer may issue citation or take person before the court
- 190. When person to be given five-day notice to appear in court
- 200. Form for citations
- 210. Disposition and records of citations
- 220. When copy of citation considered a lawful complaint
- 230. Failure to obey citation

**Sec. 12.25.010. Persons authorized to arrest.** An arrest may be made by a peace officer or by a private person. (§ 2.02 ch 34 SLA 1962)

**Collateral references.** — 5 Am. Jur. 2d, Arrest, §§ 3-51, 69-94; 21 Am. Jur. 2d, Criminal Law, §§ 411-420, 424-432; 68 Am. Jur. 2d, Searches and Seizures, § 1 et seq.

6A C.J.S. Arrest, §§ 10-42; 22 C.J.S. Criminal Law, §§ 144-146, 300-366.

**Sec. 12.25.020. Judge or magistrate may order arrest.** When a crime is committed in the presence of a judge or magistrate, the judge or magistrate may, by an oral or written order, command any person to arrest the offender, and may immediately proceed as though the offender had been brought before the court on a warrant of arrest. (§ 2.03 ch 34 SLA 1962; am § 7 ch 8 SLA 1971)

**Sec. 12.25.030. Grounds for arrest by private person or peace officer without warrant.** (a) A private person or a peace officer without a warrant may arrest a person

- (1) for a crime committed or attempted in the presence of the person making the arrest;
- (2) when the person has committed a felony, although not in the presence of the person making the arrest;
- (3) when a felony has in fact been committed, and the person making the arrest has reasonable cause for believing the person to have committed it.

(b) In addition to the authority granted under (a) of this section, a peace officer without a warrant may arrest a person when the peace officer has reasonable cause for believing that the person has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120

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when the victim is a spouse or former spouse of the person who committed the crime, a member of the social unit comprised of those living together in the same dwelling as the person who committed the crime, or another person who is not a spouse or former spouse of the person who committed the crime but who previously lived in a spousal relationship with the person who committed the crime.

(c) Repealed by § 16 ch 61 SLA 1982. (§ 2.04 ch 34 SLA 1962; am § 11 ch 166 SLA 1978; am § 33 ch 102 SLA 1980; am §§ 11, 16 ch 61 SLA 1982)

**Effect of amendments.** — The 1980 amendment substituted "fourth" for "third" in subsection (b).

The 1982 amendment substituted the language beginning "a crime under AS 11.41, AS 11.46.330, or AS 11.61.120" for "assault in the fourth degree under AS

11.41.230(a)(1) against a member of the person's household" at the end of subsection (b) and repealed subsection (c), which read "As used in this section 'household' means the social unit comprised of those living together in the same dwelling."

NOTES TO DECISIONS

**Common law breach-of-the-peace requirement discarded.** — Although at common law a police officer was authorized to arrest without a warrant anyone who had committed a misdemeanor in his presence amounting to a breach of the peace, over the years most states, including Alaska, have dropped the breach-of-the-peace requirement, retaining the in-the-presence requirement. *Howes v. State*, Sup. Ct. Op. No. 846 (File No. 1443), 503 P.2d 1055 (1972).

**Validity of arrest.** — An arrest is lawful where the peace officer has perceived facts which would lead a reasonable man to believe that the arrestee has committed or attempted to commit an offense in his presence. *Miller v. State*, Sup. Ct. Op. No. 589 (File No. 986), 462 P.2d 421 (1969); *McCoy v. State*, Sup. Ct. Op. No. 750 (File No. 1316), 491 P.2d 127 (1971).

An arrest for a misdemeanor made by an officer without a warrant is valid if the offense is committed in his presence. *Miller v. State*, Sup. Ct. Op. No. 589 (File No. 986), 462 P.2d 421 (1969); *Howes v. State*, Sup. Ct. Op. No. 846 (File No. 1443), 503 P.2d 1055 (1972).

**Officer's presence essential for arrest of person for misdemeanor violation.** — Under this section a peace officer may not arrest a person for a misdemeanor violation unless the crime was actually committed or attempted in the officer's presence. *Layland v. State*,

Sup. Ct. Op. No. 1150 (File No. 2264), 535 P.2d 1043 (1975).

The Alaska legislature has classified both reckless driving and operating or driving an automobile under the influence of intoxicating liquor as misdemeanors. Thus, a state trooper who arrived at an accident scene could not arrest a driver without a warrant for either reckless driving or drunk driving since neither of these offenses was committed or attempted in his presence. *Layland v. State*, Sup. Ct. Op. No. 1150 (File No. 2264), 535 P.2d 1043 (1975).

