

SENATE BILL NO. 2097

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact subsections 1 and 3 of section 50-25.1-02 and section
2 50-25.1-11 of the North Dakota Century Code, relating to the definition of a person responsible
3 for a child's welfare and who may receive confidential reports of child abuse and neglect.

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 3 of section 50-25.1-02 of the North
6 Dakota Century Code are amended and reenacted as follows:

- 7 1. "A person responsible for the child's welfare" means a person who has
8 responsibility for the care or supervision of a child and who is the child's parent, an
9 adult family member of the child, any member of the child's household, the child's
10 guardian, or the child's foster parent; or an employee of, or any person providing
11 care for the child in, a ~~public or private school or~~ child care setting.
- 12 3. "Abused child" means an individual under the age of eighteen years who is
13 suffering from abuse as defined in subdivision a of subsection 1 of section
14 14-09-22 caused by a person responsible for the child's welfare and "sexually
15 abused child" means an individual under the age of eighteen years who is
16 subjected by ~~a person responsible for the child's welfare~~ an adult to any act in
17 violation of sections 12.1-20-01 through 12.1-20-07, sections 12.1-20-11 through
18 12.1-20-12.2, or chapter 12.1-27.2.

19 **SECTION 2. AMENDMENT.** Section 50-25.1-11 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **50-25.1-11. Confidentiality of records - Authorized disclosures.** ~~All reports~~ A report
22 made under this chapter, as well as any other information obtained, ~~are~~ is confidential and must
23 be made available to:

- 1 1. A physician who has before the physician a child whom the physician reasonably
2 suspects may have been abused or neglected.
- 3 2. A person who is authorized to place a child in protective custody and has before
4 the person a child whom the person reasonably suspects may have been abused
5 or neglected and the person requires the information ~~in order~~ to determine whether
6 to place the child in protective custody.
- 7 3. Authorized staff of the department and its authorized agents, children's advocacy
8 centers, and appropriate state and local child protection team members, and
9 citizen review committee members.
- 10 4. Any person who is the subject of a the report being requested; provided, however,
11 that the identity of persons reporting or supplying information under this chapter is
12 protected until the information is needed for use in an administrative proceeding
13 arising out of the report.
- 14 5. Public officials and their authorized agents who require the information in
15 connection with the discharge of their official duties.
- 16 6. A court, including an administrative hearing office, whenever the court determines
17 that the information is necessary for the determination of an issue before the court.
- 18 7. A person engaged in a bona fide research purpose approved by the department's
19 institutional review board; provided, however, that no individually identifiable
20 information ~~identifying the subjects of a report as defined in section 50-06-15~~ is
21 made available to the researcher unless the information is absolutely essential to
22 the research purpose and the department gives prior approval.
- 23 8. A person who is identified in subsection 1 of section 50-25.1-03, and who has
24 made a report of suspected child abuse or neglect, if the child is likely to or
25 continues to come before the reporter in the reporter's official or professional
26 capacity.
- 27 9. ~~Parents~~ A parent or a legally appointed guardian of a the child who is identified in
28 the report as suspected of being, or having been, abused or neglected, provided
29 the identity of persons making ~~reports~~ the report or supplying information under
30 this chapter is protected. Unless the information is confidential under section
31 44-04-18.7, when a decision is made under section 50-25.1-05.1 that services are

1 required to provide for the protection and treatment of an abused or neglected
2 child, the department shall make a good-faith effort to provide written notice of the
3 decision to persons identified in this subsection. The department shall consider
4 any known domestic violence when providing notification under this section.