

2025 HOUSE EDUCATION

HB 1095

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1095
1/13/2025

Relating to child protective services liaisons in school districts.

2:30 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Morton, Novak, Osowski

Members Absent: Representative Marchall

Discussion Topics:

- Child Neglect
- Child Protective Services

2:31 p.m. Dwight Keifert, North Dakota Representative, District 24, testified in support, #28458

2:51 p.m. Amy De Kok, Director ND School Boards Association, testified in support, #28676

2:55 p.m. Lynn Flieth, Director of RSR Human Service zone, testified in opposition #28542, #29814, #29815.

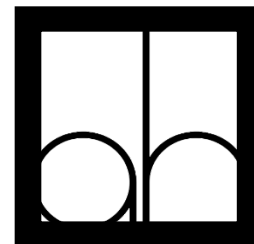
3:27 p.m. Brad Peterson, Legal Director, Protection Advocacy Project, testified in opposition #28723

3:30 p.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

Alex Hennix
207 4th Ave NE
Kenmare, ND 58746

Phone: (701) 341-0845



January 11, 2025

Chairman Heinert and Members of the Committee,

My name is Alex Hennix, and I serve as the superintendent of Kenmare Public School. I am deeply grateful for the opportunity to share my testimony today, and I would like to especially thank Representative Kiefert for sponsoring this important bill.

Our public schools are more than just places of learning; they are second homes for children, where they spend over 170 days each year. We know our students well, and we care deeply for their well-being. While the Department of Human Services does excellent work in supporting families, there remains a critical gap in the process—follow-up. Too often, schools are left in the dark, unable to advocate for the children we know best.

In Kenmare, we have seen the tragic consequences of this gap, particularly for our most vulnerable students. On January 12, 2014, one of our students lost his life at the hands of his mother after enduring years of neglect and abuse. He was only 13 years old and weighed just 21 pounds when he was found. This student had been repeatedly reported to social services by our school, but despite our efforts, the child was removed from our care and eventually homeschooled until his heartbreaking death. This is just one example of the lack of follow-up that has devastating consequences. We continue to see children suffer from abuse and neglect time and time again, with our only option often being to file a 960 report. More often than not, we later learn that no abuse or neglect was substantiated—even when, from our training as mandated reporters, we know it is happening.

We remain devastated that, despite our concerns and repeated reports, our hands were tied when it came to follow-up. We know confidentiality is important, and we respect the privacy of families. But as educators, we know these children and their families better than anyone, and we are often the first line of defense in protecting them.

I strongly believe that establishing a liaison between schools and Human Services would significantly improve communication and ensure more comprehensive support for our children. Just as schools have dedicated liaisons for students experiencing homelessness or in foster care, I believe it is crucial to have the option of a trained liaison who can facilitate communication with Human Services when necessary.

Thank you for your time and consideration of this vital step in better supporting our children and ensuring their safety and well-being.

Sincerely,
Alex Hennix
Superintendent, Kenmare Public School
ahennix@mykps.us

Testimony Prepared for the
House Education Committee
January 13, 2025
By: Lynn Flieth, RSR Human Service Zone Director

RE: HB 1095: Relating to Child Protective Services Liaisons in School Districts

Chair Heinert, and members of the House Education Committee, my name is Lynn Flieth. I am the Director for the RSR Human Service Zone, which includes the counties of Ransom, Sargent and Richland. In addition, I am a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in opposition to HB 1095.

North Dakota enacted child protection laws in response to the federal Child Abuse and Prevention Treatment Act (CAPTA) of 1974. CAPTA requires states to establish procedures for receiving and responding to allegations of abuse or neglect and ensuring child safety. North Dakota's response was the enactment of NDCC Chapter 50-25.1. This chapter mandates Human Service Zones to provide child protective services (CPS); all services are authorized by Century Code and guided by Administrative Rules and HHS policy.

As a state supervised, locally administered system, there is a team of dedicated professionals, at both the human service zone and NDHHS levels that work together to deliver, supervise, and oversee child protective services. The attachment, "Who Does What in Child Welfare?" provides a high-level overview of duties and responsibilities and the starred items specially reflect the CPS team.

Since 2020, when Human Service Zones were formally launched, several redesign projects have occurred within social services programs; these redesigns have transformed how programs, including the child welfare programs, are delivered in North Dakota. Part of the CPS

redesign resulted in two significant changes that have likely complicated historical practices and relationships with community partners: 1) creating a centralized CPS Intake Unit and 2) streamlining decision-making by no longer utilizing multi-disciplinary community Child Protection Teams.

Despite these changes, Human Service Zones and HHS partners continue to hold community partners in high regard and value the relationship with, and functions and roles within each partner system. Educators and schools are critical community support partners. We believe HB 1095 may be intended to strengthen relationship and communications between CPS and schools. However, the bill language, when read literally, presents a very different set of outcomes that will almost certainly lead to several unintended but ultimately harmful consequences. Please allow me to explain.

Page 1, lines 7-8 acknowledge that “child protective services” means an “authorized agent” or the “department” as already defined in NDCC Chapter 50, which grants the statutory authority for, and guides provision of, child welfare services in North Dakota. The proposed child protective services liaison, or educators and other school district personnel are not included in the definitions of “child protective services,” “authorized agent” or “department,” nor are they under the employment authority of human service zone or HHS.

Page 1, lines 9-12 allow for a school district to designate or hire an individual(s) to serve as a child protective services liaison. This bill does not have a fiscal note or appropriation. A concern is where will funding come from to comply with this proposed law? What would the qualifications include to be a CPS liaison? For larger school districts, there could literally be hundreds of child protection cases in a school year for a CPS Liaison.

Page 1, line 14 calls for the school CPS liaison to be the “primary point of contact” for CPS. This is concerning as it appears that authority to complete child protection work transfers

to the school versus the official Child Protection system. This may cause conflict, confusion of roles and communication problems for both professionals and families.

Page 1, line 15 directs the school liaison to be the school spokesperson for CPS. This is also concerning. Child Protection workers must gather first-hand information by interviewing relevant parties or collateral contacts as they complete the assessment. This is a fact-finding process. Spokespersons do not have a first-hand account of facts and this could cause complicated and inaccurate information gathering, leading to erroneous findings of suspected child abuse/neglect.

Page 1, line 16 calls for the school liaison to “assist” with the CPS investigation. This is of high concern on multiple levels. CPS assessments already are subject to a team approach of trained and dedicated professionals. School professionals are experts in education. CPS professionals are experts in child safety. The term “assisting” is broad and undefined. There are concerns “assisting” with the investigation (known as assessment) may cause legal, conflict of interest, and confidentiality concerns. In what manner will a Liaison “assist?” Will they conduct other interviews? Under current statute, a CPS Liaison does not have legal authority for this activity. Does “assist” include in making a determination as to whether or not child abuse/neglect has occurred? This is the role of the Department of Health and Human Services, who ultimately must oversee and facilitate the appeals process for Confirmed findings. Should a Child Protection Assessment result in a removal of a child and subsequent court involvement, the CPS Assessment Worker is provided legal representation by the local State’s Attorney. What would the role of a CPS Liaison be in a court-involved case and who would serve as their legal representative?

Also, reports received are suspected reports of child abuse and neglect. Families and children have rights to privacy and confidentiality related to CPS activities. Opening up communication, may cause families and children undue harm. This same concern applies to

page 1, lines 17-20. Parental and child rights, specifically privacy rights, may be infringed upon by implementing this bill as presented.

Page 1, lines 21-23 and continuing to page 2, lines 1-2 call for a school reporting process. This again could pose confidentiality concerns. The audience/purpose of such report is unclear. This process does not include Zone/NDHHS input or comments. This may pose counter-productive to systems strengthening and relations.

Lastly, page 2, lines 4-12 would require child protective services to provide training to school liaisons. The general content for the training is outlined and again appears to create role confusion. There would be a cost related to providing training to every school district and every school liaison in North Dakota as defined in the bill draft. As noted earlier, CPS work involves specialized training; the training is provided when employment with the host Zone commences. The training process is lengthy and intense. Safety decisions and abuse/neglect determinations are guided by HHS policy and follow specific processes within the Human Service Zones. There are frequent policy changes that Zone team members must be informed about. How much of this information needs to be relayed to the liaisons? How frequently? How will CPS workers manage this additional load on top of their case assignments? How will this impact Zones that have vacancies and need to reach out to other Zones for assistance? School liaisons are not employed by the Human Service Zones. Much of the information outlined in the bill is provided through the annually required mandated reporter training. Lines 9-11 can be achieved by calling the local zone and asking for a meeting or in-service. There would be a cost related to providing training to every school district and every school liaison in North Dakota as defined in the bill draft. Yet, there is no fiscal note or appropriation for this item.

I would like to reiterate that it would appear that the intent behind HB 1095 may be to have Human Service Zones and School Districts move toward collaborative work in meeting the needs of North Dakota's children. The Human Service Zone Directors would agree that

moving forward and rebuilding relationships and partnerships are keys to child safety and success, however HB 1095 positions these two entities in opposition vs. collaboration. Because Child Protection Service activities transcend any single entity, and rely upon a community response, the original intent of this bill may be more comprehensively and appropriately addressed in a coordinated effort through a statewide approach, perhaps through the Children's Cabinet. It would be beneficial to be inclusive of other service providers, law enforcement and the legal community along with the Child Protection system and schools to enhance understanding, strengthen systems, and to optimally support children and their families.

Thank you for consideration of my testimony regarding House Bill 1095. I stand for questions from the committee.

Who Does What in Child Welfare?

ROLES IN NORTH DAKOTA'S HUMAN SERVICE SYSTEM

HUMAN SERVICE ZONES (HSZ) TEAM MEMBERS



Child Protection Services

(CPS) Workers: Provide protective services for children under age 18, including child protection assessments in response to reports of suspected child abuse or neglect and follow-up services to families.



CPS Central Intake Unit:

(Statewide HSZ team) Is the intake point for reports of suspected child abuse or neglect. Collects facts and provides details to CPS workers at the local HSZ level.



Child Welfare/CPS Supervisor:

Supervise and support child welfare staff in HSZs.

Foster Care Case Manager:

Manages case and is main point of contact for child, parents and foster care provider. *Child is not in the home.*

Child Welfare Case Manager:

(Also called Family/In-Home/ Wrap-around/Family Preservation Case Manager) Focuses on internal family stability, parental capacities, and identifying needed supports and services. *Child is in the home.*

Family Support/Parent Aide:

(Also called Human Service Aide /Transportation Aide) Assist parents in building parental capacities and skills to maintain

or reunify child with family. Not located in all HSZs. Some only provide transportation to support child and family connections and visits. ■

ND HEALTH AND HUMAN SERVICES (HHS) TEAM

Foster Care Licensing Specialist:

Recruits, supports, guides and assesses foster parents through the licensing and renewal process. Works in the HHS Children and Family Services (CFS) Licensing Unit.



Field Service Specialist:

Monitors fidelity and quality of work related to the Safety Framework child welfare practice model and ND policy, in addition to providing technical assistance to the foster care, child protection and in-home case management units within the Human Service Zones and Division of Juvenile Services (DJS). Is employed by HHS – CFS. ■

Other Non-Child Welfare Support to Families

Children in Need of Services

(CHINS): HSZ team connects families and children (whose behaviors include truancy, disobeying parents, running away and/ or using tobacco products) to local services.

hhs.nd.gov/cfs

OTHER INFORMATION

☆ OUT OF HOME PLACEMENT:

- Legal authority to remove a child is authorized by Juvenile Court or Law Enforcement and affirmed by the Courts.
- Deprivation matters are brought forth by the HSZ CPS workers to the removing authorities.
- Out-of-home placements could occur with relatives, kinship care, foster homes, therapeutic foster homes, or QRTP/PRTFs.

CUSTODIAL AGENCY:

In ND, foster children are placed under the public custody of three public agencies:

- *Human Service Zones:* ND's 19 Human Service Zones that represent 53 counties serve the greatest volume of foster children in ND's foster care system.
- *Division of Juvenile Services*
- *Tribal Social Services:* North Dakota has a formal State-Tribal Title IV-E agreement with four Tribal Nations: Standing Rock Sioux Tribe, Spirit Lake Nation, Turtle Mountain Band of Chippewa and MHA Nation.