Two elements are involved in the term "presence": (1) The officer must observe acts which are indicative of the commission of an offense; (2) The officer must be aware that he is in fact seeing an offense being committed. *Howes v. State*, Sup. Ct. Op. No. 846 (File No. 1443), 503 P.2d 1055 (1972).

**Presence requirement met by officer witnessing one segment of continuing offense.** — The presence requirement of this section may be met by the officer witnessing one segment of a continuing offense or of an offense that spans a considerable period of time. *Howes v. State*, Sup. Ct. Op. No. 846 (File No. 1443), 503 P.2d 1055 (1972).

An officer may rely on information and observations reported by other officers helping in the investigation to establish probable cause for his belief that the arrestee has committed, or attempted

file SB 29

MEMORANDUM

March 19, 1985

SUBJECT: One-subject requirement and germaneness  
(CSSB 29 (Jud))

TO: Senator Rick Halford

FROM: George W. Edwards  
Legislative Counsel

This is in response to your request for an analysis of any title, one-subject requirement, and germaneness problems created by your proposed amendment to the Committee Substitute for Senate Bill 29 (Jud).

Article II, section 13 of the Constitution of the State of Alaska requires that "the subject of each bill shall be expressed in the title." This requirement has been interpreted by the supreme court in State v. First National Bank of Anchorage, 660 P.2d 406, 415 (Ak, 1982) as intended "to prevent surreptitious introduction of legislation not indicated by the title."

While the proposed amendment does not present a one-subject requirement or germaneness problem, as will be discussed later, the title to CSSB 29 (Jud), "an act relating to domestic violence" should be expanded. In its original form the title may not be sufficiently broad to cover your amendment's particular attention to sexual offenses.

I believe the content of the bill as amended is accurately and completely described with the title "an act relating to domestic violence and domestic sexual offenses."

The one-subject requirement is also constitutionally mandated under Article II, section 13 which states that "every bill shall be confined to one subject." The supreme court has held that the purpose of this rule is to

. . . prevent the inclusion of incongruous and unrelated matter in the same bill in order to get the support

for it which the separate subjects might not separately command, and to guard against inadvertence, stealth, and fraud in legislation," Suber v. Alaska State Bond Committee, 414 P.2d 546, 557 (Ak, 1966).

More recently the court considered the subject in State v. First National Bank of Anchorage, supra, and held:

All that is necessary is that the act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be part of, or germane to, one general subject."

Germaneness is addressed in Rule 35 of the Uniform Rules of the Alaska State Legislature. It provides in part:

No motion or proposition on a subject shall be admitted under color of amendment if the subject matter is different from that under consideration. . . .

This is supplemented by Mason's Manual of Legislative Procedure which provides in Sec. 402:

Sec. 402. Amendments Must Be Germane

1. Every amendment proposed must be germane to the subject of the proposition or to the section or paragraph to be amended, and an amendment is not in order which is not germane to the question to be amended. This is, basically, a phrase of the rule that each proposition have but one subject and that members have the right to vote separately on each question.
2. To determine whether an amendment is germane, the question to be answered is whether the question is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal.
3. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of the motion or measure and still be germane to the subject.

4. An entirely new proposal may be substituted by amendment so long as it is germane to the main purpose of the original proposal.
5. An amendment to an amendment must be germane to the subject of the amendment as well as to the main question.
6. No independent new question can be introduced under cover of an amendment. But an amendment may be in conflict with the spirit of the original motion, and still be germane and, therefore, in order.
7. The admissibility of an amendment should be judged from the provisions of the text, rather than from the purpose which circumstances may suggest.
8. Whether a proposed amendment is consistent with the measure, motion or question proposed to be amended, is a question to be decided by the body and not by the presiding officer.

The question of whether an amendment is germane is a parliamentary procedure question which must be raised by a member of the body or the point is waived. As stated in Rule 402(8) of Mason's Manual, if the question is raised it is a question to be decided by the body.

Domestic violence as considered in CSSB 29(Jud) concerns conduct declared to be offenses against the person under AS 11.41 that takes place between family members.

Section 1 of your proposed amendment concerns sexual offenses declared to be offenses against the person under AS 11.41.410 - 11.41.420 that take place between family members-spouses.

