



LAWS OF ALASKA

1982

Source

HCS CSSB 89(Fin) am H

Chapter No.

104

AN ACT

Amending the child protection laws; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 14, 1982
Actual Effective Date: July 1, 1982

AN ACT

Amending the child protection laws; and providing for an effective date.

* Section 1. AS 47.10.010(a)(2) is amended by adding a new subparagraph to read:

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

* Sec. 2. AS 47.10.142(a) is amended by adding a new paragraph to read:

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

* Sec. 3. AS 47.17.010 is amended to read:

Sec. 47.17.010. PURPOSE. In order to protect children whose health and well-being may be adversely affected through the infliction, by other than accidental means, of harm through physical abuse or neglect or sexual abuse or sexual exploitation [REQUIRING THE ATTENTION OF A PRACTITIONER OF THE HEALING ARTS], 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.

* Sec. 4. AS 47.17.020(a)(2) is amended to read:

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(2) school teachers and school administrative staff members;

* Sec. 5. AS 47.17.020(a) is amended by adding new paragraphs to read:

(6) licensed day care providers and paid staff;

(7) licensed foster care providers.

* Sec. 6. AS 47.17 is amended by adding a new section to read:

Sec. 47.17.025. DUTIES OF PUBLIC AUTHORITIES. (a) A law enforcement agency shall immediately notify the department of the receipt of a report of harm to a child from abuse. Upon receipt from any source of a report of harm to a child from abuse, the department shall notify the Department of Law and investigate the report and, within 72 hours of the receipt of the report, shall provide a written report of its investigation of the harm to a child from abuse to the Department of Law for review.

(b) The report of harm to a child from abuse required from the department by this section shall include:

(1) the names and addresses of the child and his parent or other persons responsible for his care, if known;

(2) the age and sex of the child;

(3) the nature and extent of the harm to the child from abuse;

(4) the name and age and address of the person known or believed to be responsible for the harm to the child from abuse, if known;

(5) information that the department believes may be helpful in establishing the identity of the person believed to have caused the harm to the child from abuse.

* Sec. 7. AS 47.17 is amended by adding new sections to read:

Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. The department or a person required under AS 47.17.020(a)(1) to report that a child suffered

1 substantial harm as a result of physical abuse or neglect may without the
2 permission of the parents

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

5 (2) if medically indicated, have a radiological examination
6 of the child performed.

7 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person required
8 to file a report of abuse or neglect under AS 47.17.020 who wilfully or
9 knowingly fails or refuses to report the harm required under AS 47.17.-
10 020 is guilty of a class B misdemeanor.

11 * Sec. 8. AS 47.17.070(1) is amended to read:

12 (1) "child abuse or neglect" means the physical injury or
13 neglect, sexual abuse, sexual exploitation, or maltreatment of a child
14 under the age of 18 by a person who is responsible for the child's
15 welfare under circumstances which indicate that the child's health or
16 welfare is harmed or threatened thereby;

17 * Sec. 9. AS 47.17.070 is amended by adding a new paragraph to read:

18 (7) "sexual exploitation" means

19 (A) permission or encouragement to a child for prosti-
20 tution prohibited by AS 11.66.100 - 11.66.150 by a person responsi-
21 ble for the child's welfare;

22 (B) permission, encouragement, or activity involved in
23 the unlawful exploitation of a minor prohibited by AS 11.41.455 by
24 a person responsible for the minor's welfare.

25 * Sec. 10. This Act takes effect July 1, 1982.
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