GUARDIAN AD LITEM:

Appointed by the court to advocate for the best interests of a child in a juvenile court proceeding.



NDSBA
**NORTH DAKOTA SCHOOL
 BOARDS ASSOCIATION**

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HB 1095
Testimony of Amy De Kok
House Education
January 13, 2025

Chairman Heinert and members of the House Education Committee, my name is Amy De Kok. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 168 North Dakota public school districts, their boards, and several multi-district special education units. Thank you for the opportunity to provide testimony regarding House Bill 1095, which would require the designation of a child protective services liaison in each public school district. I am here to express general support for this important legislation while suggesting several key amendments to strengthen its effectiveness.

The core premise of HB 1095 is sound. Allowing for a designated liaison position between schools and child protective services can significantly improve communication, coordination, and ultimately outcomes for vulnerable students. School staff are often the first to notice signs of abuse or neglect, yet the current system can, at times, create barriers to effective reporting and follow-up. A dedicated liaison may help bridge these gaps.

However, I respectfully suggest the following amendments to enhance the bill's impact:

- On page 1, at line 11, remove the entirety of subpart a of subsection 2 (“a faculty member, including a counselor, social worker, or administrator, or”) and at line 12, insert “or retained to serve in” after “an individual hired”. “Hired or retained” would give schools more flexibility in designating this role to an employee or someone from the special education unit they might be a part of (or an independent contractor).
- At line 15, remove “the primary” and insert “a” in subpart a of subsection 3. The CPS liaison can be *a* point of contact but shouldn’t be the only or automatically the primary point of contact. This could conflict with NDCC 50-25.1-05.6, which requires CPS to notify “the school principal” or other “administrator” when conducting interviews on school property.
- Add “as allowed by law” at the end of both subpart b and subpart c of subsection 3. The “as allowed by law” language provides some protection to school districts when

complying with FERPA requirements. FERPA is the federal law that protects the privacy of students' education records and limits who can access them.

- Replace “coordinate” with “assist with coordinating” in subpart d of subsection 3. School personnel should not be responsible for the coordinating of "resources" for students in the care of CPS, but they can certainly "assist."
- Finally, on page 2, line 12 add a subpart c to subsection 4 with the following language: “Assistance with internal school district investigations that may occur concurrently with child protective services investigations.” NDCC chapter 50-25.1 requires that CPS and schools coordinate the planning and execution of child protection assessments and school investigation efforts to avoid a duplication of fact-finding efforts and multiple interviews if practical. This language will make this bill consistent with this requirement.

Thank you for your consideration of these recommendations. I would be happy to provide additional information or clarification as needed.

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1095

Introduced by

Representatives Kiefert, Dobervich, Frelich, Karls, McLeod, Mitskog, S. Olson

Senator Lee

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota
2 Century Code, relating to child protective services liaisons in school districts.

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

- 4 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Child protective services liaison - Duties - Training - Report.**

- 7 1. As used in this section, "child protective services" means an "authorized agent" or the
8 "department" as the terms are defined under section 50-25.1-02.
- 9 2. A school district may designate at least one child protective services liaison by assigning the
10 duties under subsection 3 to:
- 11 a. ~~A faculty member, including a counselor, social worker, or administrator, or~~
12 An individual hired or retained to serve in for the position of child protective
13 services liaison.
- 14 3. A child protective services liaison shall:
- 15 a. Act as a the primary point of contact for child protective services;
- 16 b. Communicate with child protective services on behalf of the school district as
allowed by law;.
- 17 c. Assist child protective services with a student case investigation as allowed by law;
- 18 d. ~~Assist with coordinating~~ Coordinate resources and support services for a student in
19 the care of child protective services;
- 20 e. Inform school personnel of a student's needs resulting from the student's
21 involvement with child protective services as necessary; and
- 22 f. Annually provide to the school district a report, including:
- 23 (1) The number of cases on which the liaison worked;
- (2) Challenges resulting from collaboration with child protective services; and

(3) Recommendations for improving the partnership between child protective services and the school district.

4. Child protective services shall provide:

a. Training to each child protective services liaison, within six months of the liaison's designation, including:

(1) Identification of signs of child abuse and neglect;

(2) Procedures for reporting suspected child abuse and neglect;

(3) Child protective services protocols and procedures;

(4) Best practices for collaborating with child protective services to support students; and

(5) Confidentiality and ethical considerations regarding student cases.

b. Ongoing training and professional development.

c. Assistance with internal school district investigations that may occur concurrently with child protective service investigations.



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Education Committee
House Bill 1095 - January 13, 2025
Testimony of Brad Peterson, Legal Director

Greetings Chairman Heinert and members of the Education Committee. My name is Brad Peterson and I am the Legal Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A opposes the bill in current form; however, if it is the wish of the committee to pass this bill there are some necessary amendments we request.

Protection and Advocacy requests that amendments be made to this bill. If a liaison is required, it is in the best interest of the students, that the liaison is not a faculty member, including a counselor, social worker, administrator, or any other district employee. A liaison should be an impartial individual that interfaces with the district, school, student, and/or parents when there is a report of suspected abuse or neglect. A faculty member in any job title or position would be able to have knowledge and/or awareness of information about the child and/or family which could cloud the impartiality necessary to participate in protective services investigations and realize objective outcomes. It could also harm positive relationships between parents, district, and school staff. These relationships are the foundation of trust, communication, and support between the parents and faculty members. Faculty members are already stretched to the limit as they increasingly take on more responsibility for education and protecting the safety and well-being of students. Adding the role of liaisons to their already overflowing plates could complicate the challenges of teacher retention and job satisfaction; something every school faces.

An unintended consequence of designating faculty members as liaisons is the jeopardy of reports of suspected abuse and neglect reports to ICPS, P&A, and police not being made. Reports need to be made to an entity/person who is not part of the district or school and someone who is not housed at the school.

Protection & Advocacy supports collaboration between school districts and child protective services; however, we ask that you contemplate the potentially negative consequences of this bill. In its current form this bill will not serve the best interest of those it is intended to protect.

Thank you for your time and consideration.

Brad Peterson
P&A Legal Director
brapeterson@nd.gov

CHAPTER 50-25.1 CHILD ABUSE AND NEGLECT

50-25.1-01. Purpose.

It is the purpose of this chapter to protect the health and welfare of children by encouraging the reporting of children who are known to be or suspected of being abused or neglected; the providing of adequate services for the protection and treatment of abused and neglected children and to protect them from further harm; the identifying of the cause of children's deaths, when possible; the identifying of those circumstances that contribute to children's deaths; and the recommending of changes in policy, practices, and law to prevent children's deaths.

50-25.1-02. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "A person responsible for the child's welfare" means an individual who has responsibility for the care or supervision of a child and who is the child's parent, an adult family member of the child, any member of the child's household, the child's guardian, or the child's foster parent; or an employee of, or any person providing care for the child in, a child care setting. For the purpose of institutional child abuse or neglect, "A person responsible for the child's welfare" means an institution that has responsibility for the care or supervision of a child.
2. "Abused child" means an individual under the age of eighteen years who is suffering from abuse as defined in section 14-09-22 caused by a person responsible for the child's welfare, and includes a sexually abused child who is suffering from or was subjected to any act in violation of sections 12.1-20-01 through 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.3, or chapter 12.1-27.2.
3. "Alcohol misuse" means a pattern of drinking that results in harm to one's health, interpersonal relationships, or ability to work.
4. "Alternative response assessment" means a child protection response involving substance exposed infants which is designed to:
 - a. Provide referral services to and monitor support services for a person responsible for the child's welfare and the substance exposed infant; and
 - b. Develop a plan of safe care for the substance exposed infant.
5. "Authorized agent" means the human service zone, unless another entity is designated by the department.
6. "Child abuse information index" means a categorized registry of subjects of reports confirmed or confirmed with unknown subjects for child abuse, neglect, or death resulting from abuse or neglect which are filed pursuant to section 50-25.1-05.2.
7. "Child fatality review panel" means a multidisciplinary team consisting of a representative of the department and, if possible, a forensic pathologist, a physician, a representative of the department of health and human services injury prevention, a representative of the attorney general, a representative of the superintendent of public instruction, a representative of the department of corrections and rehabilitation, a peace officer licensed in the state, a mental health professional, a representative of emergency medical services, a medical services representative from a federally recognized Indian tribe in this state, one or more representatives of the lay community, and a designated tribal representative, as an ad hoc member, acting for each federally recognized Indian tribe in this state. A team member, at the time of selection and while serving on the panel, must be a staff member of the public or private agency the member represents or shall serve without remuneration. The child fatality review panel may not be composed of fewer than three individuals.
8. "Child in need of services" means a child who in any of the following instances is in need of treatment or rehabilitation:
 - a. Is habitually and without justification truant from school or absent from school without an authorized excuse for more than five days during a school year;
 - b. Is habitually disobedient of the reasonable and lawful commands of the child's parent, guardian, or other custodian including runaway and is ungovernable or

- who is willfully in a situation that is dangerous or injurious to the health, safety, or morals of the child or others;
- c. Except for an offense committed by a minor who is fourteen years of age or older under subsection 2 of section 12.1-31-03 or an equivalent local ordinance or resolution, has committed an offense applicable only to a child; or
 - d. Is under fourteen years of age and has purchased, possessed, smoked, or used tobacco, a tobacco-related product, an electronic smoking device, or an alternative nicotine product in violation of subsection 2 of section 12.1-31-03. As used in this subdivision, "electronic smoking device" and "alternative nicotine product" have the same meaning as in section 12.1-31-03.
- 9. "Child protection assessment" means a factfinding process designed to provide information that enables a determination of whether a child meets the definition of an abused or neglected child, including instances that may not identify a specific person responsible for the child's welfare which is responsible for the abuse or neglect.
 - 10. "Children's advocacy center" means a full or associate member of the national children's alliance which assists in the coordination of the investigation in response to allegations of child abuse by providing a dedicated child-friendly location at which to conduct forensic interviews, forensic medical examinations, and other appropriate services and which promotes a comprehensive multidisciplinary team response to allegations of child abuse. The team response may include forensic interviews, forensic medical examinations, mental health and related support services, advocacy, and case review.
 - 11. "Citizen review committee" means a committee appointed by the department to review the department's provision of child welfare services.
 - 12. "Confirmed" means that upon completion of a child protection assessment, the department determines, based upon a preponderance of the evidence, that a child meets the definition of an abused or neglected child, and the department confirms the identity of a specific person responsible for the child's welfare which is responsible for the abuse or neglect.
 - 13. "Confirmed with unknown subject" means that upon completion of a child protection assessment, the department determines, based upon a preponderance of the evidence, that a child meets the definition of an abused or neglected child, but the evidence does not confirm the identity of a specific person responsible for the child's welfare which is responsible for the abuse or neglect.
 - 14. "Department" means the department of health and human services.
 - 15. "Family services assessment" means a child protection services response to reports of suspected child abuse or neglect in which the child is determined to be at low risk and safety concerns for the child are not evident according to guidelines developed by the department.
 - 16. "Impending danger" means a foreseeable state of danger in which a behavior, attitude, motive, emotion, or situation can be reasonably anticipated to have severe effects on a child according to criteria developed by the department.
 - 17. "Indicated" means that upon completion of an assessment of a report of institutional child abuse or neglect, the department determines based upon a preponderance of the evidence, that a child meets the definition of an abused or neglected child.
 - 18. "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect when the institution responsible for the child's welfare is a public or private school, a residential facility or setting either licensed, certified, or approved by the department, or a residential facility or setting that receives funding from the department. For purposes of this subsection, residential facilities and settings excludes correctional, medical, home- and community-based residential rehabilitation, and educational boarding care settings.
 - 19. "Near death" means an act that, as certified by a physician, places a child in serious or critical condition.
 - 20. "Neglected child" means a child who, due to the action or inaction of a person responsible for the child's welfare:

