

ENGROSSED HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff, VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to protection of a student victim of a sexual ~~assault offense~~.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Student sexual ~~assault offense~~ - Victim protection.

1. As used in this section:

- a. "~~Convicted student~~Responsible student" means a student enrolled in a school who is an ~~juvenile~~-adjudicated ~~delinquent juvenile~~ or an adult convicted of committing a sexual ~~offense assault~~ upon another student enrolled in the same school.
- b. "Sexual ~~assault offense~~" means an ~~nonconsensual~~ offense under chapter 12.1-20 for which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an element. ~~It also includes offenses under 12.1-20-05, 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.~~

2. A ~~responsible convicted student~~ enrolled in the same school as the victim ~~of sexual assault~~ shall adhere to a safety plan. ~~developed by the school district providing for:~~
- a. ~~No contact with the victim; and~~

b. ~~Proper separation in school buildings and educational activities.~~

3. ~~The~~A school shall develop a safety plan ~~for a convicted student~~ that includes:

a. ~~Consideration of the victim's input~~

b. ~~No contact between the responsible student and the victim~~

ac. ~~Holding an expulsion hearing for a the responsible convicted student~~ that grants procedural due process to the ~~responsible~~ student as provided by law and within

the time period prescribed under section 15.1-19-09; Offenses categorized as

misdemeanors shall be subject to review before triggering an expulsion hearing;

bd. Transferring a ~~responsible convicted~~ student to an alternative education program, which may include virtual education; provided there is proper supervision of the responsible student;

ee. Transferring a ~~responsible convicted~~ student to another school or building within the school district; or

df. Separating the ~~responsible convicted~~ student from the victim at all times in school buildings and educational activities when transferring the ~~responsible convicted~~ student is not possible.

g. Scheduled reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.

h. Other measures as deemed appropriate by the school administration to ensure safety of the victim.

4. The school shall determine the duration of any separation that results from the safety plan based on:

a. The victim's input and well-being;

b. The responsible student's age at the time of adjudication or conviction;

c. The nature and severity of the offense;

d. The responsible student's compliance with recommended intervention programs;

e. The input of the victim or responsible student's legal guardian or custodian, child welfare and mental health professionals, legal representatives, or other factors.

5. A victim or the victim's legal guardian or custodian may request a review of the safety plan, including modification or removal of restrictions.

4.6. Upon adjudication or conviction of a ~~responsible convicted~~ student, the state's attorney shall provide the school in which the ~~responsible convicted~~ student is enrolled with notice of the court's findings that are relevant under this section.



CHILDREN'S ADVOCACY CENTERS OF NORTH DAKOTA

Senate Education

Testimony in Favor of House Bill 1247

March 5, 2025

Chairman Beard, members of the Senate Education Committee, my name is Greg Kasowski, executive director of the Children's Advocacy Centers of North Dakota. There are 10 cities across North Dakota with a Children's Advocacy Center where we serve victims of child abuse and maltreatment. Our annual report is attached to the bottom of this testimony.

We stand in support of HB 1247 with the proposed amendments below that aim to better serve both the student victim and student offender.

Section name - sexual assault offense

Research shows that non-contact sexual offenses can be similarly traumatic to contact sexual offenses.¹ Thus, we would recommend using the term "sexual offense" rather than "sexual assault."

1a - "~~Convicted student~~Responsible student"

"Convicted student" doesn't work well to include both convicted adults and adjudicated delinquents. Instead, we recommend the phrase "responsible student." Other options include "acting student" or "offending student."

1b - "Sexual assault offense" means an nonconsensual offense under chapter

The word "nonconsensual" seems unnecessary since an element of the crime would be that it's nonconsensual.

1b - It also includes offenses under 12.1-20-05, 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.

Related to changing the term to "sexual offense," we would recommend expanding the list of offenses to include these non-contact sexual offenses:

¹ Landolt, Markus A., et al. "The Harm of Contact and Non-Contact Sexual Abuse: Health-Related Quality of Life and Mental Health in a Population Sample of Swiss Adolescents." *Psychotherapy and Psychosomatics*, vol. 85, no. 5, 2016, pp. 320-322.

