

PUBLIC WELFARE

CHAPTER 323

S. B. No. 109

(Sorlie, Luick, Van Horn, Robinson, Saumur, Thompson,) (Lips, Jurgensen, Lashkowitz)

COUNTY WELFARE BOARD TRAVEL

AN ACT

To create and enact section 50-01-08.1 of the North Dakota Century Code, relating to approval of out-of-state travel of certain county officials and employees.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Section 50-01-08.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-01-08.1. Out-of-State Travel Approval.) No member or employee of a county welfare board shall be reimbursed from public funds for per diem or travel expenses incurred in travel outside of the state of North Dakota unless such travel shall, in each instance, have been approved in advance by resolution of the board of county commissioners.

Approved March 2, 1965.

CHAPTER 324

S. B. No. 218

(Lips, Sinner)

DEFINITION OF DEPENDENT CHILDREN

AN ACT

To amend and reenact section 50-09-01 of the North Dakota Century Code, relating to dependent children.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 50-09-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-01. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. "State agency" shall mean the public welfare board of North Dakota;
2. "County agency" shall mean the county welfare board in each of the counties of the state;
3. "Private agency" shall mean a private child-caring or child-placing agency duly licensed under the laws of North Dakota, or a private maternity home providing special care exclusively for unmarried expectant mothers or mothers and their infants, and duly licensed under the laws of North Dakota;
4. "Assistance" shall mean money payments with respect to, or goods and services provided for dependent children, including payments for the care of unmarried mothers and their infants;
5. "Applicant" shall mean a person or agency having the custody of a dependent child making application for aid for such child under the provisions of this chapter;
6. "Dependent child" shall mean any needy child:
 - a. Who is living in the home of a relative by birth, marriage, or adoption, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental condition of a parent, and who is:
 - (1) Under the age of eighteen years; or
 - (2) Under the age of twenty-one years and physically or mentally incapacitated; or
 - (3) Under the age of twenty-one years and a student regularly attending a high school, and making satisfactory progress, in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending and making satisfactory progress in a course of vocational or technical training designed to fit him for gainful employment;
 - b. Under the age of twenty-one years, who is living in a licensed foster home or in a licensed child-caring or child-placing institution:
 - (1) Who has been deprived of parental support or care by reason of the death, continued absence

from the home, or physical or mental incapacity of the parent; or

- (2) Who is abandoned by his parent, guardian or custodian; or
- (3) Whose parent, guardian or custodian is unable, neglects or refuses to provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health, morals, or well-being; or
- (4) Who is in need of special care as provided by a private agency for which his parent, guardian, or custodian is unable, neglects, or refuses to provide.

Approved March 2, 1965.

CHAPTER 325

S. B. No. 47

(Longmire, Kautzmann, Solberg, Morgan, Forkner)

(From LRC Study)

SUPPORT BY STEPFATHERS OF DEPENDENT CHILDREN

AN ACT

To create and enact section 50-09-08.1 of the North Dakota Century Code, providing that a stepfather shall support his stepchildren who would be eligible for aid to dependent children without such support and to amend and reenact section 50-09-10 of the North Dakota Century Code, providing that the income of a stepfather must be considered in determining the amount of assistance to be granted to a dependent child.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Section 50-09-08.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-09-08.1. Stepfather's Liability for Dependent Child.) Notwithstanding the provisions of section 14-09-09 a stepfather is bound to support his wife's children for the duration of the marriage if without support from such stepfather they would be needy dependent children eligible for aid under the provisions of this chapter. A natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon their stepfather by this section.

§ 2. **Amendment.**) Section 50-09-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-10. Amount of Assistance—Consideration of Stepfather's Income.) The amount of assistance which shall be granted with respect to any dependent child under the provisions of this chapter shall be determined with due regard to:

1. His requirements;
2. The conditions existing in his case; and
3. The income and resources determined to be available to him from whatever source.

Assistance shall be sufficient when added to the income and resources available to a dependent child to provide him with a reasonable subsistence compatible with health and well-being.