- a. Is without proper care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals, and is not due primarily to the lack of financial means of a person responsible for the child's welfare;
 - b. Has been placed for care or adoption in violation of law;
 - c. Has been abandoned;
 - d. Is without proper care, control, or education as required by law, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of a person responsible for the child's welfare, and that such lack of care is not due to a willful act of commission or act of omission, and care is requested by a person responsible for the child's welfare;
 - e. Is in need of treatment and a person responsible for the child's welfare has refused to participate in treatment as ordered by the juvenile court;
 - f. Was subject to prenatal exposure to alcohol misuse or any controlled substance as defined in section 19-03.1-01 in a manner not lawfully prescribed by a practitioner;
 - g. Is present in an environment subjecting the child to exposure of a controlled substance, chemical substance, or drug paraphernalia as prohibited by section 19-03.1-22.2, except as used in this subsection, controlled substance includes any amount of marijuana; or
 - h. Is a victim of human trafficking as defined in title 12.1.
21. "Prenatal exposure to a controlled substance" means use of a controlled substance as defined in chapter 19-03.1 by a pregnant woman for a nonmedical purpose during pregnancy as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance.
 22. "Protective services" includes services performed after an assessment of a report of child abuse or neglect has been conducted, such as social assessment, service planning, implementation of service plans, treatment services, referral services, coordination with referral sources, progress assessment, monitoring service delivery, and direct services.
 23. "State child protection team" means a multidisciplinary team consisting of a representative of the department, a representative of the attorney general, a representative of law enforcement, a representative of the superintendent of public instruction, a parent with lived experience, one or more representatives of the lay community, and, as an ad hoc member, the designee of the chief executive official of any institution named in a report of institutional abuse or neglect. All team members, at the time of their selection and thereafter, must be staff members of the public or private agency they represent or shall serve without remuneration. An attorney member of the child protection team may not be appointed to represent the child or the parents at any subsequent court proceeding nor may the child protection team be composed of fewer than three individuals. A quorum of the state child protection team consists of a minimum of one member from the department and two other state child protection team members.
 24. "Substance exposed infant" means an infant younger than twelve months of age at the time of the initial report of child abuse or neglect and who is identified as being affected by substance use or withdrawal symptoms or by a fetal alcohol spectrum disorder.
 25. "Substance use disorder" means a substance-related or addictive disorder identified in the "Diagnostic and Statistical Manual of Mental Disorders", American psychiatric association, fifth edition, text revision (2013), or a future edition adopted by the department.
 26. "Unable to determine" means insufficient evidence is available to enable a determination whether a child meets the definition of an abused or neglected child.

27. "Unconfirmed" means that upon completion of a child protection assessment, the department has determined, based upon a preponderance of the evidence, that a child does not meet the definition of an abused or neglected child.

50-25.1-03. Persons required and permitted to report - To whom reported.

1. Any dentist; optometrist; dental hygienist; medical examiner or coroner; tier 1 mental health professional, tier 2 mental health professional, tier 3 mental health professional, or tier 4 mental health professional as defined under section 25-01-01; or any other medical or mental health professional, religious practitioner of the healing arts, schoolteacher or administrator, school counselor, child care worker, foster parent, police or law enforcement officer, juvenile court personnel, probation officer, division of juvenile services employee, licensed social worker, family service specialist, child care licenser, or member of the clergy having knowledge of or reasonable cause to suspect a child is abused or neglected, or has died as a result of abuse or neglect, shall report the circumstances to the department or authorized agent if the knowledge or suspicion is derived from information received by that individual in that individual's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual adviser.
2. Any person having reasonable cause to suspect a child is abused or neglected, or has died as a result of abuse or neglect, may report such circumstances to the department or authorized agent.
3. A person having knowledge of or reasonable cause to suspect a child is abused or neglected, based on images of sexual conduct by a child discovered on a workplace computer, shall report the circumstances to the department or authorized agent.

50-25.1-03.1. Photographs - X-rays - Medical tests.

Any individual or official required to report under this chapter may cause to be taken color photographs of the areas of trauma visible on a child who the individual or official has knowledge or reasonable cause to suspect is an abused or neglected child and, if indicated by medical consultation, cause to be performed imaging studies, laboratory tests, colposcopies, and other medical tests of the child without the consent of the child's parents or guardian. All photographs and other visual images taken pursuant to this section must be taken by law enforcement officials, physicians, or medical facility professionals upon the request of any individual or official required to report under this chapter. Photographs and visual images, or copies of them, must be sent to the department or authorized agent at the time the initial report of child abuse or neglect is made or as soon thereafter as possible.

50-25.1-04. Method of reporting.

1. All persons mandated or permitted to report cases of known or suspected child abuse or neglect immediately shall cause oral or written reports to be made to the department or authorized agent. Oral reports must be followed by written reports within forty-eight hours if so requested by the department or authorized agent. A requested written report must include information specifically sought by the department or authorized agent if the reporter possesses or has reasonable access to that information. Reports involving known or suspected institutional child abuse or neglect must be made and received in the same manner as all other reports made under this chapter.
2. The chief administrator of an entity employing more than twenty-five individuals who are required to report suspected child abuse or neglect under this chapter may designate an agent within the entity to file reports of suspected child abuse or neglect on behalf of the staff members and volunteers of the entity. Under no circumstances may a designated agent to whom such report has been made impose conditions, including prior approval or prior notification, upon a staff member or volunteer reporting suspected child abuse or neglect under this chapter or exercise any control, restraint,

or modification, or make any changes to the information provided by the staff member or volunteer. A report filed by the designated agent must include the first and last name, title, and contact information for every staff member or volunteer of the entity who is believed to have direct knowledge of the facts surrounding the report. A single report from the designated agent under this subsection is adequate to meet the reporting requirement on behalf of staff members and volunteers of the entity listed with the required information.

3. If a staff member or volunteer makes a report of suspected child abuse and neglect to a designated agent of an entity as authorized in subsection 2, and the designated agent files a report on behalf of the staff member or volunteer, the staff member or volunteer will be considered to be fully compliant with the reporting requirements in this chapter. However, this section does not preclude the staff member or volunteer from also reporting the suspected child abuse and neglect directly to the department or authorized agent. A staff member or volunteer reporting suspected child abuse or neglect under this subsection who has knowledge the designated agent has failed to report on behalf of the staff member or volunteer immediately shall make a report directly to the department or authorized agent.

50-25.1-04.1. State child protection team - How created - Duties.

1. The department shall name the members of the state child protection team. The department is responsible for all reports made pursuant to this chapter. The department shall set meetings for the purposes of fulfilling the duties set forth in sections 50-25.1-02 and 50-25.1-04.
2. Under procedures adopted by the team, the team may meet at any time, confer with any individuals, groups, and agencies, and may issue reports or recommendations on any aspect of child abuse, neglect, or death resulting from abuse or neglect the team deems appropriate. All reports or recommendations issued are subject to section 50-25.1-11, except that the team shall make available information reflecting the disposition of reports of institutional child abuse, neglect, or death resulting from abuse or neglect, when the identity of persons reporting, and of the children and parents of children involved, is protected.
3. In every case of alleged institutional child abuse or neglect, the state child protection team shall make a determination whether child abuse or neglect is indicated. Upon a determination that institutional child abuse or neglect is indicated, the state child protection team promptly shall make a written report of the determination. When a report includes an allegation or report of institutional child abuse and neglect as defined in section 50-25.1-02, the state child protection team promptly shall notify the commissioner of the department or commissioner's designee of the determination. Notwithstanding section 50-25.1-11, the department shall notify the superintendent of public instruction, the school district administrator, and the president or chairman of the school board or a private school's governing body or entity if the subject of the report is a public or private school.
4. If a determination that institutional child abuse or neglect is indicated relative to a residential facility or setting either licensed, certified, or approved by the department or a residential facility or setting that receives funding from the department, that facility or setting shall engage in an improvement plan approved by the department. Failure to complete the approved improvement plan must result in notification to the residential facility or setting's board of directors and to any entity that accredits the facility or setting. Notification must include the written report of the state child protection team, the approved improvement plan, and areas of deficiency that resulted in the notification.

50-25.1-04.2. Child fatality review panel.

The child fatality review panel is a multidisciplinary panel and incorporates representatives of agencies that are directly or indirectly involved in responding to the death of a child. The department may designate any other person as appropriate to assist the panel in the

performance of the panel's duties. The department shall adopt rules for the operation of the panel. Panel members are not entitled to compensation or reimbursement of expenses for service on the panel. The representative of the department shall serve as presiding officer and is responsible for gathering records and preparing reports to review. The presiding officer shall set meetings for the purpose of fulfilling the duties set forth in sections 50-25.1-04.3 and 50-25.1-04.5.

50-25.1-04.3. Child fatality review panel - Duties.

The child fatality review panel shall meet at least quarterly to review the deaths and near deaths of all minors which occurred in the state during the preceding twelve months and to identify trends or patterns in the deaths and near deaths of minors. The panel may review near deaths alleged to have resulted only from child abuse and neglect. The panel shall promote:

1. Interagency communication for the management of child death cases and for the management of future nonfatal cases.
2. Effective criminal, civil, and social intervention for families with fatalities.
3. Intervention and counseling of surviving and at-risk siblings, and offer the same.
4. Interagency use of cases to audit the total health and social service systems and to minimize misclassification of cause of death.
5. Evaluation of the impact of specific risk factors including substance abuse, domestic violence, and prior child abuse.
6. Interagency services to high-risk families.
7. Data collection for surveillance of deaths and the study of categories of causes of death.
8. The use of media to educate the public about child abuse prevention.
9. Intercounty, interhuman service zones, and interstate communications regarding child death.
10. Information that appraises a parent or guardian of the parent's or guardian's rights and the procedures taken after the death of a child.

50-25.1-04.4. Child fatality review panel - Access to records.

Upon the request of a coroner or the presiding officer of a child fatality review panel, any hospital, physician, medical professional, medical facility, mental health professional, mental health facility, school counselor, or division of juvenile services employee shall disclose all records of that entity with respect to any child who has or is eligible to receive a certificate of live birth and who has died. The person submitting the request shall reimburse the disclosing entity for the actual costs of assembling and disclosing the information.

50-25.1-04.5. Child fatality review panel - Confidentiality of meetings, documentation, and reports.

1. Notwithstanding section 44-04-19, all meetings of the panel are closed to the public. Notwithstanding section 44-04-18, all documentation and reports of the panel are confidential, except for annual reports. The annual report involving child abuse and neglect deaths and near deaths must include the following:
 - a. The cause of and circumstances regarding the death or near death;
 - b. The age and gender of the child;
 - c. Information describing any previous child abuse and neglect reports or assessments that pertain to the child abuse or neglect that led to the death or near death;
 - d. The result of any such assessments; and
 - e. The services provided in accordance with section 50-25.1-06, unless disclosure is otherwise prohibited by law.
2. The panel shall make available to the persons designated in section 50-25.1-11 the documentation and reports of the panel.

50-25.1-05. Child protection assessment - Alternative response assessment - Family services assessment.

