

ALASKA STATUTESTitle 47. Welfare, Social Services and Institutions.Chapter 17. Child Protection.Sec. 47.17.020 Persons required to report.

(a) The following persons who, in the performance of their occupational duties, or with respect to (8) of this subsection, in the performance of their appointed duties, have reasonable cause to suspect that a child has suffered harm as a result of **child 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 of public and private schools;
- (3) peace officers and officers of the Department of Corrections;
- (4) administrative officers of institutions;
- (5) child care providers;
- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in [AS 18.66.990](#);
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- (8) members of a child fatality review team established under [AS 12.65.015\(e\)](#) or [12.65.120](#) or the multidisciplinary child protection team created under [AS 47.14.300](#).

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

(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall immediately take action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department.

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

(e) The department shall immediately notify the nearest law enforcement agency if the department

- (1) concludes that the harm was caused by a person who is not responsible for the child's welfare;
- (2) is unable to determine
 - (A) who caused the harm to the child; or

(B) whether the person who is believed to have caused the harm has responsibility for the child's welfare; or

(3) concludes that the report involves

(A) possible criminal conduct under [AS 11.41.410](#) - [11.41.458](#); or

(B) abuse or neglect that results in the need for medical treatment of the child.

(f) If a law enforcement agency determines that a child has been abused or neglected and that (1) the harm was caused by a teacher or other person employed by the school or school district in which the child is enrolled as a student, (2) the harm occurred during an activity sponsored by the school or school district in which the child is enrolled as a student, or (3) the harm occurred on the premises of the school in which the child is enrolled as a student or on the premises of a school within the district in which the child is enrolled as a student, the law enforcement agency shall notify the chief administrative officer of the school or district in which the child is enrolled immediately after the agency determines that a child has been abused or neglected under the circumstances set out in this section, except that if the person about whom the report has been made is the chief administrative officer or a member of the chief administrative officer's immediate family, the law enforcement agency shall notify the commissioner of education and early development that the child has been abused or neglected under the circumstances set out in this section. The notification must set out the factual basis for the law enforcement agency's determination. If the notification involves a person in the teaching profession, as defined in [AS 14.20.370](#), the law enforcement agency shall send a copy of the notification to the Professional Teaching Practices Commission.

(g) A person required to **report child abuse** or neglect under (a) of this section who makes the **report** to the person's job supervisor or to another individual working for the entity that employs the person is not relieved of the obligation to make the **report** to the department as required under (a) of this section.

(h) This section does not require a person required to **report child abuse** or neglect under (a)(6) of this section to **report** mental injury to a child as a result of exposure to domestic violence so long as the person has reasonable cause to believe that the child is in safe and appropriate care and not presently in danger of mental injury as a result of exposure to domestic violence.

(i) This section does not require a person required to **report child abuse** or neglect under (a)(7) of this section to **report** the resumption of use of an intoxicant as described in [AS 47.10.011\(10\)](#) so long as the person does not have reasonable cause to suspect that a child has suffered harm as a result of the resumption.

(§ 1 ch 100 SLA 1971; am § § 4, 5 ch 104 SLA 1982; am E.O. No. 55, § 42 (1984); am § § 8 - 10 ch 39 SLA 1985; am § 2 ch 114 SLA 1986; am § § 2 - 6 ch 205 SLA 1990; am § 66 ch 64 SLA 1996; am § 20 ch 81 SLA 1998; am § § 57, 58 ch 99 SLA 1998; am § 24 ch 118 SLA 1998)

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTES

Revisor's notes. - In 1998, paragraph (a)(4)-(9) were renumbered as (a)(3)-(8), and internal references in subsections (a), (h), and (i) were conformed to reflect the 1998 deletion of former (a)(3).

In 1999, in (f) of this section, "commissioner of education" was changed to "commissioner of education and early development" in accordance with § 89, ch. 58, SLA 1999.

REFERENCES

Cross references. - For dismissal of CINA proceedings involving a minor receiving medical care by religious means, see [AS 47.10.085](#).

HISTORICAL NOTES

Effect of amendment. - The 1996 amendment, effective July 1, 1996, made a section reference substitution in paragraph (a)(7).

The first 1998 amendment, effective June 11, 1998, made a section reference substitution in subparagraph (e)(3)(A).

The second 1998 amendment, effective September 14, 1998, in subsection (a) inserted "or with respect to (8) of this subsection, in the performance of their appointed duties," in the introductory language, added paragraph (8), and made related stylistic changes; and added subsections (h) and (i).

The third 1998 amendment, effective January 1, 1999, in subsection (a) repealed former paragraph (3), which read: "social workers;" and redesignated former paragraphs (4)-(8) as paragraphs (3)-(7).

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., 683 P.2d 269 \(Alaska Ct. App. 1984\)](#). See also notes to [AS 47.17.060](#), under catchline "Judicial proceeding."

Minister-certified counselor's report not violating privilege. - Nontestimonial report of sexual abuse given to authorities by a minister-certified counselor did not amount to a violation of the psychotherapist-patient or communications-with-clergy privileges. [Walstad v. State, 818 P.2d 695 \(Alaska Ct. App. 1991\)](#).

Cited in [State v. R.H., 683 P.2d 269 \(Alaska Ct. App. 1984\)](#).

REFERENCES

Collateral references. - [Validity, construction, and application of state statute requiring doctor or other person to report child abuse. 73 ALR4th 782.](#)

A. S. 47.17.020, AK ST § 47.17.020

Current through all 2004 Sessions, Annotations through Opinions Decided as of September 17, 2004.

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