Section 2 of your proposed amendment concerns a subsection of AS 11.41.445 that is amended to delete a reference to AS 11.41.410 - 11.41.420. The remaining language pertains to offenses against the person under AS 11.41.434 - 11.41.440 that take place between family members-spouses. The statutory references deleted from this section concern crimes categorized as sexual assaults while those remaining concern crimes categorized as sexual abuse of a minor. A distinction between the two categories is that in the former nonconsent of a victim of any age is an essential element of

the crime while in the latter the crime can be completed even if an underage victim consents. This distinction is of no significance within the domestic violence framework exhibited in the original bill since "domestic violence" is defined in part in the bill as, "a crime within AS 11.41 when the victim is a spouse . . .".

Since both sections added by your amendment deal exclusively with AS 11.41 offenses involving spouses they concern domestic violence by definition and naturally and logically relate to the subject matter of the original bill. As such the amendment is, in my opinion, germane to and of one subject with the original bill.

The recommended title change does not concern germaneness or the one-subject requirement. It reflects a requirement implicit in law that a bill title be broad enough to provide notice of the bill's contents to any interested person. The title change suggested is intended to preempt any argument that "domestic violence" as used in the original bill pertains to conduct under AS 11.41 that does not conform to someone's definition of "violence" as requiring literal physical force. With the title extended to include "domestic sexual offenses", I believe the amended bill places persons who do not consider the crimes in question to involve violence on notice of the bill's contents.

GWE:ojb  
J13/008



Official Business

# Alaska State Legislature

*Senate*

*Committee on Finance*


JAN FAIKS  
CO-CHAIRMAN

Pouch V  
State Capitol  
Juneau, Alaska 99811

January 14, 1985

## MEMORANDUM

TO: Senator Bettye Fahrenkamp, Chairman  
Senate Health, Education and Social Services  
Committee

FROM: Senator Jan Faiks 

SUBJECT: Senate Bill 29 - An Act Relating to Domestic  
Violence

SB 29 enlarges the class of individuals that may seek relief under the domestic violence statutes to include parents, grandparents and children. Presently the domestic violence remedies are limited to spouses, former spouses, members of a social unit living together and persons who previously lived in a spousal relationship.

The importance of expanding this class is to allow persons who are often the victims of domestic violence an opportunity to file petitions for injunctive relief under AS 25.35.010 and emergency injunctive relief under AS 25.35.020. Both remedies greatly aid a victim against further infliction of domestic violence. Under both forms of injunctions, the court may issue any order it determines to be necessary for the protection of the the health, safety or welfare of the petitioner or of a minor child in the care of the petitioner.

An injunction may include such provisions which:

restrain the respondent from subjecting the petitioner to domestic violence;

direct the respondent to vacate the home of the petitioner;

restrain the respondent from communicating directly or indirectly with the petitioner; or  
direct the respondent to pay medical expenses incurred by the petitioner as a result of the

domestic violence.

A Model State Act: Remedies for Domestic Violence advocates that the remedies created by law be made available to as broad a group of victims as possible.

In the comments to the Model Act, it is stated that:

Chronic violence occurs in many intimate relationships directed toward spouses, children, parents, lovers, siblings, and others. Often the violence continues and even escalates after a relationship is terminated. Patterns of violence may develop in relationships in which the parties are not and have never been cohabiting. Laws that fail to provide broad coverage might be interpreted as legislative condonation of violence in the excluded relationships.<sup>1</sup>

However, since temporary restraining orders, such as provided under AS 25.35.020, can be obtained on an expedited basis without normal requirements of notice to the perpetrator of the abuse, application should be carefully scrutinized. Because of this, the revisions advanced by SB 29 have been reviewed by those in the field and represent a satisfactory compromise which provides additional protection for victims of violence, primarily elders and children. While others outside of these classes may become victims of violence, the existing criminal assault statutes are available and provide protection through the arrest and prosecution of the perpetrator.

These revisions have been advocated by persons who work with victims of domestic violence. There has been an increase in elder abuse, and it is hoped that by including parents and grandparents that many older victims will be able to seek protection through petitioning the court for injunctions against further violence. Many cases of elder abuse occur between persons not living together and therefore are not presently covered under the statutes.

Last session a similar bill was introduced, SB 477. The following comments were submitted as part of position papers.