1. The department or authorized agent, in accordance with rules adopted by the department, immediately shall initiate a child protection assessment, alternative response assessment, or family services assessment or cause an assessment, of any report of child abuse or neglect including, when appropriate, the child protection assessment, alternative response assessment, or family services assessment of the home or the residence of the child, any school or child care facility attended by the child, and the circumstances surrounding the report of abuse or neglect.
2. According to guidelines developed by the department, the department or authorized agent may initiate an alternative response assessment or family services assessment if the department or authorized agent determines initiation is appropriate.
3. If the report alleges a violation of a criminal statute involving sexual or physical abuse, the department or authorized agent shall initiate a child protection assessment by contacting the law enforcement agency having jurisdiction over the alleged criminal violation. The department or authorized agent and an appropriate law enforcement agency shall coordinate the planning and execution of the child protection assessment and law enforcement investigation efforts to avoid a duplication of factfinding efforts and multiple interviews. If the law enforcement agency declines to investigate, the department or authorized agent shall continue the child protection assessment to a determination.
4. The department, the authorized agent, or the law enforcement agency may:
 - a. Refer the case to a children's advocacy center for a forensic interview, forensic medical examination, and other services.
 - b. Interview, without the consent of a person responsible for the child's welfare, the alleged abused or neglected child and any other child who currently resides or who has resided with the person responsible for the child's welfare or the alleged perpetrator.
 - c. Conduct the interview at a school, child care facility, or any other place where the alleged abused or neglected child or other child is found.
5. Except as prohibited under title 42, Code of Federal Regulations, part 2, or title 34, Code of Federal Regulations, part 99, a medical, dental, or mental health professional, hospital, medical or mental health facility, health care clinic, or a public or private school shall disclose to the department or the authorized agent, upon request, the records of a patient, client, or student. The department, or the authorized agent, shall limit the request for records to the minimum amount of records necessary to enable a determination to be made or to support a determination of whether child abuse or neglect is confirmed, confirmed with unknown subject, or unable to determine to provide for the protection and treatment of an abused or neglected child.
6. The department shall adopt guidelines for case referrals to a children's advocacy center. When cases are referred to a children's advocacy center, all interviews of the alleged abused or neglected child conducted at the children's advocacy center under this section must be audio-recorded or video-recorded.
7. The department or authorized agent shall complete an evidence-based screening tool during a child protection assessment or a family services assessment.
8. The department or authorized agent may terminate in process a child protection assessment upon a determination there is no credible evidence supporting the reported abuse or neglect occurred.
9. If a report alleges institutional child abuse or neglect involving a public or private school, the department or the department's authorized agent shall conduct a child protection assessment. If practical, the department or the department's authorized agent shall provide notice of the onset of a child protection assessment to the public or private school. A public or private school may complete an investigation into any conduct reported or alleged to constitute institutional child abuse or neglect at the school's institution concurrently with a child protection assessment. If a public or private school conducts an investigation concurrently with a child protection

assessment, the department or the department's authorized agent and the public or private school shall coordinate the planning and execution of the child protection assessment and public or private school investigation efforts to avoid a duplication of fact finding efforts and multiple interviews if practical.

50-25.1-05.1. Child abuse or neglect assessment decision - How determined.

Upon completion of the child protection assessment of the initial report of child abuse or neglect, a decision must be made whether confirmed, confirmed with unknown subject, unconfirmed, or unable to determine abuse or neglect of a child.

1. This determination is the responsibility of the department.
2. A decision of confirmed may not be made if the suspected child abuse or neglect arises solely out of conduct involving the lawful practice of religious beliefs by a parent or guardian. This exception does not preclude a court from ordering that medical services be provided to the child if the child's life or safety requires such an order or the child is subject to harm or threatened harm.

50-25.1-05.2. Report to the court - Entry of report in the child abuse information index.

1. Upon confirmation that a child meets the definition of an abused or neglected child, the department promptly shall make a written report of the decision to the juvenile court having jurisdiction in the matter.
2. The department promptly shall file a report of a decision that a child meets the definition of an abused or neglected child under this section in the child abuse information index after the time to appeal the confirmed or confirmed with unknown subject decision has expired.
3. The department may not file a report of a decision that a child meets the definition of neglected child in the child abuse information index for a decision exclusively based on educational neglect.

50-25.1-05.3. Disposition of reports implicating a person not responsible for the child's health or welfare.

1. Upon determination by the department or authorized agent that a report made under this chapter implicates a person other than a person responsible for a child's welfare, the department or authorized agent shall refer the report to an appropriate law enforcement agency for investigation and disposition.
2. If law enforcement determines a minor committed an act in violation of sections 12.1-20-01 through 12.1-20-04, section 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.2, or chapter 12.1-27.2 against another minor, law enforcement shall provide the report to the department or authorized agent. Law enforcement shall conduct a criminal investigation and shall coordinate with the department or authorized agent for the provision of services to the minors, parents, custodians, or other persons serving in loco parentis with respect to the minors.
3. The department or authorized agent shall provide risk assessment, safety planning, and any appropriate evidence-based screening for the minors and any other minors under the same care. The department or authorized agent shall refer the minors, parents, custodians, or other persons serving in loco parentis with respect to the minors, for appropriate services.

50-25.1-05.4. Department to adopt rules for review of child protection assessment findings.

The department shall adopt rules to resolve complaints and conduct appeal hearings requested by the subject of a report of suspected child abuse, neglect, or death resulting from abuse or neglect who is aggrieved by the confirmed decision.

50-25.1-05.5. Child abuse information index - Establishment.

The division of children and family services or other division as determined appropriate by the department shall maintain a child abuse information index of all reports confirmed or confirmed with unknown subjects for child abuse, neglect, or death resulting from abuse or neglect which are filed pursuant to section 50-25.1-05.2. Reports must remain on the child abuse information index for a period no greater than twenty-five years following the determination. The department shall adopt rules for child abuse information index retention schedules and expungement procedures from those confirmed subjects of child abuse, neglect, or death resulting from abuse or neglect.

50-25.1-05.6. Interviews on school property.

The department, authorized agent, or appropriate law enforcement agency shall notify the school principal or other appropriate school administrator of its intent to conduct an interview on school property pursuant to section 50-25.1-05. The school administrator may not disclose the nature of the notification or any other related information concerning the interview to any person, including a person responsible for the child's welfare. The school administrator and department, authorized agent, or law enforcement agency shall make every effort to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school property.

50-25.1-06. Protective and other services to be provided.

1. The department shall provide protective services for a child meeting the definition of an abused or neglected child and who is at substantial risk of continued abuse or neglect due to a supported state of impending danger, as well as other children under the same care as may be necessary for their well-being and safety and shall provide other appropriate social services, as the circumstances warrant, to the parents, custodian, or other persons serving in loco parentis with respect to the child or the other children. The department may discharge the duties described in this section through an authorized agent. The department may provide protective services, as resources permit, for any child, other children under the same care, parents, custodian, or other persons serving in loco parentis upon concurrence of the parent, custodian, or other persons serving in loco parentis.
2. The department shall provide appropriate services to a child referred as a child in need of services and shall provide appropriate services to the person responsible for the child's welfare and the children under the same care as may be necessary for the well-being and safety of the children.

50-25.1-06.1. Caseload standards - Reimbursement.

Repealed by S.L. 2019, ch 391, § 139.

50-25.1-07. Protective custody.

Any physician examining a child with respect to whom abuse or neglect is known or suspected, after reasonable attempts to advise the parents, guardian, or other person having responsibility for the care of the child that the physician suspects has been abused or neglected, may keep the child in the custody of the hospital or medical facility for not to exceed ninety-six hours and must immediately notify the juvenile court and the department or authorized agent in order that child protective proceedings may be instituted.

50-25.1-08. Guardian ad litem.

The court, in every case involving an abused or neglected child which results in a judicial proceeding, shall appoint a guardian ad litem for the child in those proceedings.

50-25.1-09. Immunity from liability.

Any person, other than the alleged violator, participating in good faith in the making of a report, assisting in an investigation, assisting or furnishing information in a child protection

assessment, assisting or furnishing information in an alternative response assessment, assisting or furnishing information in a family services assessment, or in providing protective services under this chapter or who is a member of the child fatality review panel, is immune from any liability, civil or criminal, except for criminal liability as provided by section 50-25.1-13, that otherwise might result from reporting the alleged case of abuse, neglect, or death resulting from child abuse or neglect. For the purpose of any proceeding, civil or criminal, the good faith of any person required to report cases of child abuse, neglect, or death resulting from abuse or neglect must be presumed.

50-25.1-09.1. Employer retaliation prohibited - Penalty.

1. An employer that retaliates against an employee solely because the employee in good faith reported having reasonable cause to suspect that a child was abused or neglected, or died as a result of abuse or neglect, or because the employee is a child with respect to whom a report was made, is guilty of a class B misdemeanor. It is a defense to any charge brought under this section that the presumption of good faith, described in section 50-25.1-09, has been rebutted.
2. The employer of an individual required or permitted to report pursuant to section 50-25.1-03 which retaliates against the individual because of a report of abuse or neglect, or a report of a death resulting from child abuse or neglect, is liable to that individual in a civil action for all damages, including exemplary damages, costs of the litigation, and reasonable attorney's fees.
3. There is a rebuttable presumption that any adverse action within ninety days of a report is retaliatory. For purposes of this subsection, an "adverse action" is action taken by an employer against the individual making the report or the child with respect to whom a report was made, including:
 - a. Discharge, suspension, termination, or transfer from any facility, institution, school, agency, or other place of employment;
 - b. Discharge from or termination of employment;
 - c. Demotion or reduction in remuneration for services; or
 - d. Restriction or prohibition of access to any facility, institution, school, agency, or other place of employment or individuals affiliated with it.

50-25.1-10. Abrogation of privileged communications.

Any privilege of communication between husband and wife or between any professional person and the person's patient or client, except between attorney and client, is abrogated and does not constitute grounds for preventing a report to be made or for excluding evidence in any proceeding regarding child abuse, neglect, or death resulting from abuse or neglect resulting from a report made under this chapter.

50-25.1-11. Confidentiality of records - Authorized disclosures.

1. A report made under this chapter, as well as any other information obtained, is confidential and must be made available to:
 - a. A physician who has before the physician a child whom the physician reasonably suspects may have been abused or neglected.
 - b. A person who is authorized to place a child in protective custody and has before the person a child whom the person reasonably suspects may have been abused or neglected and the person requires the information to determine whether to place the child in protective custody.
 - c. Authorized staff of the department and its authorized agents, children's advocacy centers, and appropriate state child protection team members, and citizen review committee members.
 - d. Any person who is the subject of the report; provided, however, that the identity of persons reporting or supplying information under this chapter is protected until the information is needed for use in an administrative proceeding arising out of the report.

- e. Public officials and their authorized agents who require the information in connection with the discharge of their official duties.
 - f. A court, including an administrative hearing office, whenever the court determines that the information is necessary for the determination of an issue before the court.
 - g. A person engaged in a bona fide research purpose approved by the department's institutional review board; provided, however, that no individually identifiable information as defined in section 50-06-15 is made available to the researcher unless the information is absolutely essential to the research purpose and the department gives prior approval.
 - h. An individual who is identified in subsection 1 of section 50-25.1-03, and who has made a report of suspected child abuse or neglect, if the child is likely to or continues to come before the reporter in the reporter's official or professional capacity.
 - i. A parent or a legally appointed guardian of the child identified in the report as suspected of being, or having been, abused or neglected, provided the identity of persons making the report or supplying information under this chapter is protected. Unless the information is confidential under section 44-04-18.7, when a decision is made under section 50-25.1-05.1 that a child is abused or neglected, the department or authorized agent shall make a good-faith effort to provide written notice of the decision to individuals identified in this subsection. The department or authorized agent shall consider any known domestic violence when providing notification under this section.
 - j. A public or private school that is the subject of a report of institutional child abuse or neglect, provided the identity of the persons reporting or supplying the information under this chapter is protected, except if the individuals reporting or supplying information are employees of the public or private school.
2. In accordance with subsection 3 of section 50-11.1-07.8, upon the conclusion and disposition of a child abuse and neglect assessment for which a determination of confirmed decision is found, the department or authorized agent shall notify the owner, operator, holder of a self-declaration, or in-home provider and shall notify the parent or legally appointed guardian of a child, who at the time of notification is receiving early childhood services under chapter 50-11.1, of the name of the subject and provide a summary of the facts and the results of a child protection assessment conducted under this chapter if the report made under this chapter involves the owner, operator, holder of a self-declaration, or in-home provider; or involves a staff member or adult or minor household member of the early childhood program, self-declaration, or in-home provider, who is providing care to the child.
 3. In accordance with subsection 4 of section 50-25.1-04.1, the department may notify the residential facility or setting's board of directors and any entity that accredits the facility or setting of the institutional child abuse or neglect indicated determination, written report of the state child protection team, the approved improvement plan, and areas of deficiency that resulted in the notification.
 4. If a public or private school is the subject of a report of institutional child abuse or neglect, any records and information obtained, created, generated, or gathered by the public or private school in response to the report or during an investigation by the public or private school of the alleged conduct set forth in the report, are confidential until the state child protection team makes a determination in accordance with section 50-25.1-04.1 whether institutional child abuse or neglect is indicated.

