

Mandatory Reporting Requirements: Children Alaska

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Question	Answer
Who is required to report?	<p>The following persons, when performing their occupational duties, appointed duties (members of child fatality review team), or their volunteer duties (volunteers who interact with children in a public or private school for more than four hours a week):</p> <ul style="list-style-type: none"> • Practitioners of the healing arts; • School teachers and school administrative staff members, including paid athletic coaches of public and private schools; • Peace officers and officers of the Department of Corrections; • Administrative officers of institutions; • Child care providers; • Paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs; • Paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol; • Members of a child fatality review team established under Alaska Stat. § 12.65.015(e) or § 12.65.120 or a multidisciplinary child protection team created under Alaska Stat. § 47.14.300; • Volunteers who interact with children in a public or private school for more than four hours a week; and • Juvenile probation officers, juvenile probation office staff, and staff of juvenile detention and treatment facilities.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • When there is reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect. • A practitioner of the healing arts involved in the delivery or care of an infant who the practitioner determines has been adversely affected by, or is withdrawing from exposure to, a controlled substance or alcohol shall immediately notify the nearest office of the department of the infant's condition. <p>Where does it go?</p> <ul style="list-style-type: none"> • Reports should be made to the nearest office of the Department of Health and Social Services. • If harm appears to be the result of a suspected sex offense, report shall immediately be made to the nearest law enforcement agency • If the person making the report cannot reasonably contact the Department and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer, who will take

	<p>appropriate action to protect the child and notify the Department of Health and Social Services.</p> <ul style="list-style-type: none"> • The contact information for the various regions of the Department of Health and Social Services can be found at http://dhss.alaska.gov/ocs/Pages/offices/default.aspx. • In addition, the Child Abuse Hotline may be called at 1-800-478-4444.
<p>What definitions are important to know?</p>	<ul style="list-style-type: none"> • “Child” means a person under the age of 18. • “Child Abuse or Neglect” means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby. • “Controlled Substance” does not include substances lawfully taken with a prescription. • “Crisis Intervention and Prevention Program” means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs. • “Infant” includes a child under 12 months of age. • “Maltreatment” means an act or omission that results in circumstances in which there is reasonable cause to suspect that a child may be a child in need of aid due to: <ul style="list-style-type: none"> • Abandonment; • Incarceration of the parent or guardian; • A custodian with whom the child was left is unwilling or unable to provide care; • The child is in need of medical treatment for a physical or mental injury • The child is habitually absent from home or refuses to accept available care • The child has suffered or is at substantial risk of physical harm; or • The child has suffered or is at substantial risk of sexual abuse. • “Mental Injury” means an injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function. • “Neglect” means the failure by a person responsible for the child's welfare to provide necessary food, care, clothing, shelter or medical attention for a child. • “Person Responsible for the Child's Welfare” means the child's parent, guardian, foster parent, a person responsible for the child's care at the time of the alleged child abuse or neglect, or a person responsible for the child's welfare in a public or private residential agency or institution. • “Physical injury” means a physical pain or an impairment of a physical condition. • “Practitioner of Healing Arts” includes athletic trainers, chiropractors, mental health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists and speech-language pathologists, hearing aid dealers, marital and family therapists, behavior analysts, assistant behavior analysts, religious healing practitioners, acupuncturists, and surgeons. • “Reasonable cause to suspect” means cause, based on all the facts and circumstances known to the person, that would lead a reasonable person to believe that something might be the case. • “Sexual abuse of a minor in the first degree” means (1) being 16 years of age or older, the offender

engages in sexual penetration with a person who is under 13 years of age or aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person; (2) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; or (3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 16 years of age, and (A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or (B) the offender occupies a position of authority in relation to the victim.

- **“Sexual abuse of a minor in the second degree”** means (1) being 17 years of age or older, the offender engages in sexual penetration with a person who is 13, 14, or 15 years of age and at least four years younger than the offender, or aids, induces, causes or encourages a person who is 13, 14, or 15 years of age and at least four years younger than the offender to engage in sexual penetration with another person; (2) being 16 years of age or older, the offender engages in sexual contact with a person who is under 13 years of age or aids, induces, causes, or encourages a person under 13 years of age to engage in sexual contact with another person; (3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; (4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455 (a)(2) - (6) (comprising lewd touching of or by another person of genitals, anus, or breast; masturbation; bestiality; or lewd exhibition of the child's genitals); (5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age, and (A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or (B) the offender occupies a position of authority in relation to the victim; (6) being 18 years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim; or (7) being under 16 years of age, the offender engages in sexual penetration with a person who is under 13 years of age and at least three years younger than the offender.
- **“Sexual abuse of a minor in the third degree”** means, if being 17 years of age or older, the offender engages in sexual contact with a person who is 13, 14, or 15 years of age and at least four years younger than the offender.
- **“Sexual abuse of a minor in the fourth degree”** means (1) being under 16 years of age, the offender engages in sexual contact with a person who is under 13 years of age and at least three years younger than the offender; or (2) being 18 years of age or older, the offender engages in sexual contact with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.
- **“Sexual exploitation”** includes (a) allowing, permitting, or encouraging a child to engage in prostitution by a person responsible for the child's welfare; (b) allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a) [Unlawful Exploitation of a Minor] by a person responsible for the child's welfare.
- **“Sex Offense”** includes sexual assault (first, second, third, and fourth degrees), sexual abuse of a minor (first, second, third, and fourth degrees) online enticement of a minor, unlawful exploitation of a minor, and

	indecent exposure (first and second degrees).
What timing and procedural requirements apply to reports?	<ul style="list-style-type: none"> • Immediately, which means as soon as reasonably possible and no later than 24 hours.
What information must a report include?	<ul style="list-style-type: none"> • The names and addresses of the child and the child's parent or other persons responsible for the child's care, if known; • The age and sex of the child; • The nature and extent of the harm to the child from abuse; • 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; and • 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. • The reporter is not specifically required by statute to provide his or her name in the report.
Anything else I should know?	<ul style="list-style-type: none"> • A person required to report child abuse or neglect under "Who is required to report?" who makes the report to his or her 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. • A religious healing practitioner is not required 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. • The law does not require the reporting of mental injury to a child as a result of exposure to domestic violence so long as the person required to report 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. • Paid employees of of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol are not required to report the resumption of use of an intoxicant so long as the person does not have reasonable cause to suspect that a child has suffered harm as a result of the resumption. • An athletic coach who is an unpaid volunteer is not required to report child abuse or neglect unless the coach volunteers more than 4 hours a week for 4 consecutive weeks, or 20 hours a week in a one-month period; has received training related to reporting; and has signed a form acknowledging the requirement to report. • A person providing, either privately or commercially, film, photo, or visual or printed matter processing, production, or finishing services or computer installation, repair, or other services, or Internet or cellular telephone services who, in the process of providing those services, observes a film, photo, picture, computer file, image, or other matter and has reasonable cause to suspect that the film, photo, picture, computer file, image, or other matter visually depicts a child engaged in conduct described in Alaska Statute

	<p>11.41.455(a) [sexual exploitation of a minor or child pornography] shall immediately report the observation to the nearest law enforcement agency and provide the law enforcement agency with all information known about the nature and origin of the film, photo, picture, computer file, image, or other matter.</p> <ul style="list-style-type: none"> • A person who fails to report abuse and who knew or should have known that the circumstances gave rise to the need for a report is guilty of a Class A misdemeanor.
Statutory citation(s):	<ul style="list-style-type: none"> • Alaska Stat. §§ 11.41.434–440, 11.81.900, 47.17.020, 47.17.023, 47.17.024, 47.17.068, 47.17.290.