

# MICROFILM DIVIDER

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DESCRIPTION

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Yalosta Rickford  
Operator's Signature

10/2/03  
Date

2003 HOUSE HUMAN SERVICES

HB 1085

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*Halista Rickford*

Date

*10/2/03*

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1085

House Human Services Committee

☐ Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1		x	35.0 - 52.6
2	x		19.5 - 30.1
2		x	7.5 - 32.8
Committee Clerk Signature <i>Sharon Pennington</i>			

Corinne Bennett, Adm. of Early Childhood Services of Children and Family Services Division of the Dept. of Human Services appeared in support with written testimony.

Rep. Amerman had concerns with why someone would volunteer for a more extensive background check? Ans: Just to show to the parents that they have gone the extra mile to show that they have a clear background.

Rep. Weisz noted that he has no problem with the language per se, just doesn't sound right of probably cause for child abuse, now we're saying if the division has no record of a determination of services required for child abuse, the sentence is implying and what they are trying to determine or say is child abuse. Determination of child abuse or neglect, probably cause of child abuse or neglect, now its saying , there would have to be a determination if services were required. That is changing the whole meaning.

Rep. Niemeier noted that she sees it as they are conducting an investigation for probably cause, services required is just their response.

Page 2  
House Human Services Committee  
Bill/Resolution Number HB 1085  
Hearing Date January 14, 2003

Further discussion on changing probable cause to services required and a definition of same.

Rep. Weisz has an issue with, when do they actually have to go in and perform services required and what they can define as services required and can change as they see fit.

Also the committee had issues with how much leeway is there in denying or revoking applications based on something as simple as bed time interventions and legal definition of probably cause.

Krista Andrews appeared before the committee for further clarification and definition of "Services Required and Probable Cause".

Rep. Price had concerns with day care providers and allowing them to continue operating if there is any suspicion.

Clarence Daniel, Dir. of Social Services in Stutsman County, Jamestown explained what happens in his dept. and the process.

Rep. Porter feels that if the statute that already deals with child abuse has been changed than it only makes sense that this follows with it do that local county social service agencies at the state looks at these applications and these licenses, that the individuals and the organizations they are licensing have a requirement to report anytime that the county social service organization has put a services requirement against them. Also feels it is imperative to them and the licensing process that they have all the information that is out there.

Rep. Devlin made a motion for a DO PASS, second by Rep. Pollert, 12 - 1 - 0, Rep. Amerman will carry the bill.

Date: 1-14-03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1085

House \_\_\_\_\_ HUMAN SERVICES \_\_\_\_\_ Committee

☐ Check here for Conference Committee

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

Action Taken DO Pass

Motion Made By Rep Devlin Seconded By Rep Pollert

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz		✓	Rep. Carol Niemeier	✓	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 12 No 1

Absent 0

Floor Assignment Rep Amerman

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

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Valosta Rickford  
Operator's Signature

10/2/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
January 14, 2003 4:29 p.m.

Module No: HR-06-0560  
Carrier: Amerman  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**HB 1085: Human Services Committee (Rep. Price, Chairman) recommends DO PASS**  
(12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1085 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-06-0560

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*Yolanda Rickford*  
Operator's Signature

*10/2/03*  
Date

2003 SENATE HUMAN SERVICES

HB 1085

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Yolanda Rickford  
Operator's Signature

10/2/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1085

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 4, 2003

Tape Number	Side A	Side B	Meter #
1		X	2460 - 3000
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR JUDY LEE opened the public hearing for HB 1085 relating to consideration of reports of child abuse or neglect in licensing or registering child care providers.

CORRINE BENNETT, Administrator, Early Childhood Services of Children and Family Services Division, of the Department of Human Services. (Written testimony) (Meter # 2500 - 2677)

SENATOR LEE: Tell us about the index? What it is?

CORRINE BENNETT: The department maintains a child abuse and neglect index. ... County makes decisions about assessments regarding child abuse and neglect. Make decisions about services required. Those are printed on a data system. (Meter # 2690 - 2794)

SENATOR FAIRFIELD: Once on the index, are you removed once services are no longer required?

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*Valosta Rickford*  
Operator's Signature

*10/2/03*  
Date



Page 2  
Senate Human Services Committee  
Bill/Resolution Number HB 1085  
Hearing Date March 4, 2003

CORRINE BENNETT: The services requiring decisions are removed after 10 years and no services required are on for 3 years. (Meter # 2828 - 2912)

SENATOR LEE closed the public hearing as there was no further testimony. (Meter # 2964)

SENATOR LEE asked for committee decision.