In the case of a needy dependent child as defined in section 50-09-01 who lives with his mother and stepfather, the amount of aid granted pursuant to this chapter shall be computed after consideration is given to the income of the stepfather. The county welfare board granting aid shall determine if the stepfather is able to support the child either wholly or in part. Said determination shall be based upon a standard which takes into account the stepfather's or any other income, the conditions existing in the individual case, and the dependent child's requirements.

Approved March 8, 1965.

CHAPTER 326

H. B. No. 737

(Borstad, Wilkie, Erickson (Mountrail))

OWNERSHIP OF PROPERTY BY WELFARE RECIPIENTS

AN ACT

To amend and reenact sections 50-24-13, 50-24-15, and 50-24-33 of the 1963 Supplement to the North Dakota Century Code, relating to ownership of property.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 50-24-13 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24-13. Ownership of Property—Transfer in Trust.) The ownership of real or personal property by an applicant for assistance to the aged, blind, or disabled or by the spouse of such applicant, either individually or jointly, or of insurance on the life of the applicant shall not preclude the granting of such assistance if the applicant is without funds for his support. However, as a condition to the grant of old age assistance, aid to the blind, or aid to the permanently and totally disabled, the applicant shall be required to transfer such property in trust by appropriate instrument as security for assistance payments the applicant may thereafter receive, unless the property consists of the following:

1. A homestead;
2. A life insurance policy having a cash surrender value of less than three hundred dollars; or
3. Personal property of a value less than three hundred dollars, not including household goods, wearing apparel and personal effects, such as money; or
4. Property selected by the applicant having a value of less than three hundred dollars;
5. Real or personal property held in trust for the applicant by the federal government;
6. Real or personal property on which the taking of security may be prohibited through legislation enacted by the Congress of the United States.

An applicant for medical assistance for the aged shall not be required to transfer his property in trust as security for such assistance. In determining the need for medical assistance for the aged, the state department shall disregard such resources as are necessary to meet the subsistence needs of the applicant for himself and his legal dependents. The amount of resources so disregarded shall not exceed twenty-five hundred dollars in net value of personal property of which not more than five hundred dollars shall be in cash or maturity value of stocks or bonds for an applicant who is unmarried or not living with the spouse nor more than one thousand dollars for a married applicant and spouse living together. The limit in net value of personal property shall not include household goods, wearing apparel, or personal effects, nor shall the resources in real property other than the home exceed twenty-five hundred dollars in current net value for a married or unmarried applicant.

§ 2. Amendment.) Section 50-24-15 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24-15. Homestead of Applicant for Assistance Not Encumbered.) An applicant for assistance to the aged, blind or disabled under the provisions of this chapter in no case shall be required to transfer a homestead occupied by him as such unless he or she desires to do so. A recipient of old-age assistance, aid to the blind or aid to the permanently and totally disabled shall not be permitted to encumber or convey such homestead without the approval in writing of the state department. When an application for old-age assistance, aid to the blind or aid to the permanently and totally disabled is granted and it appears that the applicant occupies a homestead, which he owns, the state department shall cause to be recorded, in the office of the register of deeds of the county in which such homestead is located, a statement in writing to the effect that the owner of such homestead is receiving or is about to receive assistance payments. Such written statement shall be signed by the executive director of the state department. After the recording of such statement, any instrument of conveyance or encumbrance executed by such applicant for assistance without the approval of the state department shall be null and void. No fee shall be charged by the register of deeds for recording such statement. This section shall not apply to:

1. Any applicant or recipient of medical assistance for the aged;
2. Any applicant or recipient of assistance to the aged, blind or disabled who owns a homestead which is held in trust for him by the federal government.

