

Introduced by

Senators Lee, Hogan, Kreun

Representatives Brandenburg, Schneider

1 A BILL for an Act to amend and reenact sections 50-25.1-03 and 50-25.2-03 of the North
2 Dakota Century Code, relating to mandatory reporting.

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

4 **SECTION 1. AMENDMENT.** Section 50-25.1-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-25.1-03. Persons required and permitted to report - To whom reported.**

- 7 1. Any dentist; optometrist; dental hygienist; medical examiner or coroner; tier 1 mental
8 health professional, tier 2 mental health professional, tier 3 mental health professional,
9 or tier 4 mental health professional as defined under section 25-01-01; or any other
10 medical or mental health professional, religious practitioner of the healing arts,
11 schoolteacher or administrator, school counselor, child care worker, foster parent,
12 police or law enforcement officer, juvenile court personnel, probation officer, division of
13 juvenile services employee, licensed social worker, family service specialist, child care
14 licenser, or member of the clergy having knowledge of or reasonable cause to suspect
15 a child is abused or neglected, or has died as a result of abuse or neglect, shall report
16 the circumstances to the department if the knowledge or suspicion is derived from
17 information received by that individual in that individual's official or professional
18 capacity. ~~A member of the clergy, however, is not required to report such~~
19 ~~circumstances if the knowledge or suspicion is derived from information received in~~
20 ~~the capacity of spiritual adviser.~~
- 21 2. Any person having reasonable cause to suspect a child is abused or neglected, or has
22 died as a result of abuse or neglect, may report such circumstances to the
23 department.

- 1 3. A person having knowledge of or reasonable cause to suspect a child is abused or
2 neglected, based on images of sexual conduct by a child discovered on a workplace
3 computer, shall report the circumstances to the department.

4 **SECTION 2. AMENDMENT.** Section 50-25.2-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-25.2-03. Reporting of abuse or neglect - Method of reporting.**

- 7 1. Any medical or mental health professional or personnel, law enforcement officer,
8 firefighter, member of the clergy, or caregiver having knowledge a vulnerable adult has
9 been subjected to abuse or neglect, or who observes a vulnerable adult being
10 subjected to conditions or circumstances that reasonably would result in abuse or
11 neglect, shall report the information to the department, or the department's designee,
12 or to an appropriate law enforcement agency if the knowledge is derived from
13 information received by that individual in that individual's official or professional
14 capacity. ~~A member of the clergy, however, is not required to report the information if~~
15 ~~the knowledge is derived from information received in the capacity of spiritual adviser.~~
16 An individual in the position of a long-term care ombudsman is not a mandated
17 reporter of suspected abuse or neglect. For purposes of this subsection, "medical or
18 mental health professional or personnel" means a professional or personnel providing
19 health care or services to a vulnerable adult, on a full-time or part-time basis, on an
20 individual basis or at the request of a caregiver, and includes a medical examiner,
21 coroner, dentist, dental hygienist, optometrist, pharmacist, chiropractor, podiatrist,
22 physical therapist, occupational therapist, tier 1 through tier 4 mental health
23 professional as defined under section 25-01-01, emergency medical services
24 personnel, hospital personnel, nursing home personnel, congregate care personnel, or
25 any other person providing medical and mental health services to a vulnerable adult.
- 26 2. A report, if required by section 25-01.3-04, satisfies all reporting requirements of this
27 chapter.
- 28 3. Any person not required to report under subsection 1 ~~whothat~~ has reasonable cause
29 to believe that a vulnerable adult has been subjected to abuse or neglect, or ~~whothat~~
30 observes a vulnerable adult being subjected to conditions or circumstances that
31 reasonably would result in abuse or neglect, may report the information to the

1 department or the department's designee or to an appropriate law enforcement
2 agency. ~~Al~~Immediately upon receipt of a report under this section, a law enforcement
3 ~~agency receiving a report under this section~~ shall immediately notify the department or
4 the department's designee of the report.

5 4. An individual required to report under subsection 1 shall make an oral or written report
6 and a person voluntarily reporting under subsection 2 may make an oral or written
7 report, as soon as possible. To the extent reasonably possible, a person ~~wh~~ethat
8 makes a report under this section shall include in the report:

- 9 a. The name, age, and residence address of the alleged vulnerable adult;
- 10 b. The name and residence address of the caregiver, if any;
- 11 c. The nature and extent of the alleged abuse or neglect or the conditions and
12 circumstances that would reasonably be expected to result in abuse or neglect;
- 13 d. Any evidence of previous abuse or neglect, including the nature and extent of the
14 abuse or neglect; and
- 15 e. Any other information in the opinion of the person making the report may be
16 helpful in establishing the cause of the alleged abuse or neglect and the identity
17 of the individual responsible for the alleged abuse or neglect.