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Testimony
Senate Bill No. 2051
Senate Human Services Committee
Senator Judy Lee, Chairman
January 4, 2023

Chairman Lee, and members of the Senate Human Services Committee, I am Jonathan Alm, an attorney with the Department of Health and Human Services (Department). I appear before you in support of Senate Bill No. 2051, which was introduced at the request of the Department.

Several proposed changes are a result of a review of all statutory and administrative code provisions concerning criminal history record checks relating to the integration of the Department of Human Services with the State Department of Health.

Section 1:

The proposed changes in Section 1 of this Bill amend subdivision f of subsection 2 of section 12-60-24 of the North Dakota Century Code, regarding criminal history record investigations for certified family foster home for children providers.

Section 2:

The proposed changes in section 2 of this Bill amends section 25-03.2-03 of the North Dakota Century Code. The changes on page 3, lines 1 through 7, adds language regarding criminal history record checks for a psychiatric residential treatment facility for children license. The Department was previously conducting criminal record checks for psychiatric residential treatment facility for children, however it needed to update the statutory references to continue with that practice.

Section 3:

The proposed changes in section 3 of this Bill amends section 25-03.2-04 of the North Dakota Century Code to replace "center" with the defined term "psychiatric residential treatment facility for children".

Section 4:

The proposed changes in section 4 of this Bill creates a new section to chapter 25-03.2 of the North Dakota Century Code to require criminal history record checks for a psychiatric residential treatment facility for children operator, any individual employed by the facility, contracted service provider of the facility, and nonemployee of the facility, having contact with any child cared for by the facility. The new proposed section also outlines the Department's and Bureau of Criminal Investigation's responsibilities. As mentioned earlier, the Department previously conducted criminal record checks for psychiatric residential treatment facility for children, however it needed to update the statutory references to continue with that practice.

Section 5:

The proposed changes in section 5 of this Bill amends section 50-06-01.9 of the North Dakota Century Code. The proposed change on page 4, lines 24 through 30, and page 5, lines 1 through 6 is regarding the Department's ability to conduct criminal record checks on job applicants and current employees of the Department and human service zones. The Internal Revenue Service Publication 1075 requires the Department to conduct criminal history record checks every five years for anyone who may have access to federal tax information.

The proposed changes to page 5, lines 7 through 11, is to permit the Department to conduct criminal history record checks on individuals and entities that have access to Department's information received from the

United States social security administration. The Department was previously conducting these criminal history record checks, however it needed to update the statutory references to continue with that practice.

The proposed changes to page 5, lines 12 through 14, is to clarify that the Department can conduct criminal history record checks on volunteers or students for field placement regarding licensed child-placing agencies. The Department was previously conducting these criminal history record checks, however it needed to update the statutory references.

The proposed changes to page 5, lines 24 through 28, is to add authority for the Department to conduct criminal background record checks for a psychiatric residential treatment facility for children and shelter care. The Department was previously conducting criminal record checks for psychiatric residential treatment facility for children, however it needed to update the statutory references to continue with that practice. The Department has not previously conducted criminal history record checks for shelter care providers. A shelter care provider provides care to a child ages ten to eighteen years old in need of temporary safe out-of-home placement.

Section 6:

The proposed changes in section 6 of this Bill adds a new section to chapter 50-06 of the North Dakota Century Code to permit the Department to conduct criminal history record checks on shelter care providers. The proposed language outlines the responsibility of the shelter care providers, the Department, and the Bureau of Criminal Investigation using a process similar to that is currently used for foster care providers. Again, the Department has not previously conducted criminal history record checks for shelter care providers.

Section 7:

The proposed changes in section 7 of this Bill amends section 50-11-06.8 of the North Dakota Century Code regarding foster care providers and criminal history record checks for certified family foster home for children providers. The proposed language outlines the responsibility of the certified family foster home for children providers, the Department, and the Bureau of Criminal Investigation using a process similar to that is currently used for licensed foster care providers. Certified family foster home for children means an occupied private residence in which foster care for children is regularly provided by the owner or lessee of the residence to no more than three children, unless the Department approves otherwise. The Department has not previously conducted criminal history record checks for certified family foster home for children providers.

Section 8:

The proposed changes in section 8 of this Bill amends section 50-12-03 of the North Dakota Century Code regarding the criminal history record check requirements for child-placing agencies pertaining to volunteers and student for field placement. The Department was previously conducting these criminal history record checks, however it needed to update the statutory references.

Section 9:

The proposed changes in section 9 of this Bill amends section 50-25.1-11.1 of the North Dakota Century Code regarding criminal history record checks for children's advocacy centers. The Department was approached by the children's advocacy centers to add board members to the criminal history record requirement. The Bill also removes multidisciplinary team member from the criminal history record requirement based on the

Department's discussion with the children's advocacy centers and Bureau of Criminal Investigation based on the information it received from the Federal Bureau of Investigation. In further consultation with the Bureau of Criminal Investigation, it was identified that the Federal Bureau of Investigation might have a concern regarding "board member" not being defined. The Department has a proposed amendment to define "board member" as an individual serving on the board of a children's advocacy center. The Department worked with the children's advocacy centers to create the definition.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2051

Page 10, after line 2, insert:

"3. As used in this section, "board member" means an individual serving on the board of a children's advocacy center.

Renumber accordingly