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01 "An Act relating to disclosure of records of the Department of Health and Social  
02 Services pertaining to children in certain circumstances; and providing for an  
03 effective date."

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

05 \* **Section 1.** AS 47.10.093(b) is amended to read:

06 (b) A state or municipal agency or employee shall disclose appropriate  
07 confidential information regarding a case to

08 (1) a guardian ad litem appointed by the court;

09 (2) a person or an agency requested by the department or the  
child's

10 legal custodian to provide consultation or services for a child who is  
subject to the

11 jurisdiction of the court under AS 47.10.010 as necessary to enable the  
provision of

12 the consultation or services;

13 (3) an out-of-home care provider as necessary to enable the out-  
of-

14 home care provider to provide appropriate care to the child, to protect the  
safety of the

01 child, and to protect the safety and property of family members and visitors  
of the out-

02 of-home care provider;

03 (4) a school official as necessary to enable the school to provide  
04 appropriate counseling and support services to a child who is the subject of  
the case, to

05 protect the safety of the child, and to protect the safety of school students  
and staff;

06 (5) a governmental agency as necessary to obtain that agency's  
07 assistance for the department in its investigation or to obtain physical  
custody of a

08 child;

09 (6) a law enforcement agency of this state or another jurisdiction  
as

10 necessary for the protection of any child or for actions by that agency to  
protect the

11 public safety;

12 (7) a member of a multidisciplinary child protection team created  
13 under AS 47.14.300 as necessary for the performance of the member's duties;

14 (8) the state medical examiner under AS 12.65 as necessary for the  
15 performance of the duties of the state medical examiner;

16 (9) a person who has made a report of harm as required by  
17 AS 47.17.020 to inform the person that the investigation was completed and of  
action

18 taken to protect the child who was the subject of the report;

19 (10) the child support services agency established in AS 25.27.010  
as

20 necessary to establish and collect child support for a child who is a child  
in need of aid

21 under this chapter;

22 (11) a parent, guardian, or caregiver of a child or an entity  
responsible

23 for ensuring the safety of children as necessary to protect the safety of a  
child;

24 (12) a review panel established by the department for the purpose  
of

25 reviewing the actions taken by the department in a specific case; [AND]

26 (13) the University of Alaska under the Alaska higher education  
27 savings program for children established under AS 47.14.400, but only to the  
extent

28 that the information is necessary to support the program and only if the  
information

29 released is maintained as a confidential record by the University of Alaska;

30 (14) a child placement agency licensed under AS 47.32 as  
31 necessary to provide services for a child who is the subject of the case; and

01 (15) a state or municipal agency of this state or another  
02 jurisdiction responsible for delinquent minors, as may be necessary for the  
03 administration of services, protection, rehabilitation, or supervision of a  
child or

04 for actions by the agency to protect the public safety.

05 \* Sec. 2. AS 47.12.310(b) is amended to read:

06 (b) A state or municipal agency or employee shall disclose

07 (1) information regarding a case to a federal, state, or municipal  
law

08 enforcement agency for a specific investigation being conducted by that  
agency;

09 (2) appropriate information regarding a case to

10 (A) a guardian ad litem appointed by the court;

11 (B) a person or an agency requested by the department or the  
12 minor's legal custodian to provide consultation or services for a minor

who is

13 subject to the jurisdiction of the court under this chapter as necessary  
to enable

14 the provision of the consultation or services;

15 (C) school officials as may be necessary to protect the  
safety of

16 the minor who is the subject of the case and the safety of school  
students and

17 staff or to enable the school to provide appropriate counseling and  
supportive

18 services to meet the needs of a minor about whom information is  
disclosed;

19 (D) a governmental agency as may be necessary to obtain that  
20 agency's assistance for the department in its investigation or to obtain  
physical

21 custody of a minor;

22 (E) a law enforcement agency of this state or another  
23 jurisdiction as may be necessary for the protection, rehabilitation, or  
24 supervision of any minor or for actions by that agency to protect the  
public  
25 safety;

26 (F) a victim or to the victim's insurance company as may be  
27 necessary to inform the victim or the insurance company about the arrest  
of the  
28 minor, including the minor's name and the names of the minor's parents,  
copies  
29 of reports, or the disposition or resolution of a case involving a  
minor;

30 (G) the state medical examiner under AS 12.65 as may be  
31 necessary to perform the duties of the state medical examiner;

01 (H) foster parents or relatives with whom the child is placed  
by  
02 the department as may be necessary to enable the foster parents or  
relatives to  
03 provide appropriate care for the child who is the subject of the case,  
to protect  
04 the safety of the child who is the subject of the case, and to protect  
the safety  
05 and property of family members and visitors of the foster parents or  
relatives;