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, a final applicant for employment of a children's advocacy center, a contractor 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, "board member" means an individual serving on the board of a children's advocacy center.

50-25.1-12. Cooperation required.

All law enforcement officials, courts of competent jurisdiction, and appropriate state agencies shall cooperate in fulfillment of the purposes of this chapter.

50-25.1-13. Penalty for failure to report - Penalty and civil liability for false reports.

Any individual required by this chapter to report or to supply information concerning a case of known or suspected child abuse, neglect, or death resulting from abuse or neglect who willfully, as defined in section 12.1-02-02, fails to do so is guilty of a class B misdemeanor. Any individual who willfully, as defined in section 12.1-02-02, makes a false report, or provides false information that causes a report to be made, under this chapter is guilty of a class B misdemeanor unless the false report is made to a law enforcement official, in which case the individual who causes the false report to be made is guilty of a class A misdemeanor. An individual who willfully makes a false report, or willfully provides false information that causes a report to be made, under this chapter is also liable in a civil action for all damages suffered by the person reported, including exemplary damages.

50-25.1-14. Unauthorized disclosure of reports - Penalty.

Any individual who permits or encourages the unauthorized disclosure of reports made or confidential information obtained under the provisions of this chapter is guilty of a class B misdemeanor.

50-25.1-15. Abandoned infant - Approved location procedure - Reporting immunity.

1. As used in this section:
 - a. "Abandoned infant" means an infant who has been abandoned at birth at a hospital or before reaching the age of one year regardless of the location of birth and who has been left with an on-duty staff member at an approved location in an unharmed condition.
 - b. "Approved location" means a hospital or other location as designated by administrative rule adopted by the department.
 - c. "Hospital" means a facility licensed under chapter 23-16.
2. A parent of an infant under the age of one year, or an agent of the parent with the parent's consent, may leave the infant with an on-duty staff member at an approved location. Neither the parent nor the agent is subject to prosecution under sections 14-07-15 and 14-09-22 for leaving an abandoned infant.
3. An approved location shall accept an infant left under this section. The approved location may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the approved location's return address. If a hospital accepting the infant has the infant's medical history, the hospital is not required to provide the parent or the agent with a medical history form. Neither the parent nor the agent is required to provide any information.
4. If an infant is left at a hospital, the hospital shall provide the parent or the agent with a numbered identification bracelet to link the parent or the agent to the infant, unless due to birth of the infant, the infant and parent currently have an identification bracelet. Possession of an identification bracelet does not entitle the bracelet holder to take custody of the infant on demand. If an individual possesses a bracelet linking the individual to an infant left at a hospital under this section and parental rights have not

been terminated, possession of the bracelet creates a presumption that the individual has standing to participate in a protection services action brought under this chapter or chapter 27-20.3. Possession of the bracelet does not create a presumption of maternity, paternity, or custody.

5. The approved location may provide the parent or the agent with any relevant information, including:
 - a. Information about the safe place for abandoned infant programs;
 - b. Information about adoption and counseling services; and
 - c. Information about whom to contact if reunification is sought.
6. Within twenty-four hours of receiving an infant under this section, the approved location shall report to the department or authorized agent, as required by section 50-25.1-03, that an infant has been left at the approved location. The report may not be made before the parent or the agent leaves the approved location.
7. The approved location and its employees and agents are immune from any criminal or civil liability for accepting an infant under this section.
8. Upon receiving a report of an abandoned infant under this section, the department or authorized agent shall proceed as required under this chapter if it appears that the abandoned infant was not harmed, except the department or authorized agent may not attempt to identify or contact the parent or the agent. If it appears the infant who was left was harmed, the department or authorized agent shall initiate a child protection assessment of the matter as required by law.
9. If an individual claiming to be the parent or the agent contacts the department or authorized agent and requests to be reunited with the infant who was left, the department or authorized agent may identify or contact the individual as required under this chapter and all other applicable laws. If an individual contacts the department or authorized agent seeking information only, the department or authorized agent may attempt to obtain information regarding the identity and medical history of the parents and may provide information regarding the procedures in a case involving an infant who was left at an approved location. The individual is under no obligation to respond to the request for information, and the department or authorized agent may not attempt to compel response to investigate the identity or background of the individual.
10. The department shall develop and implement a public awareness campaign to provide information, public service announcements, and educational materials regarding this section to the public, including medical providers, law enforcement, and social service agencies.

50-25.1-16. Prenatal exposure to controlled substances - Reporting requirements.

1. An individual required to report under section 50-25.1-03 who has knowledge of or reasonable cause to suspect that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy shall report the circumstances to the department or authorized agent if the knowledge or suspicion is derived from information received by that individual in that individual's official or professional capacity.
2. Any individual may make a voluntary report if the individual has knowledge of or reasonable cause to suspect that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy.
3. If a report alleges a pregnant woman's use of a controlled substance for a nonmedical purpose, the department or authorized agent immediately shall initiate an appropriate assessment that must include a referral for assessment of the presence of a substance use disorder with expectation to follow any treatment recommendations, and a referral for prenatal care. The department or authorized agent may also take any appropriate action under chapter 25-03.1.
4. A report and assessment under this section is not required if the pregnant woman voluntarily enters treatment in a licensed treatment program. If the pregnant woman does not complete voluntary treatment, continues to use controlled substances for a

nonmedical purpose, or fails to follow treatment recommendations, an individual required to report under section 50-25.1-03 who has knowledge of the failure to complete voluntary treatment, continued use of controlled substance for nonmedical purpose, or failure to follow treatment recommendations shall make a report as required by this section.

5. A report under this section must be made as described in section 50-25.1-04 and must be sufficient to identify the woman, the nature and extent of use, if known, and the name and address of the individual making the report.

50-25.1-17. Toxicology testing - Requirements.

1. If the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose or alcohol misuse, upon the consent of the pregnant woman, or without consent if a specimen is otherwise available, a physician shall administer a toxicology test to a pregnant woman under the physician's care or to a woman under the physician's care within eight hours after delivery to determine whether there is evidence that she has ingested a controlled substance or alcohol. If the test results are positive, the physician shall report the results under section 50-25.1-03.1. A negative test result or the pregnant woman's refusal to consent to a test does not eliminate the obligation to report under section 50-25.1-03 if other evidence gives the physician reason to believe the patient has used a controlled substance for a nonmedical purpose or has engaged in alcohol misuse.
2. If a physician has reason to believe based on a medical assessment of the mother or the infant that the mother used a controlled substance for a nonmedical purpose or engaged in alcohol misuse during the pregnancy, the physician shall administer, without the consent of the child's parents or guardian, to the newborn infant born under the physician's care a toxicology test to determine whether there is evidence of prenatal exposure to a controlled substance or alcohol. If the test results are positive, the physician shall report the results as neglect under section 50-25.1-03. A negative test result does not eliminate the obligation to report under section 50-25.1-03 if other medical evidence of prenatal exposure to a controlled substance or alcohol misuse is present.
3. A physician or any other medical personnel administering a toxicology test to determine the presence of a controlled substance or alcohol in a pregnant woman, in a woman within eight hours after delivery, or in a child at birth or during the first month of life is immune from civil or criminal liability arising from administration of the test if the physician ordering the test believes in good faith that the test is required under this section and the test is administered in accordance with an established protocol and reasonable medical practice. A physician or any other medical personnel who determines in good faith not to administer a toxicology test under this section is immune from liability for not administering the test.

50-25.1-18. Prenatal exposure to alcohol misuse - Reporting requirements.

1. An individual required to report under section 50-25.1-03 who has knowledge of or reasonable cause to suspect that a woman is pregnant and has engaged in alcohol misuse after the woman knows of the pregnancy shall:
 - a. Arrange for an assessment for the presence of a substance use disorder conducted by a licensed treatment program and confirm that the recommendations indicated by the assessment are followed; or
 - b. Immediately report the circumstances to the department or authorized agent if the knowledge or suspicion is derived from information received by that individual in that individual's official or professional capacity.
2. An individual may make a voluntary report if the individual has knowledge of or reasonable cause to suspect that a woman is pregnant and has engaged in alcohol misuse during the pregnancy.
3. If the woman is referred for a substance use disorder assessment under subdivision a of subsection 1 and fails to obtain an assessment, continues to engage in alcohol

misuse or refuses to comply with the recommendations of the assessment, an individual required to report under section 50-25.1-03 who has knowledge of the failure to obtain the assessment, continued alcohol misuse, or refusal to comply with recommendations of the assessment shall make a report to the department or authorized agent.

4. If a report alleges a pregnant woman has engaged in alcohol misuse, the department or authorized agent shall immediately initiate an appropriate assessment that must include a referral for assessment for the presence of a substance use disorder with expectation to follow any treatment recommendations, and a referral for prenatal care. The department or authorized agent may also take any appropriate action under chapter 25-03.1.
5. A report and assessment under this section is not required if the pregnant woman voluntarily enters treatment in a licensed treatment program. If the pregnant woman does not complete voluntary treatment, continues to engage in alcohol misuse, or fails to follow treatment recommendations, an individual required to report under section 50-25.1-03 who has knowledge of the failure to complete voluntary treatment, continued alcohol misuse, or failure to follow treatment recommendations shall make a report as required by this section.
6. A report under this section must be made as described in section 50-25.1-04 and must be sufficient to identify the woman, the extent of the current use of alcohol, any suspected symptoms and problems associated with a substance use disorder, and the name and address of the individual making the report.

50-25.1-19. Child protective services duties - Training requirements.

1. The department or authorized agent, at the initial time of contact with an individual subject to a child abuse or neglect assessment, shall advise the individual of the specific complaints or allegations made against the individual.
2. The department or authorized agent shall provide training to all representatives of the child protective services system regarding the legal duties of the representatives. The training may consist of various methods of informing the representatives of these duties, to protect the legal rights and safety of children and families from the initial time of contact during assessment through treatment.
3. The department shall adopt rules to implement the requirements of this section.

50-25.1-20. Alternative response assessment - Compliance.

If an alternative response assessment is initiated as a result of a report of child abuse or neglect, a decision that a child is confirmed abused or neglected may not be made if the person responsible for the child's welfare complies with the resulting referred services and plan of safe care for the substance exposed infant. The department or authorized agent shall determine whether a person responsible for the child's welfare has complied with the referred services and plan of safe care for the substance exposed infant. If the department or authorized agent determines a person responsible for the child's welfare has not complied with the referred services and plan of safe care for the substance exposed infant, an assessment of the initial report of child abuse or neglect may be completed.

50-25.1-21. Alternative response assessment - Services.

1. In response to an alternative response assessment, the department:
 - a. Shall provide referral services to, and monitor support services for, the person responsible for the child's welfare, the substance exposed infant, and other children under the same care as may be necessary for their well-being and safety;
 - b. Shall develop a plan of safe care for the substance exposed infant; and
 - c. May take any appropriate action under chapter 25-03.1.
2. The department may discharge the powers and duties provided under this section through an authorized agent.

50-25.1-22. Family services assessment - Compliance.

If a family services assessment is initiated as a result of a report of child abuse or neglect, a decision that a child is confirmed abused or neglected may not be made if a person responsible for the child's welfare complies with the resulting referred services for the child. The department or authorized agent shall determine whether a person responsible for the child's welfare has complied with the referred services. If the department or authorized agent determines a person responsible for the child's welfare has not complied with the referred services for the child, a child protection assessment of the initial report of child abuse or neglect may be completed.

50-25.1-23. Family services assessment - Services.

1. In response to a family services assessment, the department shall provide appropriate referral services to a person responsible for the child's welfare and the children under the same care as may be necessary for the well-being and safety of the children.
2. The department may discharge the powers and duties provided under this section through an authorized agent.

50-25.1-24. Evidence-based screening tool records - Confidentiality - Admissibility - Privileged.

