2023 SENATE HUMAN SERVICES

SB 2051

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2051
1/4/2023

Relating to fingerprint criminal history record investigations for psychiatric residential facilities for children and for shelter care programs, relating to fingerprint criminal history record checks for certified family foster home for children providers and psychiatric residential treatment facility for children, identifying who the department of health and human services may require criminal history record checks from, and criminal history record checks for volunteers and students for field placement at child placing agencies and children's advocacy centers.

8:45 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston** are present. **Senator Hogan** was absent.

Discussion Topics:

- Foster homes certified
- Advocacy centers licensed
- Board requirements
- Background checks

8:45 AM **Jonathan Alm, Attorney of Health and Human Services**, proposed board member definition with amendment, testimony in favor. #12322

8:48 AM **Kelli Ulberg, Department of Health and Human Behavioral Service** provided testimony in favor verbally.

9:04 AM **Greg Kasowski, Executive Director Children's of ND** testified in favor. #12281

9:06 AM **Paula Condol, Dakota Children's Advocacy Center** testified in favor. #12308

Senator Lee closed the hearing.

Senator Lee asks for motion.

Senator K. Roers moved to Adopt Amendment, adding Board Member definition. #12322

Senator Clemens seconded the motion.

Voice vote all in favor. Motion passes.

Senator K. Roers will carry SB 2051.

9:13 AM **Senator Lee** adjourned the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2051
1/4/2023

A BILL relating to fingerprint criminal history record investigations for psychiatric residential facilities for children and for shelter care programs; relating to fingerprint criminal history record checks for certified family foster home for children providers and psychiatric residential treatment facility for children, identifying who the department of health and human services may require criminal history record checks from, and criminal history record checks for volunteers and students for field placement at child placing agencies and children's advocacy centers.

1:02 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston** are present. **Senator Hogan** was absent.

Discussion Topics:

- amendment

Senator Lee calls for discussion.

1:03 PM **Johnathon Alm, Attorney Department of Health and Human Services**, provided information. #12391

Senator K. Roers moved to adopt amendment. LC23.8049.01001.

Senator Weston seconded the motion.

The voice vote passed 5-0-1.

Senator K. Roers moved **DO PASS** as **AMENDED**.

Senator Cleary seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Kent Weston	Y

The motion passed 5-0-1.

Senator K. Roers will carry SB 2051.

1:10 PM **Madam Chair Lee** closed the meeting.
Patricia Lahr, Committee Clerk

23.8049.01001
Title.02000

Adopted by the Senate Human Services Committee

January 4, 2023

DR. 1-4-23 1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2051

Page 9, line 30, after the first comma insert "a"

Page 9, line 30, overstrike the second comma and insert immediately thereafter "of a children's advocacy center, a"

Page 10, line 1, overstrike the first comma

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

REPORT OF STANDING COMMITTEE

SB 2051: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2051 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 9, line 30, after the first comma insert "a"

Page 9, line 30, overstrike the second comma and insert immediately thereafter "of a children's advocacy center, a"

Page 10, line 1, overstrike the first comma

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

2023 HOUSE HUMAN SERVICES

SB 2051

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2051
3/6/2023

Relating to fingerprint criminal history record checks for certified family foster home for children providers and psychiatric residential treatment facility for children, identifying who the department of health and human services may require criminal history record checks from, and criminal history record checks for volunteers and students for field placement at child placing agencies and children's advocacy centers.

Acting Chairman Beltz called the meeting to order at 10:48 AM.

Chairman Robin Weisz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, and Gretchen Dobervich present. Vice Chairman Matthew Ruby, and Rep. Jayme Davis not present.

Discussion Topics:

- Background checks
- Treatment facilities

Jonathan Alm, attorney with the Department of Health and Human Services, testified in support and proposed amendment (#22116) (#22187).

Greg Kasowski, Executive Director of the Children's Advocacy Centers of North Dakota, supportive testimony (#21850).