06 (I) the Department of Law or its agent for use and subsequent  
07 release if necessary for collection of an order of restitution on behalf  
of the  
08 recipient;

09 (J) the Violent Crimes Compensation Board established in  
10 AS 18.67.020 for use in awarding compensation under AS 18.67.080; [AND]

11 (K) a state, municipal, or federal agency of this state or  
another  
12 jurisdiction that has the authority to license adult or children's  
facilities and  
13 services;

14 **(L) a child placement agency licensed under AS 47.32 as**  
15 **necessary to provide services for a minor who is subject to the**  
**jurisdiction**  
16 **of the court under this chapter; and**

17 **(M) a state or municipal agency of this state or another**  
18 **jurisdiction responsible for child protection services, as may be**  
**necessary**  
19 **for the administration of services, protection, rehabilitation, or**  
20 **supervision of a minor or for actions by the agency to protect the**  
**public**  
21 **safety; and**

22 (3) to the University of Alaska under the Alaska higher education

23 savings program for children established under AS 47.14.400 information that  
is  
24 necessary to support the program, but only if the information released is  
maintained as  
25 a confidential record by the University of Alaska.

26 \* **Sec. 3.** AS 47.12.310(f) is amended to read:

27 (f) The department may release to a person with a legitimate interest  
28 information relating to a minor [MINORS NOT] subject to the jurisdiction of  
the  
29 department [COURT] under this chapter. The department shall adopt regulations  
30 under AS 44.62 to implement this subsection, including regulations governing  
the  
31 release of information and standards for identifying a [SUFFICIENT]  
legitimate  
01 interest in the information.

02 \* **Sec. 4.** AS 47.12.315 is repealed and reenacted to read:

03 **Sec. 47.12.315. Public disclosure of information in department records**  
04 **relating to certain minors.** (a) Notwithstanding AS 47.12.310 and except as  
05 otherwise provided in this section, the department shall disclose information  
to the  
06 public, on request, concerning a minor subject to this chapter who was at  
least 13

07 years of age at the time of commission of

- 08 (1) a felony offense against a person under AS 11.41;
- 09 (2) arson in the first or second degree;
- 10 (3) burglary in the first degree;
- 11 (4) distribution of child pornography;
- 12 (5) promoting prostitution in the first degree;
- 13 (6) misconduct involving a controlled substance in the first,  
second, or  
14 third degrees involving distribution or possession with intent to deliver; or  
15 (7) misconduct involving weapons in the first through fifth  
degrees.

16 (b) The department may disclose the information authorized in (a) of  
this  
17 section only if

- 18 (1) the department has filed a petition seeking adjudication of  
the  
19 minor as a delinquent on the offense;
- 20 (2) the court has arraigned the minor on the petition; and
- 21 (3) the court has entered a finding that probable cause exists  
that the  
22 minor committed the delinquent act charged in the petition.

23 (c) When required by this section to disclose information, the  
department may  
24 disclose only the name of the minor, the name of each legal parent or  
guardian, the

25 specific offense alleged to have been committed in the petition, and the  
final outcome

26 of the court proceedings relating to the offense. Before the disclosure, the  
department

27 shall delete the information that identifies the victim of the offense.

28 (d) The department may not disclose the name of an out-of-home care  
29 provider with whom the minor was living at the time the minor was alleged to  
have

30 committed the offense.

31 (e) If the department or other state or municipal agency maintains the  
01 information to be disclosed by electronic means that can be recovered from a  
02 computer database, the department or agency may disclose the information in  
that

03 medium.

04 (f) The department may not release information under this section after  
five

05 years from the date the department or other agency is first required or  
authorized to

06 make the disclosure under this section.

07 (g) When disclosure is required under this section, the department may  
08 petition the court for an order prohibiting the disclosure. The court may  
grant the

09 petition if, based on information presented in the petition or at an in  
camera hearing

10 held on the petition, the court finds that

11 (1) the crime was an isolated incident and the minor does not  
present

12 any further danger to the public; or

13 (2) the victim agrees that disclosure is inappropriate.

14 (h) In this section, unless the context otherwise requires, "out-of-  
home care

15 provider" means a person, other than the child's legal parents, with whom a  
child who

16 is in the custody of the state under AS 47.10, AS 47.12, or AS 47.14 is  
currently

17 placed, including a foster parent, a relative other than a parent, and a  
person who has

18 petitioned for adoption or guardianship of the child.

19 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new  
section to

20 read:

21 **TRANSITION: REGULATIONS.** The Department of Health and Social Services may  
22 adopt regulations necessary to implement the changes made by this Act. The  
regulations take

23 effect under AS 44.62 (Administrative Procedure Act), but not before the effective  
date of

24 secs. 1 - 4 of this Act.

25 \* **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

26     \* **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect July 1, 2012.