§ 3. Amendment.) Section 50-24-33 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24-33. Recovery from Estate of Recipient of Assistance to the Aged, Blind or Disabled.) On the death of any recipient of assistance to the aged, blind, or disabled under the provisions of this chapter the total amount of assistance paid under this chapter shall be allowed as a preferred claim against the estate of such person in favor of the state, after funeral expenses for recipient and his or her spouse, not to exceed in each individual case two hundred and fifty dollars, and such expenses of the last illness of recipient and spouse as are authorized or paid by the county agency, have been paid, and after the expenses of administering the estate, including the attorney's fees approved by the court, have been paid. No claim shall be enforced against the following:

1. Real estate of a recipient for the support, maintenance or comfort of the surviving spouse or a dependent;

2. Personal property necessary for the support, maintenance or comfort of the surviving spouse or a dependent;
3. Personal effects, ornaments, or keepsakes of the deceased, not exceeding in value two hundred dollars;
4. Any real or personal property of a recipient which is held in trust for him by the federal government.

Approved March 2, 1965.

CHAPTER 327

H. B. No. 539

(Haugland, Aamoth, Anderson, Wagner, Powers (Cass), Gietzen)
(From LRC Study)

REPORTING ABUSE OF CHILDREN

AN ACT

Relating to the reporting of physical injury and neglect to children by physicians and other persons, providing immunity from liability, and presentation of privileged communication.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Reports by Physicians and Other Persons.) Any physician, including any licensed doctor of medicine, licensed osteopathic physician, licensed chiropractor, intern and resident, or public health nurse, having reasonable cause to believe that a child under the age of eighteen years coming before him for medical examination, attendance, care, or treatment has suffered serious injury or physical neglect not explained by the available medical history as being accidental in nature, shall make written report of such fact to the director of the division of child welfare of the public welfare board of North Dakota. If circumstances are such as may warrant immediate action, the report, by telephone or otherwise, may be made to the appropriate juvenile commissioner or state's attorney, who shall take immediate and suitable action and shall make written report of the circumstances to the director of the division of child welfare. The written report to the director of child welfare shall contain certain known information regarding the child's name, address, age, parents, or person having custody of such child; the nature and extent of the child's injury or physical neglect, including any evidence of previous injury or neglect; and any other information which may be

helpful in establishing the cause of injury or neglect and identity of the perpetrator.

§ 2. Investigation and Report to the Court.) The director of the division of child welfare shall forthwith investigate, or cause to be investigated, any initial report of injury or neglect made directly to him, including the home of the minor, the circumstances surrounding the reported injury or neglect, and in each case promptly make a written report to a juvenile court judge having jurisdiction of the matter.

§ 3. Protective and Other Services To Be Provided.) The division of child welfare and the county welfare board shall provide protective services for the injured or neglected child and his siblings as may be necessary for their well-being, and shall offer such other social services, as the circumstances warrant, to the parents or other persons serving in loco parentis with respect to such child or siblings.

§ 4. Immunity from Liability.) Any person who, in good faith, participates in the making of a report pursuant to this Act or participates in any criminal or civil action or other judicial proceeding founded upon it shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for perjury.

§ 5. Evidence Not Privileged.) Neither the physician-patient privilege provided for by subsection 3 of section 31-01-06, nor the husband-wife privilege provided for by section 31-01-02, may be asserted to exclude evidence regarding a child's injury or neglect or the cause thereof, in any criminal or civil action or proceeding founded upon the report.

Approved March 15, 1965.

CHAPTER 328

H. B. No. 811

(Williamson, Opedahl, Jungroth, Haugland, Powers (Cass), Hauf,)
(Sanstead, Hilleboe, Montplaisir, Meschke, Erickson (Ward),)
(Rosendahl, Poling)

GOVERNOR'S COUNCIL ON HUMAN RESOURCES

AN ACT

Establishing the governor's council on human resources and providing for committees which will constitute such council, and for an executive committee, providing for the appointment of such committees by the governor, providing for powers and duties of such council and the employment of a director and staff, providing that the council shall function in the fields of aging, children and youth, employment of the handicapped and related fields, and making an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Establishment of Governor's Council on Human Resources—Certain Committees to Constitute—Appointment.)

There is hereby established a governor's council on human resources which shall consist of a committee on aging, a committee on children and youth, a committee on employment of the handicapped, and such other committees who have a related interest in human resources. These committees shall each consist of an executive committee of no more than nine members, each of whom shall be appointed by the governor for a term of three years, staggered so that the terms of one-third of the members of each committee expire July first of each year, except that initial appointments to the committees shall be made on the basis of a one-year term for one-third of the members of each committee; a two-year term for one-third of the members of each committee; and a full three-year term for the remaining members of each committee. A vacancy occurring other than by reason of the expiration of a term shall be filled in the same manner as original appointments, except that such appointment shall be made for the remainder of the unexpired term only.