Acting Chairman Beltz adjourned the meeting at 11:03 AM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2051
3/6/2023

Relating to fingerprint criminal history record checks for certified family foster home for children providers and psychiatric residential treatment facility for children, identifying who the department of health and human services may require criminal history record checks from, and criminal history record checks for volunteers and students for field placement at child placing agencies and children's advocacy centers.

Chairman Weisz called the meeting to order at 11:16 AM.

Chairman Robin Weisz, Acting Chairman Mike Beltz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, and Gretchen Dobervich present. Vice Chairman Matthew Ruby, and Rep. Jayme Davis not present.

Discussion Topics:

- Committee work
- Amendment

Chairman Weisz called for a discussion on SB 2051

Rep. Porter moved to adopt an amendment to SB 2051 (#22187).

Seconded by Rep. Beltz.

Motion carries by voice vote.

Rep. Porter moved a do pass as amended on SB 2051.

Seconded by Rep. Anderson.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	AB
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	AB
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y

Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 12-0-2.

Carried by Rep. Frelich.

Chairman Weisz adjourned the meeting at 11:20 AM.

Phillip Jacobs, Committee Clerk

23.8049.02001
Title.03000

Adopted by the House Human Services Committee

March 6, 2023

AG
3-6-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2051

Page 1, line 15, overstrike "approvals" and insert immediately thereafter "approved tribal foster care facilities"

Page 1, line 21, after the period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements of another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 4, line 18, after the underscored period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 5, line 27, replace "A" with "Providers, applicants for, and employees of a"

Page 5, line 27, remove ", as well as"

Page 5, line 28, remove "any individual employed by the program"

Page 6, line 29, after the underscored period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 7, after line 3, insert:

"10. "Shelter care program" means a nonsecure permanent dwelling run by an agency with certification obtained by the department, where employees offer safe shelter, food, and structured routine and is available twenty-four hours a day to a resident age ten to eighteen years old in need of temporary safe out-of-home emergency placement, not to exceed seven days, unless otherwise approved by the department."

Page 8, line 29, after the period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2051, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2051 was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "approvals" and insert immediately thereafter "approved tribal foster care facilities"

Page 1, line 21, after the period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements of another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 4, line 18, after the underscored period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 5, line 27, replace "A" with "Providers, applicants for, and employees of a"

Page 5, line 27, remove ", as well as"

Page 5, line 28, remove "any individual employed by the program"

Page 6, line 29, after the underscored period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 7, after line 3, insert:

"10. "Shelter care program" means a nonsecure permanent dwelling run by an agency with certification obtained by the department, where employees offer safe shelter, food, and structured routine and is available twenty-four hours a day to a resident age ten to eighteen years old in need of temporary safe out-of-home emergency placement, not to exceed seven days, unless otherwise approved by the department."

Page 8, line 29, after the period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Renumber accordingly

2023 SENATE HUMAN SERVICES

SB 2051

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2051
3/29/2023

A BILL relating to fingerprint criminal history record investigations for psychiatric residential facilities for children and for shelter care programs; relating to fingerprint criminal history record checks for certified family foster home for children providers and psychiatric residential treatment facility for children, identifying who the department of health and human services may require criminal history record checks from, and criminal history record checks for volunteers and students for field placement at child placing agencies and children's advocacy centers.

11:40 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston** and **Hogan** are present.

Discussion Topics:

- House amendment concurrence

The Committee concurred.

11:41 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

TESTIMONY

SB 2051

Senate Human Services Committee
Testimony In Support of Senate Bill #2051
1-4-23

Chairman Lee, members of the committee,

My name is Greg Kasowski, and I'm the executive director of the Children's Advocacy Centers of North Dakota. I appear today in support of SB 2051, specifically the section 9 amendment.

For those unfamiliar with Children's Advocacy Centers, we provide direct services to victims of child sexual abuse, child physical abuse, and other forms of child maltreatment. Before Children's Advocacy Centers existed, children would have to relay their story of trauma on average 10 to 12 times—once to law enforcement, then to human services workers, then to medical personnel, then to prosecutors, and on and on it went.