Council on Domestic Violence and Sexual Assault:

"Adding this section protects parents and grandparents who do not live with the perpetrator or by allowing . . . a restraining order to be issued for acts of violence committed against them. Incidences of violence have occurred between parents and adult children in which the parents are afraid for their safety and yet have little recourse to protect themselves if they do not live with the perpetrator. This change would allow them to get a domestic violence restraining order to protect themselves. . . . Although statistics on elder abuse in Alaska are not

complete because of the newness of the legislation that requires reporting, people from different communities have indicated there is a need to protect parents and grand parents, particularly when they are elderly. Murders in Bethel and Nome within the last six months substantiate this need."

Alaska Network on Domestic Violence and Sexual Assault:

"Last year, the Legislature gave the Department of Health and Social Services statutory authority to receive and act on reports of abuse of the elderly. Since the law's enactment in September 1983, 17 cases of elderly abuse have been reported to the Department's Division of Adult and Aging Services. The majority of those cases involved the infliction of physical abuse upon the elderly person by a son or other male family member. This information corresponds with information received from domestic violence programs, who report that cases of elderly abuse most often involve the physical abuse of an elderly parent or grandparent by that person's son or grandson, and involves cases in which the victim and perpetrator live separately."

Also, according to workers in the field, courts have questioned whether or not children were intended to come under the protection afforded victims of domestic violence. Children that live within the same dwelling as the perpetrator are covered under the present definition. However, those who are victimized by persons living outside of the home are not. With the inclusion of "child" under AS 25.35.060, there will be no question that children should be able to seek protection under that chapter. This inclusion allows abused children, often through guardians ad litem, to petition the court for a protective restraining order. An example of this type of abusive situation is where a child has been victimized by a parent that does not and never did live in the household and is in need of protection from further abuse.

FOOTNOTES

<sup>1</sup>Lerman, A Model State Act: Remedies for Domestic Abuse, 21 Harv. J. on Legis. 61 (1984), p.74.

MEMORANDUM

TO: SENATOR JAN FAIKS  
FROM: ELIZABETH J. HICKERSON  
SUBJECT: SB 29  
DATE: JANUARY 28, 1985

SB 29 expands the class of individuals who may seek relief under the domestic violence statute and Title 12, to include "parent, grandparent, and child of the respondent". Several items need to be reviewed prior to the hearing on January 31.

1. What people does this bill seek to protect? Answer: parents of the respondent, grandparents of the respondent and children of the respondent. Presently, all people living in the same dwelling with the respondent are provided protection under the domestic violence statute and Title 12. However, when elders and children, not living with the respondent, are abused by the respondent they are not technically able to petition the court for a protective order.

In the 3rd Judicial District, as a practical matter, when spouses or former spouses petition the court for a protective order, all members of the petitioners' household who have been subjected to the abuse are included in the order. It is unclear whether or not this is the uniform practice throughout the state. Because of this, it is felt that a uniform law is needed to provide protection for children and certain elders abused by, but living apart from the respondent.

CHILDREN. In addition, the Department of Law and the Court System have asked: Who should be able to petition the court on behalf of children? Answer: parents, guardians and legal custodians of the child. Without these restrictions, two potential abuses of the system exist: a juvenile who is upset with his/her parents may seek a protective order not based on substantial facts or another person, such as a neighbor, who disagrees with a family's discipline practices may seek a protective order. Both the juvenile and the other person may, under present law, report the harm to Family and Youth Services which will investigate the case and take appropriate action.

Therefore, SB 29 should be amended to include a sentence:

A child must petition the court for available relief under this chapter by or through a parent, guardian or legal custodian.

If the inclusion of children remains controversial following this amendment, the Council on Domestic Violence and Sexual Assault and the Network on Domestic Violence and Sexual Assault both suggest eliminating "child" from the bill. Both believe that providing protection for the elderly through court orders is the number one priority that SB 29 addresses. Last session a similar bill passed the Senate, but failed to pass the House.

ELDERS. In 1983, the legislature enacted AS 47.24, Protection of the Elderly. This chapter outlines procedures, including mandatory reporting and protective services, which must be followed for abused elders. Since the enactment of this law, reports of abused elders have increased statewide. Often the elders are abused by family members. If the elder is living in the same dwelling as the abuser, the elder may seek a protective order under the domestic violence statute. If the elder is living apart from the abuser, no such protective order is available.

