

SENATE BILL NO. 2173

Introduced by

Senators Lee, Cleary, Larson

Representatives Beltz, Ista, Jonas

1 A BILL for an Act to amend and reenact subsection 10 of section 50-25.1-02 and section
2 50-25.1-11.1 of the North Dakota Century Code, relating to the definition of a children's
3 advocacy center and the confidentiality of communications and records in the possession of a
4 children's advocacy center.

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

6 **SECTION 1. AMENDMENT.** Subsection 10 of section 50-25.1-02 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 10. "Children's advocacy center" means a ~~full~~an accredited or associate member of the
9 national children's alliance which assists in the coordination of the investigation in
10 response to allegations of child abuse by providing a dedicated child-friendly location
11 at which to conduct forensic interviews, forensic medical examinations, and other
12 appropriate services and which promotes a comprehensive multidisciplinary team
13 response to allegations of child abuse. The team response may include forensic
14 interviews, forensic medical examinations, mental health and related support services,
15 advocacy, and case review.

16 **SECTION 2. AMENDMENT.** Section 50-25.1-11.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **50-25.1-11.1. Children's advocacy centers - Confidentiality of records - Criminal**
19 **history record checks.**

20 1. Records and digital media in the possession of a children's advocacy center relating to
21 a forensic medical examination, forensic interview, advocacy, or therapy are
22 confidential and only may be released ~~only~~ to or shared with a person other than a law
23 enforcement agency, the department or the department's authorized agent, a
24 prosecutor, a court, another children's advocacy center, or a medical or mental health

- 1 professional when the child comes before the medical or mental health professional in
2 that person's professional capacity, upon service of a subpoena signed by a judge.
- 3 2. The staff of a children's advocacy center may communicate with a law enforcement
4 agency, the department or the department's authorized agent, a prosecutor, a court,
5 another children's advocacy center, or a medical or mental health professional in that
6 individual's official capacity, for the purpose of discussing a forensic medical
7 examination, forensic interview, advocacy, or therapy.
- 8 3. The department may submit a request for a criminal history record check under
9 section 12-60-24 on a board member, an employee, a final applicant for employment
10 of a children's advocacy center, a contractor, or a volunteer of a children's advocacy
11 center who has contact with a child at or through a children's advocacy center.
- 12 3.4. As used in this section, "board member" means an individual serving on the board of a
13 children's advocacy center.