- Corruption or solicitation of minors (12.1-20-05)
- Luring minors by computer or other electronic means (12.1-20-05.1)
- Indecent exposure (12.1-20-12.1)
- Surreptitious intrusion (12.1-20-12.2)
- Sexual extortion (12.1-20-12.3)

1a - ~~an juvenile~~ adjudicated ~~delinquent juvenile~~

The phrase “a juvenile adjudicated delinquent” would be more concisely written as “an adjudicated juvenile” (or “an adjudicated delinquent”).

2 - ~~A responsible convicted student~~ enrolled in the same school as the victim ~~of sexual assault~~ shall adhere to a safety plan. ~~developed by the school district providing for:~~

This sentence could be written more concisely by saying, “A responsible student enrolled in the same school as the victim shall adhere to a safety plan.”

2a - ~~a. No contact with the victim; and~~

This could be moved down to section 3.

2b - ~~b. Proper separation in school buildings and educational activities.~~

This could be removed since it is already addressed in section 3.

3 - ~~The~~A school shall develop a safety plan ~~for a convicted student~~ that includes:

The phrase “for a convicted student” could be removed since the safety plan would be for both the victim and the responsible student.

3a - Consideration of the victim’s input

We would recommend the consideration of input from the victim. The current bill does not allow for the victim’s input into the safety plan. As it reads, the school alone dictates decisions about the safety plan. The victim’s choice and control is either not allowed or is not specified. Victims often complain that the school doesn’t include them, doesn’t believe them, or doesn’t care.

3b - No contact between the responsible student and the victim

We recommend moving 2a down here.

3c - Offenses categorized as misdemeanors shall be subject to review before triggering an expulsion hearing:

We recommend adding this exception as required expulsion hearings may be too punitive for certain low-level offenses such as misdemeanors.

3d - provided there is proper supervision of the responsible student:

The endorsement of virtual education, where the responsible student has consistent access to the Internet without proper supervision, has the potential to lead to further victimization—not only of the original victim but also future victims. Research suggests that removing kids from sources of connection and social support (like school, school activities) increases risk for future recidivism.² Proper intervention with the responsible student would prevent future re-offending.

Evidence-based interventions exist for youth who exhibit problematic sexual behavior, and there is a correspondingly strong likelihood that the offending behavior can be corrected.

At the very least, we recommend a statement about how there should be proper supervision of the responsible student when in virtual learning.

3g - Scheduled reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.

Missing from the original bill is anything related to a timeframe that specifies how long the expulsion, safety plan, or virtual learning would last after adjudication or conviction. The victim and their family would benefit from that information being communicated so they know what to expect. For example, would an individual adjudicated at 12 years old be separated in a different school or virtual learning for one year, two years, or until graduation? The safety plan may need to be consistently updated based on where students will be physically located each semester.

3h Other measures as deemed appropriate by the school administration to ensure safety of the victim.

This may be a helpful provision for schools to allow flexibility for other measures they may deem appropriate for the safety plan.

4 - New section that addresses the timeline of the safety plan

This new section would address the durational component necessary for the

² Chaffin, Mark. "Children With Sexual Behavior Problems and Juvenile Sex Offenders: Our Minds Are Made Up—Don't Confuse Us With the Facts: Commentary on Policies Concerning." *Child Maltreatment*, vol. 13, no. 2, 2008, pp. 110.

separation of the victim and responsible student. It should include (a) input from the victim; while taking into account (b) the responsible student's age at the time of adjudication or conviction; (c) the nature and severity of the offense; (d) the responsible student's compliance with recommended intervention programs; and (e) input from legal guardians or custodians of the victim and responsible student, child welfare and mental health professionals, legal representatives, or other factors.

5 - New section that addresses situations where relationships have been mended

Oftentimes there are situations where relationships have been mended and all parties would like to move on. For example, this commonly occurs in situations where the victim and responsible student live in the same home. Last year, our Children's Advocacy Centers served 48 victims who resided in the same home with their minor alleged offender. It would benefit the committee to keep this not uncommon situation in mind when considering how this bill might affect certain North Dakota families.

Mr. Chairman, thank you for the opportunity to testify today, and I will stand for any questions.