But now, with Children's Advocacy Centers, children only tell their story of trauma once, in a child-friendly environment, and to a trained expert forensic interviewer. We also provide many other services—such as medical exams, and victim advocacy and mental health services—to help children and families in their journey toward healing.

Paula Condol, executive director of the Dakota Children's Advocacy Center, will now explain the background to the section 9 changes.

Senate Human Services Committee
Testimony In Support of Senate Bill #2051
1-4-23

Madam Chairman and Members of the Committee.

For the record, my name is Paula Condol. I am the Director of the Dakota Children's Advocacy Center, here in Bismarck, Dickinson, McKenzie County, and Standing Rock. I am here today to ask for your support for Senate Bill 2051.

Last session legislators passed a law to allow us the ability to conduct fingerprint background checks to better protect the children we see. Our CACs have always run background checks for our employees, board members, and volunteers. But this statute allowed us to strengthen the process so we could have a higher level of screening by including a fingerprint background check. This also allowed us to meet guidelines to receive federal funding, which all of our programs rely on to do the important work we do. However, fingerprint background checks, which is the most rigorous check, is only available when legislated by states and approved by the FBI. The FBI is requesting that we add some clarifying language to the statute, and we are here today to try and accomplish that.

The changes in this bill are twofold.

First it removes the language about "multidisciplinary team member," as this was too broad of a term that would included our partners on child abuse cases, such as law enforcement, human services personnel, and prosecutors, many of who already do background checks within their own agencies.

Second, the bill adds the language “board member” which allows our CACs to screen these leaders at the same level as employees. Although board members do not often work directly with children, it’s a necessary inclusion because our board members are the face of our organization, and the face of child safety in the community. Fingerprint background screening of board members is also an accreditation standard, which all CAC’s must meet to receive funding. Previously we included board members under the section of volunteers, as all of our Boards are made up of volunteer members, however, separating this out adds the additional clarifying language being requested.

Madam Chairman and Members of the Committee, thank you for allowing me the opportunity to testify before you today, I appreciate your support and I am happy to try and answer any of your questions.

NORTH Dakota | Health & Human Services
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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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2051

Page 9, line 30, after the second comma insert "or a"

Page 9, line 30, overstrike the third comma and insert immediately thereafter "of a children's advocacy center and"

Page 10, line 1, overstrike the first comma

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

50-12-03. Requirements for licensure and employment - Term - Moral or religious conviction not bar to licensure or employment.

The department of health and human services shall issue licenses for the conduct of child-placing agencies upon application. A child-placing agency shall require a criminal history record investigation on the owner and each employee, volunteer, or student for field placement of a child-placing agency who has direct contact with families, with children, or with both. The department of health and human services shall consider any criminal history record information available about the owner at the time a licensing decision is made and about an employee prior to the owner or the employee having direct contact with families, with children, or with both. Licenses must be granted for a period not exceeding two years. Licenses must be issued to reputable and responsible applicants upon a showing that they, and their agents, are equipped properly by training and experience to find and select suitable temporary or permanent homes for children and to supervise the homes when children are placed in them, to the end that the health, morality, and general well-being of children placed by them will be properly safeguarded. The department of health and human services may not deny a license because of the applicant's objection to performing, assisting, counseling, recommending, facilitating, referring, or participating in a placement that violates the applicant's written religious or moral convictions or policies.

SECTION 9. AMENDMENT. Section 50-25.1-11.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Records and digital media in the possession of a children's advocacy center relating to a forensic medical examination, forensic interview, or therapy are confidential and may be released only to a person other than a law enforcement agency, the department or the department's authorized agent, or a medical or mental health professional when the child comes before the medical or mental health professional in that person's professional capacity, upon service of a subpoena signed by a judge.
2. The department may submit a request for a criminal history record check under section 12-60-24 on a board member, an employee, final applicant for employment of a children's advocacy center

contractor, ~~multidisciplinary team member,~~ or volunteer of a children's advocacy center who has contact with a child at or through a children's advocacy center.