1. Evidence-based screening tool records are confidential and may be only used for conducting a screening, treatment, referral for services, and receiving services.
2. Evidence-based screening tool records are not subject to section 50-25.1-11.
3. The department may release reports, data compilations, analyses, and summaries, which identify or analyze trends.
4. Evidence-based screening tool records are privileged and are not subject to subpoena or discovery or introduction into evidence in any civil or administrative action.

From: [Flieth, Lynn M.](#)
To: [Randazzo, Addison - HTechClerk3 - HEDU - HNAT](#)
Cc: [Heinert, Patrick D.](#)
Subject: Corrected and requested information regarding HB 1095
Date: Tuesday, January 14, 2025 2:10:20 PM
Attachments: [image001.png](#)
[t50c25-1 \(1\).pdf](#)

Good afternoon, I am providing some requested information for the House Education Committee, as well as some corrected information, following my testimony Monday in opposition of HB 1095 relating to CPS Liaisons.

Corrections:

1. How many Child Protection reports are received statewide each year? This number is just over 22,000 reports of suspected child abuse/neglect in the most recent year.
2. How many Department of Health and Human Services Field Service Specialists are there? There are 8 Field Service Specialists who provide oversight, technical assistance and final CPS determinations for Child Protection Services, provided by the Human Service Zones.

Requested Information: Allowances for sharing information in the Child Protection Assessment Process, as identified in NDCC 50-25.1. The full chapter is attached. I have copied and pasted the specific information below, relating to my testimony today.

50-25.1-11. Confidentiality of records - Authorized disclosures.

A report made under this chapter, as well as any other information obtained, is confidential and must be made available to:

- a. A physician who has before the physician a child whom the physician reasonably suspects may have been abused or neglected.
- b. A person who is authorized to place a child in protective custody and has before the person a child whom the person reasonably suspects may have been abused or neglected and the person requires the information to determine whether to place the child in protective custody.
- c. Authorized staff of the department and its authorized agents, children's advocacy centers, and appropriate state child protection team members, and citizen review committee members.
- d. Any person who is the subject of the report; provided, however, that the identity of persons reporting or supplying information under this chapter is protected until the information is needed for use in an administrative proceeding arising out of the report.
- e. Public officials and their authorized agents who require the information in connection with the discharge of their official duties.
- f. A court, including an administrative hearing office, whenever the court determines that the information is necessary for the determination of an issue before the court.
- g. A person engaged in a bona fide research purpose approved by the department's

institutional review board; provided, however, that no individually identifiable information as defined in section 50-06-15 is made available to the researcher unless the information is absolutely essential to the research purpose and the department gives prior approval.

h. An individual who is identified in subsection 1 of section 50-25.1-03, and who has made a report of suspected child abuse or neglect, if the child is likely to or continues to come before the reporter in the reporter's official or professional capacity.

i. A parent or a legally appointed guardian of the child identified in the report as suspected of being, or having been, abused or neglected, provided the identity of persons making the report or supplying information under this chapter is protected. Unless the information is confidential under section 44-04-18.7, when a decision is made under section 50-25.1-05.1 that a child is abused or neglected, the department or authorized agent shall make a good-faith effort to provide written notice of the decision to individuals identified in this subsection. The department or authorized agent shall consider any known domestic violence when providing notification under this section.

j. A public or private school that is the subject of a report of institutional child abuse or neglect, provided the identity of the persons reporting or supplying the information under this chapter is protected, except if the individuals reporting or supplying information are employees of the public or private school.

Lynn Flieth, LBSW

Director



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Confidentiality Statement

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2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1095
1/22/2025

Relating to child protective services liaisons in school districts.

3:28 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Proposed amendment
- Committee Discussion

3:31 p.m. Representative Marschall proposed amendment. #25.0423.02001.
(Testimony #45384)

3:31 p.m. Representative Jonas seconded the motion.

3:37 p.m. Representative Marschall withdrew his motion

3:37 p.m. Representative Joans withdrew his second.

3:38 p.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk by Risa Berube

25.0423.02001
Title.

Prepared by the Legislative Council
staff for Representative Marschall
January 21, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1095

Introduced by

Representatives Kiefert, Dobervich, Frelich, Karls, McLeod, Mitskog, S. Olson

Senator Lee

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota
2 Century Code, relating to child protective services liaisons in school districts.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Child protective services liaison - Duties - Training - Report.**

- 7 1. As used in this section, "child protective services" means an "authorized agent" or the
8 "department" as the terms are defined under section 50-25.1-02.

- 9 2. A school district may designate at least one child protective services liaison by
10 assigning the duties under subsection 3 to:

- 11 a. A faculty member, including a counselor, social worker, or administrator;~~or~~
12 b. An individual hired for the position of child protective services liaison; or
13 c. A county social worker by entering a contract with the county.

- 14 3. A child protective services liaison shall:

- 15 a. Act as the primary point of contact for child protective services;
16 b. Communicate with child protective services on behalf of the school district;
17 c. Assist child protective services with a student case investigation;
18 d. Coordinate resources and support services for a student in the care of child
19 protective services;

1 e. Inform school personnel of a student's needs resulting from the student's
2 involvement with child protective services as necessary; ~~and~~

3 f. Determine whether a child meets the definition of an abused or neglected child
4 under section 50-25.1-02; and

5 g. Annually provide to the school district a report, including:

6 (1) The number of cases on which the liaison worked;

7 (2) Challenges resulting from collaboration with child protective services; and

8 (3) Recommendations for improving the partnership between child protective
9 services and the school district.

10 4. Child protective services shall provide:

11 a. Training to each child protective services liaison, within six months of the liaison's
12 designation, including:

13 (1) Identification of signs of child abuse and neglect;

14 (2) Procedures for reporting suspected child abuse and neglect;

15 (3) Child protective services protocols and procedures;

16 (4) Best practices for collaborating with child protective services to support
17 students; and

18 (5) Confidentiality and ethical considerations regarding student cases.

19 b. Ongoing training and professional development.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1095
2/18/2025

Relating to child protective services liaisons in school districts.

9:17 a.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Committee Action

9:22 a.m. Vice Chair Schreiber- Beck moved to adopt Amy De Kok's amendment provided in her testimony. #28676 Submitted in previous meeting

9:22 a.m. Representative Novak seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 14-0-0

9:24 a.m. Representative Novak moved a Do Pass as amended.

9:24 a.m. Representative Marschall seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	N
Representative Andrew Marschall	Y
Representative Desiree Morton	N
Representative Anna S. Novak	Y
Representative Doug Osowski	N

Motion carried: 10-4-0

Bill carrier: Representative Marschall

9:28 a.m. Chairman Heinert closed the meeting.

Leah Kuball, Committee Clerk

February 18, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1095

Introduced by

Representatives Kiefert, Dobervich, Frelich, Karls, McLeod, Mitskog, S. Olson

Senator Lee

2-18-25
JG 1092

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota
2 Century Code, relating to child protective services liaisons in school districts.

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

- 4 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Child protective services liaison - Duties - Training - Report.**

- 7 1. As used in this section, "child protective services" means an "authorized agent" or the
8 "department" as the terms are defined under section 50-25.1-02.
9 2. A school district may designate at least one child protective services liaison by
10 assigning the duties under subsection 3 to:
11 ~~a. A faculty member, including a counselor, social worker, or administrator; or~~
12 ~~b. An an individual hired for the position of child protective services liaison.~~
13 3. A child protective services liaison shall:
14 a. Act as the primary a point of contact for child protective services;
15 b. Communicate with child protective services on behalf of the school district as
16 allowed by law;
17 c. Assist child protective services with a student case investigation as allowed by
18 law;
19 d. ~~Coordinate~~ Assist with coordinating resources and support services for a student
20 in the care of child protective services;

2092

- 1 e. Inform school personnel of a student's needs resulting from the student's
- 2 involvement with child protective services as necessary; and
- 3 f. Annually provide to the school district a report, including:
- 4 (1) The number of cases on which the liaison worked;
- 5 (2) Challenges resulting from collaboration with child protective services; and
- 6 (3) Recommendations for improving the partnership between child protective
- 7 services and the school district.
- 8 4. Child protective services shall provide:
- 9 a. Training to each child protective services liaison, within six months of the liaison's
- 10 designation, including:
- 11 (1) Identification of signs of child abuse and neglect;
- 12 (2) Procedures for reporting suspected child abuse and neglect;
- 13 (3) Child protective services protocols and procedures;
- 14 (4) Best practices for collaborating with child protective services to support
- 15 students; and
- 16 (5) Confidentiality and ethical considerations regarding student cases.
- 17 b. Ongoing training and professional development.
- 18 c. Assistance with internal school district investigations that may occur concurrently
- 19 with child protective service investigations.

**REPORT OF STANDING COMMITTEE
HB 1095**

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS** ([25.0423.02002](#)) and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1095 was placed on the Sixth order on the calendar.

2025 SENATE HUMAN SERVICES

HB 1095

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1095
3/10/2025

Relating to child protective services liaisons in school districts.

10:52 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Confidentiality Regulations
- Pre-Juvenile Justice Redesign
- Training Requirements

10:52 a.m. Amy De Kok, Executive Director of ND School Board Association, testified in favor and submitted testimony #39837.

11:14 a.m. Greg Kasowski, Executive Director of Childrens Advocacy Centers of ND, testified in opposition and submitted testimony #39853.

11:22 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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HB 1095
Testimony of Amy De Kok
Senate Human Services Committee
March 10, 2025

Chair Lee and members of the Senate Human Services Committee, my name is Amy De Kok, and I am the Executive Director for the North Dakota School Boards Association (NDSBA). NDSBA represents all 168 public school districts and their governing boards. I am here today to express our support for HB 1095. HB 1095 represents a step toward strengthening the partnership between schools and Child Protective Services (CPS) in addressing cases of suspected child abuse and neglect. By allowing the establishment of a designated CPS liaison within school districts, this legislation can enhance communication, coordination, and the overall ability of educators and social services professionals to support vulnerable students.

Educators are often the first to recognize signs of abuse or neglect. However, due to legal complexities and administrative barriers, collaboration between schools and CPS has not always been as efficient as it should be. HB 1095 will encourage school districts to designate point of contact who can:

- Facilitate timely communication with CPS;
- Assist with investigations when legally permitted;
- Assist in the coordination of necessary resources for students in the care of CPS; and
- Provide critical support to school personnel in understanding and addressing the needs of affected students.

Another strength of this bill is its emphasis on training and accountability. The required training for CPS liaisons will ensure that these individuals understand child abuse reporting requirements, CPS procedures, and best practices for collaboration—all while maintaining confidentiality and ethical standards.

NDSBA appreciates the House Education Committee's adoption of several amendments that make this bill more practical and workable for school districts. These amendments clarify responsibilities, ensure feasible implementation, and provide flexibility for districts in designating a liaison.

HB 1095 is a commonsense measure that will improve outcomes for children while ensuring that schools and CPS can work together more effectively. We urge the committee to give this bill a favorable recommendation.

Thank you for your time and consideration. I am happy to answer any questions.



Senate Human Services Committee
Testimony In Opposition to House Bill #1095
3-10-25

Madame Chair, members of the Senate Human Services committee, my name is Greg Kasowski, Executive Director of the Children's Advocacy Centers of North Dakota.

We are in opposition to House Bill 1095, specifically section 3c on lines 16-17 which states that "A child protective services liaison shall assist child protective services with a student case investigation as allowed by law."

Our concern is that individuals within the school system who do not have the training to interact with a child after a disclosure of sexual or physical abuse, nor the skills to conduct a forensic interview with a child, may be interviewing children. If untrained and inexperienced individuals conduct interviews, it could interfere with the law enforcement investigation and child protective services assessment processes, taint the forensic interview process, jeopardize the pursuit of criminal justice, and ultimately harm the child.

Although forensic interviews are not required by law, research has shown that the best outcomes for children who are the victims of abuse happen when forensic interviews are conducted by highly trained forensic interviewers at a Children's Advocacy Center.

