

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1036

Introduced by

Legislative Council

(Budget Committee on Government Services)

(Representatives Martin, Kerzman)

1 A BILL for an Act to amend and reenact section 50-06-06.13 of the North Dakota Century
2 Code, relating to an out-of-home treatment program for children with serious emotional
3 disorders.

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

5 **SECTION 1. AMENDMENT.** Section 50-06-06.13 of the 1995 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **50-06-06.13. Treatment services for ~~severely emotionally disturbed child~~ children**
8 **with serious emotional disorders.** The department ~~may~~ shall establish in all human service
9 regions a program ~~in up to three human service regions~~ to provide out-of-home treatment
10 services for a ~~severely emotionally disturbed~~ medicaid-eligible child with a serious emotional
11 disorder. ~~Before~~ If a child ~~may be~~ is placed in an out-of-home treatment program established
12 under this section, the juvenile court must make a judicial determination ~~that~~ as to whether the
13 placement is in the best interests of the child. The department may not require a parent or
14 legal guardian to transfer legal custody of the child in order to have the child placed in an
15 out-of-home treatment program when the sole reason for the placement is the need to obtain
16 services for the child's emotional or behavioral problems.