During the interim the addition of "elder" was discussed with professionals. It was felt that since protective orders are extraordinary measures that the persons able to seek such relief should be limited. Therefore, SB 29 limits the class to "parents and grandparents" of the respondent. These are the most likely persons that need protection. Other abused elders may seek protection through the Department of Health and Social Services, or may report the incident to the local law enforcement agency.

SB 29 needs to specifically state "parents of the respondent and grandparents of the respondent" or should be accompanied by a letter of intent clarifying the fact that only parents and grandparents of the respondent are able to utilize the protective order procedures.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

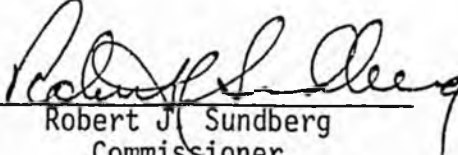
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SB 29

"An Act relating to domestic violence."

The Council on Domestic Violence and Sexual Assault supports SB 29 with the revision described below. Adding a parent, grandparent, or child of the respondent to AS 25.35.060 protects parents, grandparents and children who do not live with the perpetrators by allowing them to receive an injunctive relief order to restrain the infliction of further domestic violence against them. In order to be consistent with the statutes, this wording should also be added to AS 12.25.030(b) which permits warrantless arrests when there is reasonable cause for the peace officer to believe domestic violence has been committed.

Incidences of violence have occurred between parents and adult children in which the parents are afraid for their safety and yet have little recourse to protect themselves if they do not live with the perpetrator. Although statistics on elder abuse in Alaska are not complete because of the newness of the legislation that requires reporting, people from different communities have indicated there is a need to protect parents and grandparents, particularly when they are elderly. Adding this section also protects children who are not living with the perpetrator, but need to be protected from domestic violence directed toward them.

  
Robert J. Sundberg  
Commissioner  
Department of Public Safety

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

## POSITION PAPER

SB 29

The Alaska Network on Domestic Violence and Sexual Assault, a non-profit corporation representing 20 domestic violence and sexual assault programs state-wide, supports SB29 to change the definition of "domestic violence" in the existing statute.

Under current law, a person suffering abuse from a spouse of former spouse, a member of the "social unit" comprised of those living together with the abuser, or a person who is or has lived with the abuser in a spousal relationship can seek protection from further harm through means of a relief order.

This bill would provide that same protection to a parent, grandparent, or child of an abuser who is not living with that abusive individual. It is the Network's position that such a provision is necessary in order to protect parents and grandparents from abuse by their adult children or grandchildren, and to protect children who are not living with their parents.

Passage of this bill would enable those currently unprotected to seek and obtain a restraining order against the abusive individual and restrain the abuser from inflicting further harm.

The Network would suggest that, for purposes of consistency, this wording also be included in AS 12.25.030(b), which permits warrantless arrests when there is reasonable cause for a peace officer to believe that domestic violence has been committed.



Official Business

# Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99801

## MINUTES

January 17, 1985  
1:33 pm

Beltz Room  
Room 211, Capitol

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## MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Armstrong - De Vries  
Senator Paul Fischer  
Senator Josephson  
Senator Sturgulewski

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## CALENDAR

SB 27, Making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training program on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors.

SB 28, Relating to training state employees on the prevention, recognition, intervention, and treatment of child abuse and neglect.

SB 29, Relating to domestic violence.

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SB 27  
SB 28  
SB 29

Senator Faiks, sponsor of the bills, explained that this legislation is a result of an interim review of existing domestic violence statutes and training programs. SB 27 and SB 28 would create training programs for community professionals and designated state employees. SB 29 would broaden the definition of domestic violence to provide services to additional victims. She spoke in support of the proposed committee substitutes and the letter of intent.

Dianne Le Resche, Department of Public Safety, Council on Domestic Violence, spoke in support of the bills and discussed the Council's statutory mandate to oversee and coordinate domestic violence and sexual assault programs.

January 17, 1985

Page 2

Cornie Sipe, Deputy Commissioner of Social Services  
Mike Price, Director, Division of Family and Youth  
Services, Department of Health and Social Services, supported SB 27  
and SB 28 in concept, but recommended that the Department of Health  
and Social Services be designated the lead agency. They reviewed  
the status of ongoing training programs and presented a proposed  
media package for a public education campaign.

Gail Horetski, Department of Law, Criminal Division, supported the  
bills and discussed the state's potential liability in undertaking  
training programs. She recommended amending SB 29 to specify that  
family members be related by "blood marriage or adoption".

