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House Bill No. 1492
Senate Judiciary Committee
Testimony Presented by Seth O'Neill, JD, MSW
Email: soneill@cawsnorthdakota.org
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Chairwoman Larson and members of the Committee, my name is Seth O'Neill and I am representing CAWS North Dakota in support of HB 1492. In 2021, our member programs served 5,417 new victims of domestic violence. As a result of this, at least 3,895 children were directly impacted by these incidents.

HB1492 would provide a definition for mental injury in the child abuse statute. This definition would provide clear guidance to the courts and attorneys on what constitutes mental injury for the purposes of child abuse. From our work, we know that children who witness domestic violence experience negative emotional and behavioral impacts in large numbers. It is our hope that this definition will allow domestic violence offenders to be prosecuted for child abuse based on a child witnessing domestic violence. This is an important way to ensure the safety of children by holding domestic violence offenders accountable.

One concern we have with the bill is theoretically a victim of domestic violence could be charged with child abuse for "allowing" their child to be exposed to domestic violence. This is clearly not the intent of the legislation but I simply making the committee aware of a potential unintended consequence for you to consider.

Overall, we encourage the committee to give HB1492 a do pass recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank you.