SENATOR BROWN moved for a DO PASS.

SENATOR ERBELE seconded the motion.

Roll call was read. 6 yeas 0 nays.

SENATOR ERBELE will be the carrier. (Meter # 3000)

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*Yolanda Rickford*  
Operator's Signature

*10/2/03*  
Date

Date. 03-04-03  
Roll Call Vote #: (1)

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1085

Senate Human Services Committee

☐ Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Sen. Brown Seconded By Sen. Erbele

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Sen. Erbele

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

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Operator's Signature

10/2/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
March 4, 2003 3:38 p.m.

Module No: SR-38-3898  
Carrier: Erbele  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1085: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1085 was placed on the  
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-38-3898

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*Yalosta Rickford*  
Operator's Signature

*10/2/03*  
Date

2003 TESTIMONY

HB 1085

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*Yolanda Rickford*

Date

*10/2/03*



Krista L. Andrews  
01/13/2003 02:11 PM

To: William R. Devlin/NDLC/NoDak@NoDak  
cc: Tove E. Mandigo/DHS/NoDak@NoDak  
Subject: HB 1085

Representative Devlin:

Under the direction of (at the time Senator) Wayne Stenehjem, the Legislative Council studied the practice of Child Protective Services (CPS) workers making "probable cause" determinations in CPS cases. The general sentiment was that social workers were making determinations similar to those of law enforcement officials, by making findings of "probable cause" (a term generally confined to criminal cases) of child abuse or neglect. CPS workers were also conducting "investigations" rather than the current practice of conducting "assessments."

In 1995, the law changed, so that CPS social workers conducted "assessments" to determine whether "services were required" (for the protection of an abused or neglected child). This determination focused on what services the CPS system could offer to a child and its parent to help protect the child from future abuse or neglect.

HB 1085, which addresses child care licensing issues, is proposed to reflect the current language and practice used in the CPS system, and is only a housekeeping bill.

I hope this answers your questions satisfactorily. Please let me know if you need anything further. Thanks -

Krista L. Andrews  
Attorney and Risk Manager  
Legal Advisory Unit  
N.D. Dept. of Human Services  
Phone: (701)328-2311  
Fax: (701)328-2173



William R. Devlin  
01/12/2003 04:26 PM

To: Tove E. Mandigo/DHS/NoDak@NoDak  
cc:  
Subject: HB 1085

Hi Tove,

Could you have someone from your legal department or elsewhere drop me a note on the difference between "probable cause" and "services required". That appears to be the only change in HB 1085 and I was curious as to why it was needed. Thanks for the help! Best wishes, Bill

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Operator's Signature

*Krista Andrews*

Date

10/2/03

**TESTIMONY**  
**HB 1085 - DEPARTMENT OF HUMAN SERVICES**  
**HOUSE HUMAN SERVICES**  
**CLARA PRICE, CHAIRMAN**  
**JANUARY 14, 2003**

Chairman Price, members of the House Human Services Committee, I am Corinne Bennett, Administrator, Early Childhood Services of Children and Family Services Division, of the Department of Human Services. I am here today to provide information regarding HB 1085.

HB 1085 is a housekeeping bill. During the 1995 Legislative Session, legislation was passed that changed the name of the Child Abuse and Neglect decision process from a determination that there does or does not exist probable cause to believe that child abuse or neglect is indicated to a decision of whether services are required for the protection and treatment of an abused or neglected child.

The cases where the "Probable Cause" language was used stayed on the North Dakota Child Abuse and Neglect Information Index for five years or until 2000.

HB 1085 changes the language in sections 50-11.1-04 and 50-11.1-06.2 from "probable cause" to "services required". This change is needed to permit Early Childhood Services to continue the current process of securing specific data from the Index for licensing purposes.

I would like to thank the committee for the opportunity to present this information regarding HB 1085. If you have any questions, I would be willing to answer them at this time.

Yolanda Rickford  
Operator's Signature

10/2/03  
Date

**TESTIMONY**  
**HB 1085 - DEPARTMENT OF HUMAN SERVICES**  
**SENATE HUMAN SERVICES**  
**JUDY LEE, CHAIRMAN**  
**MARCH 4, 2003**

Chairman Lee, members of the Senate Human Services Committee, I am Corinne Bennett, Administrator, Early Childhood Services of Children and Family Services Division, of the Department of Human Services. I am here today to provide information regarding HB 1085.

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