Sincerely,

Greg Kasowski
Executive Director



ANNUAL REPORT

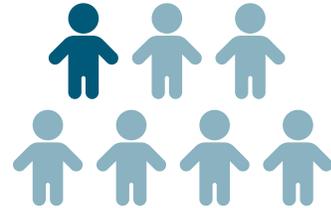


CHILDREN'S
ADVOCACY CENTERS
OF NORTH DAKOTA

2024



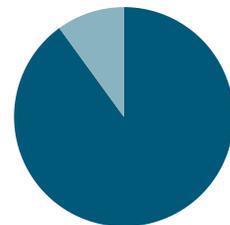
THE ISSUE OF **CHILD ABUSE**



**1 IN 7 CHILDREN EXPERIENCED
CHILD ABUSE AND NEGLECT IN
THE LAST YEAR**



**ESTIMATED KIDS IN NORTH DAKOTA
WHO EXPERIENCED CHILD ABUSE
AND NEGLECT LAST YEAR**



**90%+ OF CHILD
VICTIMS KNOW AND
TRUST THEIR ABUSER**



**MOST CHILD VICTIMS
DELAY OR NEVER DISCLOSE
CHILD SEXUAL ABUSE**



WHAT IS A **CHILDREN'S ADVOCACY**

A Safe, Child-Friendly Place for Forensic Interviews

Highly trained professionals, guided by evidence-based research and trauma informed principles, allow kids to share their story of abuse.

Wraparound Mental Health and Medical Services for Victims

Trained professionals interview children, guided by evidence based research and trauma informed principles to ensure every child has an opportunity to share their story.

A Coordinated, Multi-Disciplinary Team Response to Child Abuse

Law enforcement, child protective services, mental health, medical, prosecution, and advocacy collaborate to provide compassionate care.

“

As a police officer, we rely heavily on the child-centered approach and expertise of Children's Advocacy Centers.

-North Dakota Police Officer

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CENTER



Before CACs children had to tell the worst story of their life over and over again to social workers, nurses, law enforcement, lawyers, therapists, investigators, etc.



With CACs children only need to tell their story once to a trained interviewer who knows the right questions to ask in a way that does not retraumatize the child.

WHAT SERVICES CACs OFFER

Total number of services for all Children's Advocacy Centers in North Dakota in 2024

3,153

Total Number of Individuals Served

1,921

Total Number of Children Served

1,109

Forensic Interviews

Highly trained professionals, guided by research and best practices, ask age-appropriate questions to gather evidence and allow kids to share their story of abuse.

27,401

Victim Advocacy

With a compassionate, listening ear, advocates provide needed support, resources, referrals, and information—from the first day, throughout the court process, and beyond.

7,458

Mental Health

Trauma-informed, evidenced-based therapists offer in-person and telehealth counseling to combat the emotional effects of child abuse.

362

Medical Services

Trained medical professionals ensure the health and safety of children while identifying any evidence of sexual or physical abuse. These medical services are referred out to our partners.

573

Multidisciplinary Team

Law enforcement, human services, prosecutors, mental health, forensic interviewers, victim advocates, and medical professionals gathered to provide a collaborative response to cases of child abuse.