Elizabeth Hickerson, Senate Advisory Council, spoke in support of  
retaining the Council on Domestic Violence as the lead agency and  
answered questions on all three bills.

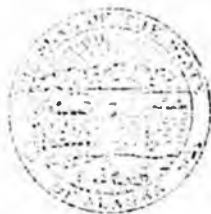
Carla Timpone, Alaska Network on Domestic Violence and Sexual  
Assault, spoke in support of retaining the Council as the lead  
agency and of the community based, team approach to training.

Senator Sturgulewski moved to adopt CS SB 28 (HESS) and CS SB 29  
(HESS). There was no objection.

The meeting adjourned at 3:20 pm.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate Committee on Health, Education and Social Services

### MINUTES

January 31, 1985  
1:40 pm

Beltz Room  
Room 211, Capitol

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### MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Armstrong - De Vries  
Senator Paul Fischer  
Senator Josephson  
Senator Sturgulewski

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### CALENDAR

SB 27, Making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training program on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors.

SB 28, Relating to training state employees on the recognition and reporting of child abuse and neglect.

SB 29, Relating to domestic violence.

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SB 27  
SB 28  
SB 29

Sandra Schubert, Aide to Senator Fahrenkamp, explained that after working with the Departments of Law, Health and Social Services, Public Safety, Education, and the bill's sponsor, a consensus had been reached on each bill. CS SB 28 (HESS) would give responsibility for training state employees to each department which employs persons required to report. CS SB 29 (HESS) would clarify that a child's petition for injunctive relief be filed by a parent, guardian or legal custodian.

Connie Sipe, Deputy Commissioner of Social Services, Department of Health and Social Services, explained how the added provision in CS SB 29 (HESS) would complement the existing "emergency custody" provisions in Title 47.

Senator Josephson moved SB 27 from committee with individual recommendations. There was no objection.

Senator Sturgulewski moved CS SB 28 (HESS) and a letter of intent for CS SB 28 (HESS) from committee with individual recommendations. There was no objection.

Senator DeVries moved CS SB 29 (HESS) from committee with individual recommendations. There was no objection.

The meeting adjourned at 1:55 pm.

STATE OF ALASKA  
THE LEGISLATURE

POUCHY STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 1, 1985

SUBJECT: CS Senate Bill 29

TO: Senator Bettye Fahrenkamp  
Chair Senate HESS Committee

FROM: Mike F. Ford *M.F.*  
Legislative Counsel

In reviewing CSSB 29 a question occurred concerning the use of the term "child" in section three. It appears that the term is meant to refer to those persons who are still under the supervision or control of a parent or guardian, and unable to represent themselves directly in court. Under present law, a person becomes an adult for purposes of bringing or defending a court action when they turn 18, however the relationship of parent/child continues into the adult years. The language used raises the possibility that adults who are seeking relief from domestic violence, as well as children, would be required to pursue court relief through a parent, guardian or legal custodian. The situation could perhaps be remedied by inserting the word "minor" in front of the word "child", as is done in AS 25.35.020(b)(1), concerning emergency injunctive relief.

MFF:ojb  
J11/049

# Municipality of Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4111

TONY KNOWLES.  
MAYOR

DEPARTMENT OF HEALTH AND ENVIRONMENTAL PROTECTION

November 14, 1984

Senator Jan Faiks  
1024 West 6th, Suite 202  
Anchorage, Alaska 99501

Dear Senator Faiks:

I received a copy of the suggested language change you have made for A.S.25.35.060. I am encouraged that you are supporting the inclusion of elderly abuse under the domestic violence statute. There are times when the use of an injunctive relief order (restraining order) might be more beneficial than criminal prosecution for all parties involved in cases of elder abuse.

In reviewing your proposed changes, I would like to suggest that the wording "intimate relationship" is too vague to describe in a court of law. Under the procedures of due process afforded the accused, the questioning needed to establish "intimate relationship" may do more to discourage than to assist the victim.

I would suggest the following definition (additions are underlined):

Sec. 25.35.060. Definitions. In this chapter, "domestic violence" means a crime under A.S.11.41 when the victim is a spouse or a former spouse of the respondent, a present or former member of the social unit comprised of those living together in the same dwelling as the respondent, or a person who is not a spouse or former spouse of the respondent but who previously lived in a spousal relationship with the respondent.