

Introduced by

Senator Watne

1 A BILL for an Act to amend and reenact section 50-25.1-11 of the North Dakota Century Code,
2 relating to authorized disclosures of confidential records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 50-25.1-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-25.1-11. Confidentiality of records - Authorized disclosures.** All reports made
7 under this chapter, as well as any other information obtained, are confidential and must be
8 made available to:

- 9 1. A physician who has before the physician a child whom the physician reasonably
10 suspects may have been abused or neglected.
- 11 2. A person who is authorized to place a child in protective custody and has before
12 the person a child whom the person reasonably suspects may have been abused
13 or neglected and the person requires the information in order to determine whether
14 to place ~~such~~ the child in protective custody.
- 15 3. Authorized staff of the department, appropriate county social service boards, and
16 appropriate state and local child protection team members.
- 17 4. Any person who is the subject of a report; provided, however, that the identity of
18 persons reporting under this chapter is protected.
- 19 5. Public officials and their authorized agents who require ~~such~~ the information in
20 connection with the discharge of their official duties.
- 21 6. A court whenever it the court determines that the information is necessary for the
22 determination of an issue before the court.
- 23 7. A person engaged in a bona fide research purpose; provided, however, that no
24 information identifying the subjects of a report is made available to the researcher

- 1 unless the information is absolutely essential to the research purpose and the
2 department gives prior approval.
- 3 8. A person who is identified in subsection 1 of section 50-25.1-03, and who has
4 made a report of suspected child abuse or neglect, if the child is likely to or
5 continues to come before the reporter in the reporter's official or professional
6 capacity.
- 7 9. Parents or a legally appointed guardian of a child who is suspected of being, or
8 having been, abused or neglected, provided the identity of persons making reports
9 or supplying information under this chapter is protected. Unless the information
10 under section 44-04-18.7 is confidential, when a decision is made that services are
11 required to provide for the protection and treatment of an abused or neglected
12 child, the department shall make a good-faith effort to provide written notice of the
13 decision to persons identified in this subsection. The department shall consider
14 any known domestic violence when providing notification under this section.