Before Children's Advocacy Centers existed, children would have to relay their experience of abuse multiple times—from the initial disclosure to a trusted adult, to interviews from law enforcement, human services personnel, doctors/nurses, prosecutors, and mental health clinicians. The repetition of the disclosure by the child not only caused further trauma to the child, but often caused the child's account to become tainted by interviewers who were not trained to facilitate the disclosure.

When it comes to forensic interviews, North Dakota's Children's Advocacy Centers follow rigorous accreditation standards from the National Children's Alliance. This includes, but is not limited to:





**CHILDREN'S
ADVOCACY
CENTERS**
OF NORTH DAKOTA

- Coordinated support of a multidisciplinary team on the case, which may include law enforcement, human services, medical professionals, family advocates, mental health clinicians, and prosecutors
- Real-time observation of the forensic interview by members of the multidisciplinary team
- Forensic interviews being conducted in a child-friendly, neutral setting
- Written policies and procedures that ensure separation of the victim and alleged adult offender during the investigative process
- And for the forensic interviewers:
 - 32 hours of training in the foundational concepts of an evidence-supported forensic interviewing protocol
 - Ongoing education for a minimum of eight hours every two years
 - Structured peer review at least two times per year

Madame Chair, members of the committee, we would recommend a DO NOT PASS on House Bill 1095. I will stand for any questions.

Sincerely,

Greg Kasowski
Executive Director



2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1095
3/10/2025

Relating to child protective services liaisons in school districts.

3:37 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Release of information
- Federal regulations
- Resource Allocation
- Aidan's Law
- Mandated reporter

3:40 p.m. Representative Dwight Kiefert testified in favor and submitted testimony #40154.

3:55 p.m. Kim Jacobson, Director of Agassiz Valley Human Service Zone, testified in opposition and submitted testimony #39730 and #39731.

4:35 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk



Testimony prepared for the Senate Human Services Committee
HB 1095 – Related to School CPS Liaisons
March 10, 2025
Kim Jacobson, Agassiz Valley Human Service Zone Director

Chair Lee, and members of the Senate Human Services Committee, my name is Kim Jacobson. I serve as the Director of Agassiz Valley Human Service Zone, which includes the counties of Traill and Steele, and as President of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in strong opposition to HB 1095.

The federal Child Abuse and Prevention Treatment Act (CAPTA) of 1974 requires states to establish procedures for receiving and responding to allegations of abuse or neglect and ensuring child safety. North Dakota's response to CAPTA was the enactment of NDCC Chapter 50-25.1. This chapter mandates that human service zones provide child protective services (CPS). North Dakota Century Code, state Administrative Rule, and North Dakota Health and Human Services (NDHHS) policy all guide North Dakota's application of CAPTA and the provision of CPS services.

North Dakota's state-supervised, locally administered child welfare system is delivered by a team of dedicated professionals at the human service zone and NDHHS levels. A high-level overview of these duties and responsibilities can be found in the attached handout, "*Who does What in Child Welfare?*" Starred items reflect the CPS team.

The North Dakota child welfare system values our partners, including schools. Schools and human service zones have much in common. We both work closely with state agencies — the North Dakota Departments of Public Instruction and Health and Human Services, respectively. We both have local boards that advise and guide decision-making. We both serve local communities by providing critical services to children — and we both depend on state and federal funding to administer these critical services. In addition, we often collaborate with community partners to provide optimal, efficient service delivery to our constituents.

However, schools and human service zones hold distinctly roles. Schools are education experts. Human services zones do not expect to enter schools and direct their educational practice, decisions, or curriculum. Likewise, human service zones are child safety experts. We ask for the same acknowledgement of our expertise and legal responsibilities.

House Bill 1095 may be intended to strengthen relationships and communications between schools and the child protection teams within human services. However, relationships cannot be legislated. The role of legislation is to define roles, responsibilities, and authority. Relationships are developed in different ways and built on mutual respect. Legislation *can* help fund and create structure for healthy relationships between political subdivisions. One such example of this is SB 2176, related to the North Dakota Children's Cabinet. To reiterate previous testimony, the multidisciplinary workgroups that SB 2176 provides would allow service providers, law enforcement, the legal community, schools, and the CPS system to optimally support children and their families while reducing systems conflict.

As child safety experts, the North Dakota Human Service Zone Director Association has significant concerns about HB 1095, which allows a school to hire one or more individuals to serve as a "child protective services liaison."

- **Concern #1: Funding.** This bill does not have a fiscal note or appropriation, so it is not clear how schools will be funded to fill the liaison roles proposed by this law. It is also unclear whether schools are limited in the number of liaisons they may hire.
- **Concern #2: Qualifications.** This bill establishes no qualifications for a CPS liaison. What would those qualifications be?
- **Concern #3: Authority.** The role and purpose of a CPS liaison is outlined from Line 12 on Page 1 through Line 4 on Page 2. Notably, this bill calls for the school CPS liaison to be the "primary point of contact" for CPS (Page 1, Line 13), and it requires the liaison to "inform school personnel of a student's needs resulting from the student's involvement with child protective services as necessary" (Page 1, Lines 20-21). This appears to transfer CPS authority from the statutorily authorized CPS system to the school.
- **Concern #4: Systems Conflict.** Functionally, HB 1095 is also likely to cause conflict and confusion for both professionals and families. Where does the school's jurisdiction end, and CPS jurisdiction begin? Who does a family involved with CPS communicate with — the school, or the zone?
- **Concern #6: Service Delivery and Scope.** CPS serves a much broader demographic than public school attendees. We serve pregnant mothers, infants, toddlers, preschoolers, and even 16- and 17-year-olds who do not attend school. We also serve home-schooled children, and children in facilities and institutions. Does HB 1095 intend to carve out a different CPS process for children who aren't in a public school system? Or does it intend to expand the role of schools in working with children in which they do not have routine contact? What is the proposed process for families who

may have one child in a public school district, and another child who is home-schooled or not old enough to attend school?

- **Concern #7: Compromised investigations.** This bill directs the school liaison to be the school spokesperson for CPS (Page 1, Lines 14-15). This is concerning for multiple reasons. First, CPS workers must interview relevant parties or collateral contacts to complete the CPS assessment process. This is a fact-finding process. Unless they themselves have witnessed signs of abuse or neglect, a spokesperson does not have a firsthand account. This could lead to inaccurate or compromised interviews and fact gathering, resulting in inaccurate findings of suspected child abuse/neglect. Second, educators and other school professionals are mandated reporters. If they witness circumstances that cause them to suspect child abuse or neglect, it is their legal duty to report this to the proper authorities. Because this bill establishes a CPS liaison at the school district level, who is to “act as a point of contact for child protective services” (Page 1, Line 13), and who is to communicate with CPS “on behalf of the school district as allowed by law,” HB 1095 creates confusion *within the law* about who the proper authority is for a district-employed mandated reporter. Third, with regard to fact-finding and interviews, if the CPS liaison asks the wrong questions of the wrong person at inappropriate times, the information is contaminated. This can ultimately lead to procedural issues for the child’s safety, parental due process, the state’s attorney, law enforcement, and the court itself. Are schools prepared to provide the CPS liaison with legal representation for every CPS case they touch that ends up in court? Are the CPS liaisons prepared to testify? Will the state provide schools with professional liability insurance for legal challenges?
- **Concern #8: Federal and state compliance.** House Bill 1095 calls for the school liaison to “assist” with CPS investigation (Page 1, Lines 16-17). This is extremely concerning on multiple levels. CPS assessments are conducted by a team of trained and dedicated professionals. “Assisting” with the investigation (known as assessment) may cause serious conflict of interest and confidentiality concerns. It also presents potential jurisdictional conflicts with the ICWA, as there are Native American children present in nearly every school district in our state. Child protection — including assessment, findings, safety plan development, and the release of information — is highly regulated at federal and state levels. House Bill 1095 will inevitably lead to compliance violations and legal challenges for the state and its political subdivisions.

Concern #9: Individual Confidentiality. Our Association is deeply concerned about how HB 1095 could create privacy and confidentiality concerns for children and families around CPS activities. This concern arises from multiple aspects of the bill. In particular, the requirements for a school district employee to “assist” CPS with child safety assessments (Page 1, Lines 16-17), to coordinate services “for a student in the care of child protective services” (Page 1, Lines 18-19), and

communicate details related to “the student's involvement with child protective services” (Page 1, Lines 20-21), are problematic. Sharing CPS-related details **prior to assessment determination, and without release of information from the parents**, may cause families and children undue harm. Parental and child rights, specifically privacy rights, may be infringed upon by implementing this bill.

- **Concern #10: Data Privacy.** Likewise, the data reporting process outlined from Line 22 of Page 1 through Line 4 of Page 2, may pose threats to student and family confidentiality. There are no regulations for the secure storage of this data by a school district, and this bill does not limit who may access this data. Because community members serve on school boards, confidential information could easily be shared with the community through this report. Furthermore, the purpose of such a report is unclear. This process does not require CPS/NDHHS review, input, or oversight. It may, however, serve as a vehicle for a district to draw incorrect conclusions about assessment findings, and incentivize complaints to school boards, which do not have authority over CPS — especially if the school disagrees with the findings. This is likely to be counterproductive to child safety *and* strengthening the relationship between human services and schools.
- **Concern #11: Resource Allocation and Role Confusion.** House Bill 1095 would require CPS to provide training to school CPS liaisons within six months of the liaison’s designation (Page 2, Lines 5-13). This creates further role confusion between schools and the CPS system. Additionally, North Dakota has 180 school districts. Between initial training, ongoing training, and turnover, it would be extremely costly for zones or HHS to train one or more liaison at every school district in North Dakota. Yet there is no fiscal note or appropriation to cover these costs, nor has the necessary work been performed to reasonably estimate these costs. Candidly, this training requirement would divert already-limited resources from human service zones or the Department of Health and Human Services to perform ad hoc, ongoing training. The Association is concerned with the impacts to child safety and timeliness of initial contact if-already limited workers are now tasked with the burden of initially, and repeatedly, training every educator in every school district.
- **Concern #12: Local Representation and Parental Rights.** Last week, the committee heard HB 1562, which reduces mandated reporter training requirements, provides schools with *more* flexibility regarding training focus, and strengthens local decision-making to support tailored approaches to unique community needs. House Bill 1095 is directly opposed to that bill in nature and in application. It significantly increases training for certain school staff, complicates mandated reporting, and increases the role of government in North Dakota schools. This raises concerns about parental rights in their child’s education and local input on the authority of a public school district to make this decision.

Educating K-12 students calls for highly skilled education professionals. This work is, in fact, so complex that educators specialize in different subjects, different grade levels (which correlates to different levels of childhood development), and different levels of cognitive ability — including students who are highly advanced, and students who are delayed. Likewise, child protection work calls for highly skilled and specially trained child welfare experts. We have dedicated investigators, dedicated case managers, and a team that integrates zone and HHS employees.

House Bill 1095 only complicates these two systems — and this will not benefit children and families. Child welfare transcends any single entity and relies upon a community response in which schools play a significant role. However, the original intent of this bill can be more comprehensively addressed and effectively accomplished through more appropriate and more legally compliant avenues. Again, I remind the committee of SB 2176. Not only would this bill establish functional workgroups to make holistic, interdisciplinary recommendations to the collaborative systems within our state; it would also relocate the Children's Cabinet to the Office of the Governor, which maximizes the Cabinet's ability to affect statewide change.

Thank you for consideration of my testimony regarding House Bill 1095. I respectfully request a "do not pass" on HB 1095. I stand for questions from the committee.

Who Does What in Child Welfare?

ROLES IN NORTH DAKOTA'S HUMAN SERVICE SYSTEM

HUMAN SERVICE ZONES (HSZ) TEAM MEMBERS



Child Protection Services

(CPS) Workers: Provide protective services for children under age 18, including child protection assessments in response to reports of suspected child abuse or neglect and follow-up services to families.



CPS Central Intake Unit:

(Statewide HSZ team) Is the intake point for reports of suspected child abuse or neglect. Collects facts and provides details to CPS workers at the local HSZ level.