§ 2. Powers and Duties of Governor's Council on Human Resources.) The council on human resources shall have the responsibility for coordinating the activities of the various governor's committees and serving as a clearing house for information related to these committees:

1. In the fields of aging, employment of the handicapped, children and youth, and related fields designated by the

governor, to prepare for and perform follow-up duties in connection with state, regional, and national conferences; to encourage citizen interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities and opportunities; and to provide consultant help to local organizations created for the purpose of coordinating activities in their respective fields.

2. To carry on such other activities as may appear desirable in related fields.

§ 3. Human Resources Committees—Organization—Expenses.) The governor's committees on aging, children and youth, the employment of the handicapped and such other committees who have a related interest in human resources, at their first meetings after July first of each year, shall elect from their executive committee membership a chairman and vice chairman. Every meeting of each committee shall be called by the chairman of such committee and shall be presided over by such chairman unless he is unable to act, in which case the vice chairman shall succeed to the powers and duties of the chairman. Each of the committee members shall be paid for all necessary mileage and other actual expenses incurred in the performance of their official duties as members of such committees in the same amount and in the same manner as other state officials are paid.

§ 4. Executive Committee—Powers—Employment of Executive Director.) The executive committee of the governor's council on human resources shall consist of the respective chairmen of the committees which constitute the council. They shall select a chairman from their membership and shall meet at such times and at such places as the chairman may direct. Members of the executive committee shall receive the same mileage and expenses for performance of their official duties as is provided in section 3 of this Act. It shall be the duty of the executive committee to determine the number of meetings each committee shall hold, the areas in which they shall devote their time, and, generally, to supervise all functions of any committee. The executive committee shall coordinate all functions of the council with other state departments, agencies and other organizations and shall assure that the council cooperate with such departments, agencies, and other organizations wherever possible. The executive committee of the governor's council shall, with the approval of the governor, appoint a full-time director of the council on human resources whose duty it shall be to assist the committees in any manner authorized by the executive committee of the council. The executive committee of the council may authorize the director to employ

such clerical help as they deem necessary. The compensation of the director and clerical help shall be set by the executive committee of the council within appropriations by the legislative assembly. A special operating fund for the governor's council on human resources shall be maintained within the state treasury. All expenditures from such fund shall be within the limits of legislative appropriations and shall be made upon vouchers, signed and approved by the chairman of the executive committee. Upon approval of such vouchers by the state auditing board, warrant-checks shall be prepared by the department of accounts and purchases. All moneys received as gifts, donations, or bequests and all federal moneys received shall be deposited in such special operating fund. The state treasurer shall make periodic transfers upon order of the director of the department of accounts and purchases from the governor's council on human resources general fund appropriation to such special operating fund whenever its balance falls so low as to require supplementation. The executive committee is authorized on behalf of the council to accept any federal funds and any other gifts and money from any source that may be offered to them.

§ 5. Expenses of Council — Payment — Offices.) All expenses of any member of any committee of the governor's council on human resources or any employee thereof and any other expenses of the council shall be paid upon voucher signed by the chairman of the council's executive committee or other member of the executive committee if the chairman is unable to act. Upon approval of such vouchers by the state auditing board, warrant-checks shall be prepared by the department of accounts and purchases. Suitable office space shall be made available to the governor's council on human resources in the state capitol building.

§ 6. Appropriation.) There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of \$32,000.00, of which the amount of \$16,000.00 shall be allocated for the governor's committee on children and youth and the sum of \$16,000.00 allocated for the governor's committee on employment of the handicapped. The public welfare board, through state and federal funds, shall provide the costs, in the amount of \$16,000.00 for the governor's committee on aging. These moneys shall be used for the biennium beginning July 1, 1965, and ending June 30, 1967.

Approved March 15, 1965.