

**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 registration document -**
9 **Investigation upon a report of child abuse or neglect - Notification to parent.**

- 10 1. The department may ~~suspend~~:
- 11 a. ~~Suspend~~ a license, self-declaration, or registration document ~~during an~~
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 operation is likely to jeopardize the health and safety of the children.
- 17 b. Suspend upon a child abuse or neglect services required determination indicating
18 that a child has been abused or neglected by the owner or operator, the holder of
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 c. Prohibit the presence of an accused owner, operator, holder of a self-declaration,
22 in-home provider, staff member, or household member of the early childhood
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

1 premises of the licensed program, holder of the self-declaration, or registration,
2 or involving 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 a. 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 b. 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 c. 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 department shall notify the parent of each child receiving early childhood services of
17 the disposition.

18 4. Notwithstanding any provision to the contrary, any action taken under this section may
19 preclude 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 1. A report made under this chapter, as well as any other information obtained, is
24 confidential and must be made available to:

25 1.a. A physician who has before the physician a child whom the physician reasonably
26 suspects may have been abused or neglected.

27 2.b. 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.

1 2. 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.