

**1999 HOUSE HUMAN SERVICES**

**HB 1118**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1118

House Human Services Committee

Conference Committee

Hearing Date 01-18-99

| Tape Number                                    | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 3  | x      |        | 0.7     |
|  |        |        |         |
|  |        |        |         |
| Committee Clerk Signature <i>Anna G. Davis</i> |        |        |         |

Minutes:

Ms. Gladys Cairns, Administrator for child Protection Services for the Children and Family Services Division of the Dept. of Human Services. She is in favor of the bill.

(see written testimony)

Mr. Bruce Romnick, Burleigh County Assistant States Attorney, is not in support of the bill. The concern is that social services does not always have access to police reports. Social Service reports can be spread around via newspaper. The disclosure should be done after the case is investigated. Law enforcement records are open to others. The information could be used to avoid prosecution.

Page 2

House Human Services Committee

Bill/Resolution Number Hb 1118

Hearing Date 01-12-99

Mr. Dick Peck, ND Police Officers Association, they are opposed to the bill the way it is written. If the information is released after the investigation. They would go on record to support the bill if their investigation is not jeopardized.

Ms. Denise Lawsen, ND Newspaper Association, they are neutral to bill. They support open records idea. Her group does not have opportunity to testify on bills such as this very often.

Discussion followed on the bill by the committee members. Concerns relate to funding that may be affected if the bill is not acted on.

Chairwoman Price closed the hearing on the bill at 2:44 p.m.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1118

House Human Services Committee

Conference Committee

Hearing Date January 19, 1999

| Tape Number  | Side A | Side B | Meter #    |
|--|--------|--------|------------|
| 3  |        | X      | 12.7 -15.4 |
|  |        |        |            |
|  |        |        |            |
| Committee Clerk Signature <i>Susann Lindteigen</i> |        |        |            |

Minutes:

Rep. CLARA SUE PRICE asked for subcommittee of Kliniske, Porter, and Rose to report.

Rep. AMY KLINISKE stated she spoke with Gladys Cairns from the department. She agreed with concerns of Rep. Niemeier and she didn't like the bill. They have administrative rules in compliance with federal insurance act. She requested the committee kill the bill.

Rep. WILLIAM DEVLIN stated he had no problem at all with the bill and asked why Department of Human Services had it introduced? Rep. AMY KLINISKE stated she could not answer that.

Rep. AMY KLINISKE moved DO NOT PASS

Rep. WANDA ROSE second the motion.

ROLL CALL VOTE #2: 14 yeas, 0 nays, 1 absent

CARRIER: Rep. AMY KLINISKE

1118

Date: 1-19-99  
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1118

House Human Services Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Kliniske Seconded By Rose

| Representatives               | Yes | No | Representatives   | Yes | No |
|-------------------------------|-----|----|-------------------|-----|----|
| Clara Sue Price - Chairwoman  | X   |    | Bruce A. Eckre    | X   |    |
| Robin Weisz - Vice Chairwoman |     |    | Ralph Metcalf     | X   |    |
| William R. Devlin             | X   |    | Carol A. Niemeier | X   |    |
| Pat Galvin                    | X   |    | Wanda Rose        | X   |    |
| Dale L. Henegar               | X   |    | Sally M. Sandvig  | X   |    |
| Roxanne Jensen                | X   |    |                   |     |    |
| Amy N. Kliniske               | X   |    |                   |     |    |
| Chet Pollert                  | X   |    |                   |     |    |
| Todd Porter                   | X   |    |                   |     |    |
| Blair Thoreson                | X   |    |                   |     |    |
|                               |     |    |                   |     |    |
|                               |     |    |                   |     |    |
|                               |     |    |                   |     |    |
|                               |     |    |                   |     |    |

Total (Yes) 14 No 0

Absent 1

Floor Assignment Amy Kliniske

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1118: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1118 was placed on the Eleventh order on the calendar.

*Rep Price*

*GA  
1-19*

*Order 11  
day 12  
BTR*

**1999 TESTIMONY**  
**HB 1118**

# House Human Services Committee

## HB1118

January 12, 1999

Good afternoon Chairman Price and members of the House Human Services committee. I am Gladys Cairns and I serve as the administrator for child protection services for the Children and Family Services Division of the Department of Human Services. I am here today to provide information in support of House Bill 1118.

This bill was introduced as a result of a change in the federal Child Abuse Prevention and Treatment Act (CAPTA). The change dealt with the confidentiality of information gathered as a result of an assessment or investigation of a report of suspected child abuse or neglect. As you may know the information gathered as a result of our child abuse and neglect law is confidential and shall not be disclosed but to certain entities designated by the North Dakota statute.

There has been elevating concern over the years about the deaths of children caused by abuse and neglect while there is an open child protection service case. Communities are concerned about how a fatality or near fatality could happen when a concern has been reported and there is an expectation that the concern is being dealt with through protective services.

Child Protection Services in other states has been accused of hiding behind the confidentiality of the law. The federal act was changed to say states needed to be able to disclose information about what had been done about the concerns reported where child abuse or neglect caused a fatality or near fatality.



It is my belief North Dakota citizens are served well by the provision of quality Child Protection Services through the County Social Services offices. To date, to my knowledge, we have not had any deaths of children caused by abuse or neglect after we began a child protection assessment and obviously I am expecting we will not have such a case. However, if a child was abused or neglected after we became involved and as a result the child died, it is our position we should be able to disclose information about how we had handled the case.

I ask for your support of this bill. I would be please to attempt to answer any questions you may have. Thank you.