Sixty-second Legislative Assembly of North Dakota

## FIRST ENGROSSMENT with Conference Committee Amendments ENGROSSED HOUSE BILL NO. 1085

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

- 1 A BILL for an Act to amend and reenact sections 50-11.1-07.8 and 50-25.1-11 of the North
- 2 Dakota Century Code, relating to conditions on an early childhood license, self-declaration, or
- 3 registration document involving a child abuse and neglect investigation and to the confidentiality
- 4 of child abuse and neglect records and information.

## 5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 SECTION 1. AMENDMENT. Section 50-11.1-07.8 of the North Dakota Century Code is
 7 amended and reenacted as follows:

8 **50-11.1-07.8.** Suspension of license. self-declaration. or re

## 8 **50-11.1-07.8.** Suspension of license, self-declaration, or registration document <u>-</u>

## 9 Investigation upon a report of child abuse or neglect - Notification to parent.

- 10 1. The department may suspend:
- 11 <u>a.</u> <u>Suspend</u> a license, self-declaration, or registration document <del>during an</del>
- 12 investigation of at any time after the onset of a child abuse and neglect
- 13 investigation alleging the owner or operator, the holder of a self-declaration, or
- 14 the in-home provider has committed child abuse, including child sexual abuse, or
- 15 has neglected a child and law enforcement has been involved, if continued

16 <u>operation is likely to jeopardize the health and safety of the children.</u>

- 17 <u>b.</u> Suspend upon a child abuse or neglect services required determination indicating
  18 <u>that a child has been abused or neglected by the owner or operator, the holder of</u>
- 19 a self-declaration, or the in-home provider if continued operation is likely to
- 20 jeopardize the health and safety of the children present.
- 21 <u>c.</u> Prohibit the presence of an accused owner, operator, holder of a self-declaration,
  22 <u>in-home provider, staff member, or household member of the early childhood</u>
- 23 program, self-declaration, or in-home provider from the early childhood premises
- 24 when children are in child care, upon a report of child abuse or neglect at the

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1			premises of the licensed program, holder of the self-declaration, or registration,		
2			or ofinvolving a staff member or household member if continued operation or the		
3			presence of the accused individual is likely to jeopardize the health and safety of		
4			the children present.		
5	2. Notwithstanding sections 50-11.1-07 and 50-25.1-11, the department shall:				
6		<u>a.</u>	Shall notify the parent of any child receiving early childhood services when that		
7			program's license, self-declaration, or registration document is suspended.		
8		<u>b.</u>	May notify the parent of any child receiving early childhood services when an		
9			owner, operator, holder of a self-declaration, in-home provider, adult staff		
10			member, or adult household member of the program providing care of the child is		
11			under investigation under subsection 1.		
12		<u>C.</u>	May notify the parent of any child receiving early childhood services that a staff		
13			member or household member is under investigation under subsection 1 if the		
14			staff member or household member is a minor.		
15	3. Upon the conclusion and disposition of the investigation of the program, the				
16		dep	artment shall notify the parent of each child receiving early childhood services of		
17		the	disposition.		
18	<u>4.</u>	<u>Not</u>	withstanding any provision to the contrary, any action taken under this section may		
19		pre	clude an individual's ability to operate pending an appeal.		
20	SECTION 2. AMENDMENT. Section 50-25.1-11 of the North Dakota Century Code is				
21	amended and reenacted as follows:				
22	50-25.1-11. Confidentiality of records - Authorized disclosures.				
23	<u>1.</u>	A re	eport made under this chapter, as well as any other information obtained, is		
24	confidential and must be made available to:				
25	4	1. <u>a.</u>	A physician who has before the physician a child whom the physician reasonably		
26			suspects may have been abused or neglected.		
27	ź	<u>2.b.</u>	A person who is authorized to place a child in protective custody and has before		
28			the person a child whom the person reasonably suspects may have been abused		
29			or neglected and the person requires the information to determine whether to		
30			place the child in protective custody.		

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1	<del>3.<u>c.</u></del>	Authorized staff of the department and its authorized agents, children's advocacy
2		centers, and appropriate state and local child protection team members, and
3		citizen review committee members.
4	4 <u>.d.</u>	Any person who is the subject of the report; provided, however, that the identity
5		of persons reporting or supplying information under this chapter is protected until
6		the information is needed for use in an administrative proceeding arising out of
7		the report.
8	<u>5.e.</u>	Public officials and their authorized agents who require the information in
9		connection with the discharge of their official duties.
10	<del>6.<u>f.</u></del>	A court, including an administrative hearing office, whenever the court determines
11		that the information is necessary for the determination of an issue before the
12		court.
13	<del>7.</del> g.	A person engaged in a bona fide research purpose approved by the department's
14		institutional review board; provided, however, that no individually identifiable
15		information as defined in section 50-06-15 is made available to the researcher
16		unless the information is absolutely essential to the research purpose and the
17		department gives prior approval.
18	<del>8.<u>h.</u></del>	A person who is identified in subsection 1 of section 50-25.1-03, and who has
19		made a report of suspected child abuse or neglect, if the child is likely to or
20		continues to come before the reporter in the reporter's official or professional
21		capacity.
22	<del>9.</del> i.	A parent or a legally appointed guardian of the child identified in the report as
23		suspected of being, or having been, abused or neglected, provided the identity of
24		persons making the report or supplying information under this chapter is
25		protected. Unless the information is confidential under section 44-04-18.7, when
26		a decision is made under section 50-25.1-05.1 that services are required to
27		provide for the protection and treatment of an abused or neglected child, the
28		department shall make a good-faith effort to provide written notice of the decision
29		to persons identified in this subsection. The department shall consider any known
30		domestic violence when providing notification under this section.

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1	<u>2.</u>	The parent or legally appointed guardian of a child receiving early childhood services
2		under chapter 50-11.1 may receive the name of the subject, a summary of the facts,
3		and the results of an assessment conducted under this chapter if the report made
4		under this chapter involves the owner, operator, staff member, or household member
5		of the early childhood program, the holder of a self-declaration or a household
6		member of the holder of a self-declaration, or the in-home provider or a household
7		member of the in-home provider, who is providing care to the child. The department
8		shall make a good-faith effort to provide written notice of the results of an assessment
9		conducted under this chapter to parents or legally appointed guardians identified in
10		this subsection.