

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2038**

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota  
2 Century Code, relating to the establishment of a task force on children's behavioral health; to  
3 amend and reenact section 15.1-07-34, subsection 1 of section 25-03.1-11, and section  
4 25-03.1-26 of the North Dakota Century Code, relating to emergency hold limitations for mental  
5 health examinations; to provide for a report to the governor and the legislative management;  
6 and to repeal sections 15.1-19-19 and 15.1-19-24 of the North Dakota Century Code, relating to  
7 professional development training regarding the prevention of bullying and youth suicide.

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

9 **SECTION 1. AMENDMENT.** Section 15.1-07-34 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **15.1-07-34. Provision of youth ~~mental~~behavioral health training to teachers,**  
12 **administrators, and ancillary staff.**

13 1. ~~Once every~~Every two years, each school district shall provide a minimum of eight  
14 hours of ~~training~~professional development on youth ~~mental~~behavioral health to  
15 elementary, middle, and high school teachers, and administrators. Each school district  
16 shall encourage ancillary and support staff to participate in the ~~training~~professional  
17 development.

18 a. Based on the annual needs assessment of the school district, these hours must  
19 be designated from the following categories:

- 20 (1) Trauma;
- 21 (2) Social and emotional learning, including resiliency;
- 22 (3) Suicide prevention;
- 23 (4) Bullying;

24 ~~The training must include:~~

- 1           a. (5) Understanding of the prevalence and impact of youth ~~mental~~behavioral  
2                                    health disorderswellness on family structure, education, juvenile services,  
3                                    law enforcement, and health care and treatment providers;
- 4           b. (6) Knowledge of ~~mental~~behavioral health symptoms, ~~social stigmas, and risks,~~  
5                                    ~~and protective factors; and~~
- 6           e. (7) Awareness of referral sources and evidence-based strategies for  
7                                    appropriate interventions; or
- 8                                    (8) Other evidence-based strategies to reduce risk factors for students.
- 9           2. Each school district shall report the ~~outcome of the training~~professional development  
10                                   hours to the department of public instruction.
- 11           3. The superintendent of public instruction shall collaborate with regional education  
12                                    associations to disseminate information, training materials, and notice of training  
13                                    opportunities to school districts and nonpublic schools.

14           **SECTION 2. AMENDMENT.** Subsection 1 of section 25-03.1-11 of the North Dakota  
15 Century Code is amended and reenacted as follows:

- 16           1. The respondent must be examined within a reasonable time by an expert examiner as  
17                                    ordered by the court. If the respondent is taken into custody under the emergency  
18                                    treatment provisions of this chapter, the examination must be conducted within  
19                                    ~~twenty-four hours, exclusive of holidays, of custody~~the time limitations set forth in  
20                                    section 25-03.1-26. Any expert examiner conducting an examination under this section  
21                                    may consult with or request participation in the examination by any qualified mental  
22                                    health professional and may include with the written examination report any findings or  
23                                    observations by that mental health professional. This examination report, and that of  
24                                    the independent examiner, if one has been requested, must be filed with the court.  
25                                    The report must contain:
- 26           a. Evaluations of the respondent's physical condition and mental status.
- 27           b. A conclusion as to whether the respondent is a person requiring treatment, with a  
28                                    clear explanation of how that conclusion was derived from the evaluation.
- 29           c. If the report concludes that the respondent is a person requiring treatment, a list  
30                                    of available forms of care and treatment that may serve as alternatives to  
31                                    involuntary hospitalization.

1           d. The signature of the examiner who prepared the report.

2           **SECTION 3. AMENDMENT.** Section 25-03.1-26 of the North Dakota Century Code is  
3 amended and reenacted as follows:

4           **25-03.1-26. Emergency procedure - Acceptance of petition and individual - Notice -**  
5 **Court hearing set.**

6           1. A public treatment facility immediately shall accept and a private treatment facility may  
7 accept on a provisional basis the application and the individual admitted under section  
8 25-03.1-25. The superintendent or director shall require an immediate examination of  
9 the subject and, either within twenty-four hours, exclusive of holidays, after admission  
10 or within seventy-two hours after admission, exclusive of holidays, if the individual is  
11 admitted with a serious physical condition or illness that requires prompt treatment,  
12 shall either release:

13           a. Release the individual if the superintendent or director finds that the subject does  
14 not meet the emergency commitment standards; or file

15           b. File a petition if one has not been filed with the court of the individual's residence  
16 or the court which directed immediate custody under subsection 2 of section  
17 25-03.1-25, giving notice to the court and stating in detail the circumstances and  
18 facts of the case.

19           2. Upon receipt of the petition and notice of the emergency detention, the magistrate  
20 shall set a date for a preliminary hearing, if the respondent is alleged to be a person  
21 who is mentally ill or a person who is both mentally ill and chemically dependent, or a  
22 treatment hearing, if the respondent is alleged to be a person who is chemically  
23 dependent, to be held no later than four days, exclusive of weekends and holidays,  
24 after detention unless the person has been released as a person not requiring  
25 treatment, has been voluntarily admitted for treatment, has requested or agreed to a  
26 continuance, or unless the hearing has been extended by the magistrate for good  
27 cause shown. The magistrate shall appoint counsel if one has not been retained by  
28 the respondent.

29           **SECTION 4.** A new section to chapter 50-06 of the North Dakota Century Code is created  
30 and enacted as follows:

1        **Task force on children's behavioral health - Membership - Duties - Reports to**  
2 **governor and legislative management.**

- 3        1. The task force on children's behavioral health is created for the purpose of assessing  
4 and guiding efforts within the children's behavioral health system to ensure a full  
5 continuum of care is available in the state.
- 6        2. The task force consists of the following members:
- 7            a. The superintendent of public instruction, or the superintendent's designee;  
8            b. The executive director of the department of human services, or the executive  
9 director's designee;
- 10           c. The state health officer, or the state health officer's designee;  
11           d. The director of the department of corrections and rehabilitation, or the director's  
12 designee;
- 13           e. The executive director of the Indian affairs commission, or the executive  
14 director's designee;
- 15           f. The director of the committee on protection and advocacy, or the director's  
16 designee;
- 17        3. The executive director of the department of human services, or the executive director's  
18 designee, shall serve as the chairman of the task force. The task force shall meet at  
19 least quarterly. Additional meetings may be held at the discretion of the chairman.
- 20        4. The task force may request appropriate staff services from the department of human  
21 services.
- 22        5. The task force shall:
- 23            a. Assess and guide efforts within the children's behavioral health system to ensure  
24 a full behavioral health continuum of care is available in the state;
- 25            b. Make recommendations to ensure the children's behavioral health services are  
26 seamless, effective, and not duplicative;
- 27            c. Identify recommendations and strategies to address gaps or needs in the  
28 children's behavioral health system;
- 29            d. Engage stakeholders from across the continuum to assess and develop  
30 strategies to address gaps or needs in areas including:
- 31            (1) Education;

1                   (2) Juvenile justice;

2                   (3) Child welfare;

3                   (4) Community; and

4                   (5) Health; and

5                   e. Provide a report to the governor and the legislative management every six  
6                   months regarding the status of the task force's efforts.

7                   **SECTION 5. REPORT TO GOVERNOR AND LEGISLATIVE MANAGEMENT.** Before  
8 July 1, 2018, the task force on children's behavioral health shall report its findings and  
9 recommendations and any proposed legislation necessary to implement the recommendations  
10 to the legislative management.

11                   **SECTION 6. REPEAL.** Sections 15.1-19-19 and 15.1-19-24 of the North Dakota Century  
12 Code are repealed.