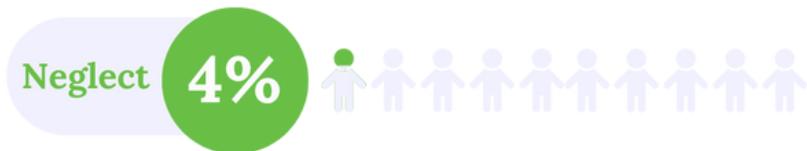


WHO CACs SERVE

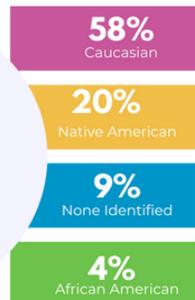
Age of Individuals Served



Type of Abuse



Race & Ethnicity

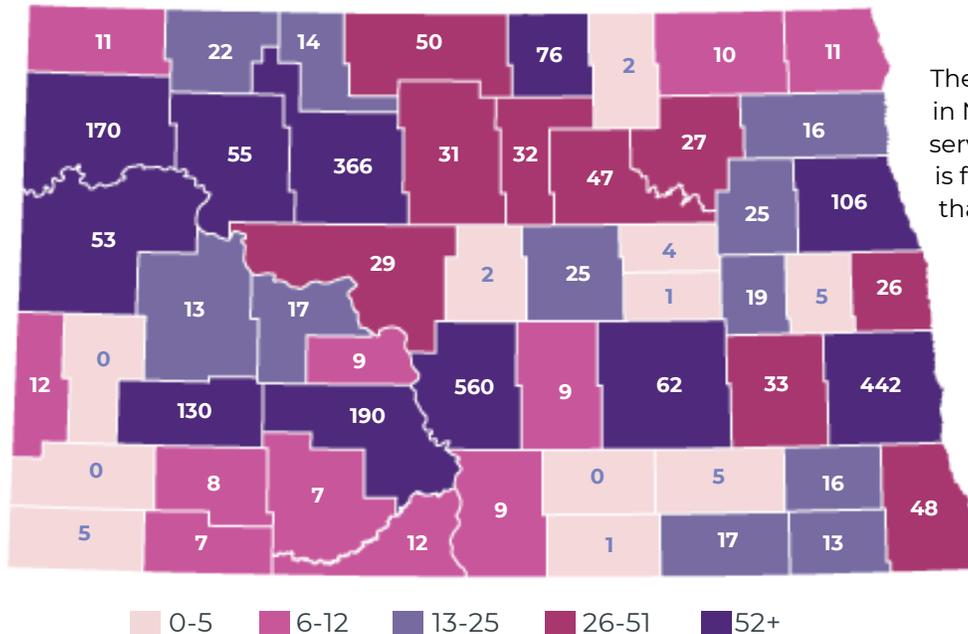


This year's report on Children's Advocacy Centers provides a glimpse into the reality of child sexual abuse and other forms of maltreatment in our state. While our Children's Advocacy Centers' staff's tireless efforts have provided crucial support and services to countless children and families, the numbers underscore the urgent need for continued intervention, prevention, and community awareness.



WHERE CACs SERVE

Children served by county



The number of children impacted by abuse in North Dakota is much higher than those served by Children’s Advocacy Centers. This is for a variety of reasons including the fact that only 16% of child sexual abuse victims disclose the abuse.

Münzer et al. (2016)
 Collin-Vézina et al. (2015)
 Foster & Hagedorn (2014)
 Sorsoli et al. (2008)

Our state’s 3 Children’s Advocacy Centers operate in 11 locations, serving all 53 counties and 5 Tribal nations.



Fargo | Grand Forks | Devils Lake
www.rrcac.org



Minot | Stanley | Bottineau
www.northernplainscac.org



Bismarck | Dickinson | Watford City
 Standing Rock | Jamestown
www.dakotacac.org

“ The Children’s Advocacy Center is completely victim centered. Kids who are abused have a story to tell and the CAC offers that safe space. ”

Steph Wieland,
 Buffalo Bridges Human Service Zone

THE EFFICACY OF THE CAC MODEL

\$2.4 million

Lifetime Cost for Each Victim of Child Abuse or Neglect in the U.S.

Due to increased medical and mental health costs, risky behaviors, and reduced productivity



\$87,528

Yearly Cost for Each Victim of Child Abuse and Neglect in the U.S.



\$663

Amount Saved for Every \$1 Spent on a Children's Advocacy Center

Peterson. Economic Burden of Health Conditions Associated With Adverse Childhood Experiences Among US Adults. JAMA Netw Open. Published December 06, 2023. doi:10.1001/jamanetworkopen.2023.46323
Gelles, R. J., & Perlman, S. (Eds.). (2012). Estimated annual cost of child abuse and neglect. Office of Justice Programs. Amount adjusted for inflation. Maryland Children's Alliance, 2021

What Caregivers Are Saying

This has been very stressful and hard on our family. I am so thankful the CAC is listening and helping us.

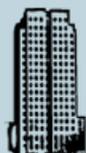
Mental health therapy at the CAC has saved my daughter's life and our relationship.

I brought my daughter to the CAC after she disclosed trauma. Her therapy sessions have been successful and now we can move forward as a family and establish healing for all of us.

How CACs Are Funded



Federal Grants



State Grants



Donations



Community Foundations



Third-Party Payments