3. As used in this section . . .

CHILDREN'S ADVOCACY CENTERS OF NORTH DAKOTA

House Human Services – March 1, 2023
Testimony In Support of Senate Bill 2051

Chairman Weisz, members of the Committee,

My name is Greg Kasowski, and I am the executive director of the Children's Advocacy Centers of North Dakota. I appear today in support of SB 2051, specifically section 9.

For those unfamiliar with Children's Advocacy Centers, we provide direct services to victims of child sexual abuse, child physical abuse, and other forms of child maltreatment. Before Children's Advocacy Centers existed, children would have to retell their experience of traumatic abuse an average of 10 to 12 times—to law enforcement, then to a human services worker, then to medical personnel, then to a prosecutor, and on and on it went.

But now, with Children's Advocacy Centers, children only need tell of their traumatic experience once, in a child-friendly environment, and with a trained expert forensic interviewer. Our CACs have become the centralized hub for child abuse cases, where our partners in law enforcement, human services, prosecution, medical personnel, mental health, and victim advocacy all coordinate together in one place to help victims of child abuse. We serve every city and county in the state through nine locations—Williston, Watford City, Dickinson, Minot, Bismarck, Bottineau, Standing Rock, Fargo, Grand Forks, and soon Jamestown.

Children's Advocacy Centers also provide many other services—such as mental health therapy, victim advocacy and medical exams—to help children and families in their journey toward healing.

The proposed changes in section 9 are fourfold:

1. **Allows board members of CACs to receive fingerprint background checks.** Our CACs have always conducted background checks on board members, but some of our funding and accreditation agencies now require *fingerprint* background checks for board members. It is true that board members typically don't work directly with children, but it is a good practice to make sure they pass those critical checks because they're the face of child safety in our communities.
2. **Clarifies that the checks are for board members/employees/final applicants of CACs even if they do not have contact with a child.** Like board members, some CAC employees (e.g., accountants) or final applicants may not work directly

with children. This change differentiates this group from contractors/volunteers who are only fingerprint background checked if they have contact with a child.

3. **Removes multidisciplinary team member.** This was in response to the FBI's request, as the term could include law enforcement, human services, or our other partners who already typically receive fingerprint background checks through their own agencies.
4. **Defines board member.** The Bureau of Criminal Investigation identified that the FBI would likely require this definition.

Mister Chairman and Members of the Committee, thank you for allowing the opportunity to testify before you today, and I would be happy to try and answer any questions.

NORTH Dakota Be Legendary. | Health & Human Services

Testimony
Engrossed Senate Bill No. 2051
House Human Services Committee
Representative Robin Weisz, Chairman

March 6, 2023

Chairman Weisz, and members of the House 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 Engrossed 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. This committee and the House passed out House Bill No. 1091 that establishes 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 the process 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 the process that is currently used for licensed foster care 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 along with a definition 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.

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2051

Page 1, line 15, overstrike "approvals" and insert immediately thereafter "approved tribal foster care facilities"

Page 1, line 21, after "chapters" insert ". The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation . purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose"

Page 4, line 18, after "Act" insert ". The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose"

Page 5, line 27, replace "A" with "Providers, applicants for, and employees of a"

Page 5, line 27, remove ", as well as"

Page 5, line 28, remove "any individual employed by the program"

Page 6, line 29, after "Act" insert ". The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose"

Page 7, after line 3, insert:

"10. "Shelter care program" means a nonsecure permanent dwelling run by an agency with certification obtained by the department, where employees offer safe shelter, food, and structured routine and is available twenty-four hours a day to a resident age ten to eighteen years old in need of temporary safe out-of-home emergency placement, not to exceed seven days, unless otherwise approved by the department."

Page 8, line 29, after "Act" insert ". The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose"

Renumber accordingly