Child Welfare/CPS Supervisor:

Supervise and support child welfare staff in HSZs.

Foster Care Case Manager:

Manages case and is main point of contact for child, parents and foster care provider. *Child is not in the home.*

Child Welfare Case Manager:

(Also called Family/In-Home/ Wrap-around/Family Preservation Case Manager) Focuses on internal family stability, parental capacities, and identifying needed supports and services. *Child is in the home.*

Family Support/Parent Aide:

(Also called Human Service Aide /Transportation Aide) Assist parents in building parental capacities and skills to maintain

or reunify child with family. Not located in all HSZs. Some only provide transportation to support child and family connections and visits. ■

ND HEALTH AND HUMAN SERVICES (HHS) TEAM

Foster Care Licensing Specialist:

Recruits, supports, guides and assesses foster parents through the licensing and renewal process. Works in the HHS Children and Family Services (CFS) Licensing Unit.



Field Service Specialist:

Monitors fidelity and quality of work related to the Safety Framework child welfare practice model and ND policy, in addition to providing technical assistance to the foster care, child protection and in-home case management units within the Human Service Zones and Division of Juvenile Services (DJS). Is employed by HHS – CFS. ■

Other Non-Child Welfare Support to Families

Children in Need of Services

(CHINS): HSZ team connects families and children (whose behaviors include truancy, disobeying parents, running away and/ or using tobacco products) to local services.

hhs.nd.gov/cfs

OTHER INFORMATION



OUT OF HOME PLACEMENT:

- Legal authority to remove a child is authorized by Juvenile Court or Law Enforcement and affirmed by the Courts.
- Deprivation matters are brought forth by the HSZ CPS workers to the removing authorities.
- Out-of-home placements could occur with relatives, kinship care, foster homes, therapeutic foster homes, or QRTP/PRTFs.

CUSTODIAL AGENCY:

In ND, foster children are placed under the public custody of three public agencies:

- *Human Service Zones:* ND's 19 Human Service Zones that represent 53 counties serve the greatest volume of foster children in ND's foster care system.
- *Division of Juvenile Services*
- *Tribal Social Services:* North Dakota has a formal State-Tribal Title IV-E agreement with four Tribal Nations: Standing Rock Sioux Tribe, Spirit Lake Nation, Turtle Mountain Band of Chippewa and MHA Nation.

GUARDIAN AD LITEM:

Appointed by the court to advocate for the best interests of a child in a juvenile court proceeding.

HB 1095

For the record, I am Representative Dwight Kiefert from District 24 which includes all of Barnes and Ransom Counties. I am here to present HB 1095 that will basically establish communications between our schools and Child Protective Services.

Presently schools are required to report suspected cases of abuse or neglect to CPS. After the report is filed they have no communication with CPS to know if anything is being done about the report or if its sitting on someone's desk. If they notice continued abuse or neglect, all they can do is file another report. Passage of this bill, which is permissive, would allow someone at the school to help monitor a situation and be in close contact with CPS. Often a student will come to a teacher or staff person at the school asking for help, some students have actually shown staff pictures of the drugs their parents are using in the home.

The bill easily passed in the House with 81 votes.

Our hope is to make our world a little safer place for our students in our school system. We feel that if this bill would have been implemented a few sessions ago could have very well saved the life of a 13year-old ND student.

The school made several reports of abuse to CPS not knowing if anything was being done to address the issue. Something was being done, but not by CPS. The parent pulled the student from the school and locked him in a room and starved him to death. The 13 year old weighed only 21 lbs when he was found. If the school could have been in contact with CPS they could have coordinated their efforts and possibly saved this child's life. I will attach a link to the news story.

https://bismarcktribune.com/mom-who-starved-son-says-it-wasn-t-murder/article_084083fc-8b2f-5e0a-9828-5b998c079973.html

The schools see the children every day they are in school, who better to help monitor them and alert CPS if they are absent.

We would like to give this bill the name of the student who lost his life in hopes this bill would help the schools and CPS prevent this tragic loss from ever happening again, it would be known as, "Aiden's Law".

Apparently West Fargo school already has this connection link established by employing a full time Human Services person at their school. Smaller schools just don't have the resources to do this.

Representative Dwight Kiefert

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1095
3/25/2025
10:16 A.M.

Relating to child protective services liaisons in school districts.

10:16 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Behavioral Health Challenges
- Confidentiality Requirements
- School Liaison Training
- Mandatory Reporters

10:16 a.m. Chairman Lee opened discussion on Behavioral Health Challenges.

10:20 a.m. Jonathan Alm, Chief Legal Officer with Department of Health and Human Services, answered committee questions and submitted testimony #43749.

10:39 a.m. Kim Jacobson, Director of Agassiz Valley Human Service Zone, answered committee questions.

11:24 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1095

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Child protective services liaison - Duties - Training - Report.

1. As used in this section, "child protective services" means an "authorized agent" or the "department" as the terms are defined under section 50-25.1-02 .
2. A school district may designate at least one **qualified** child protective services liaison by assigning the duties under subsection 3 to an individual hired for the position of child protective services liaison **and shall provide the contact information of the child protective services liaison to the human service zone director.**
3. A child protective services liaison ~~shall~~**may**:
 - a. Act as a point of contact for child protective services;
 - b. Communicate with child protective services on behalf of the school district as allowed by law;
 - c. ~~Assist child protective services with a student case investigation as allowed by law;~~
 - ~~d.~~ Assist with coordinating **school district** resources and support services for a student **involved** in ~~the care of a~~ child protective services **confirmed decision**;
 - ~~e.~~ ~~Inform school personnel of a student's needs resulting from the student's involvement with child protective services as necessary;~~
and
 - ~~f.~~d. Annually provide to the school district a report **containing only de-identified information**, including:
 - (1) The number of cases on which the liaison worked;
 - (2) Challenges resulting from collaboration with child protective services; and
 - (3) Recommendations for improving the partnership between child protective services and the school district.

4. Child protective services shall provide:
- a. ~~Training~~ training to each child protective services liaison, within six months of the liaison's designation, including:
- (1) ~~Identification of signs of child abuse and neglect;~~
 - (2) ~~Procedures for reporting suspected child abuse and neglect;~~
 - (3) ~~Child protective services protocols and procedures;~~
 - (4) ~~Best practices for collaborating with child protective services to support students; and~~
 - (5) ~~Confidentiality and ethical considerations regarding student cases.~~
- b. ~~Ongoing training and professional development.~~
- c. ~~Assistance with internal school district investigations that may occur concurrently with child protective service investigations in~~ accordance with subsection 2 of section 50-25.1-19 and section 1 of House Bill No. 1562.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1095
3/25/2025
3:28 p.m.

Relating to child protective services liaisons in school districts.

3:28 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Local Child Protection Committees
- Community-Initiated Meetings

3:29 p.m. Kim Jacobson, Director of Agassiz Valley Human Service Zone, answered committee questions and submitted testimony #43792.

3:39 p.m. Jonathan Alm, Chief Legal Officer with Department of Health and Human Services, answered committee questions.

3:51 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

25.0423.04000

Sixty-ninth

Legislative Assembly of

North Dakota

FIRST ENGROSSMENT ENGROSSED

HOUSE BILL NO. 1095

Introduced by

Representatives Kiefert, Dobervich, Frelich, Karls, McLeod, Mitskog, S. Olson

Senator Lee

A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to child protective services liaisons in school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Child protective services and school district liaisons - Duties - Training - Report.

1. As used in this section, "child protective services" means an "authorized agent" or the "department" as the terms are defined under section 50 - 25.1 - 02.
2. A school district and a human service zone may designate representative(s) to form a liaison work group focusing on child safety, roles and responsibilities of child protective services and mandatory reporters, opportunities for improved relations, and coordination of services to children and their families.
3. The work group shall:
 - a. Meet at least twice annually
 - b. Report by July 31 to the human service zone board, school district, and North Dakota Children's Cabinet recommendations, solutions, progress, training needs, and identified gaps.
 - c. The human service zone shall be responsible for coordinating the meeting(s).

(All other language to be deleted)

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1095
3/26/2025

A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to a child protective services and school district child safety liaison work group.

9:10 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Child safety liaison work group
- Structure for local level collaboration

9:10 a.m. Senator Hogan introduced proposed testimony #44137.

9:13 a.m. Kim Jacobson answered committee questions.

9:15 a.m. Senator Hogan moved Amendment LC#25.0423.04001.

9:15 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	N
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 5-1-0.

9:16 a.m. Senator Roers moved Do Pass as Amended.

9:16 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Hogan will carry the bill.

9:18 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 3/26/25
1 of 3

ENGROSSED HOUSE BILL NO. 1095

Introduced by

Representatives Kiefert, Dobervich, Frelich, Karls, McLeod, Mitskog, S. Olson

Senator Lee

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota~~
2 ~~Century Code, relating to child protective services liaisons in school districts.~~ for an Act to create
3 and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to a
4 child protective services and school district child safety liaison work group.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Child protective services liaison - Duties - Training - Report.~~

9 ~~1. As used in this section, "child protective services" means an "authorized agent" or the~~
10 ~~"department" as the terms are defined under section 50-25.1-02.~~

11 ~~2. A school district may designate at least one child protective services liaison by~~
12 ~~assigning the duties under subsection 3 to an individual hired for the position of child~~
13 ~~protective services liaison.~~

14 ~~3. A child protective services liaison shall:~~

15 ~~a. Act as a point of contact for child protective services;~~

16 ~~b. Communicate with child protective services on behalf of the school district as~~
17 ~~allowed by law;~~

18 ~~c. Assist child protective services with a student case investigation as allowed by~~
19 ~~law;~~

- ~~d. Assist with coordinating resources and support services for a student in the care of child protective services;~~
- ~~e. Inform school personnel of a student's needs resulting from the student's involvement with child protective services as necessary; and~~
- ~~f. Annually provide to the school district a report, including:
 - ~~(1) The number of cases on which the liaison worked;~~
 - ~~(2) Challenges resulting from collaboration with child protective services; and~~
 - ~~(3) Recommendations for improving the partnership between child protective services and the school district.~~~~
- ~~4. Child protective services shall provide:
 - ~~a. Training to each child protective services liaison, within six months of the liaison's designation, including:
 - ~~(1) Identification of signs of child abuse and neglect;~~
 - ~~(2) Procedures for reporting suspected child abuse and neglect;~~
 - ~~(3) Child protective services protocols and procedures;~~
 - ~~(4) Best practices for collaborating with child protective services to support students; and~~
 - ~~(5) Confidentiality and ethical considerations regarding student cases.~~~~
 - ~~b. Ongoing training and professional development.~~
 - ~~c. Assistance with internal school district investigations that may occur concurrently with child protective service investigations.~~~~

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Child safety liaison work group.

1. As used in this section, "child protective services" means an "authorized agent" or the "department" as the terms are defined under section 50-25.1-02.
2. A school district and the corresponding human service zone may designate representatives to form a child safety liaison work group.
3. The child safety liaison work group:
 - a. Shall focus on child safety issues, including:

- 1 (1) The roles and responsibilities of child protective services and mandatory
- 2 reporters;
- 3 (2) Opportunities for improved relations between the human service zone and
- 4 school district; and
- 5 (3) The coordination of services for children and families.
- 6 b. Must be proportional in member size to the need and population served, and
- 7 have an equal number of representatives from the school district and human
- 8 service zone.
- 9 c. Shall meet at least twice annually.
- 10 d. Shall report to the human service zone board, the school board, and the
- 11 children's cabinet by July thirty-first of each year. The report must include
- 12 recommendations, proposed solutions, progress, training needs, and identified
- 13 gaps in service coordination.
- 14 4. The human service zone is responsible for coordinating the child safety liaison work
- 15 group meetings.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1095**

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS** ([25.0423.04001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1095 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0423.04001
Title.

Prepared by the Legislative Council
staff for Senator Hogan
March 25, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1095

Introduced by

Representatives Kiefert, Dobervich, Frelich, Karls, McLeod, Mitskog, S. Olson

Senator Lee

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota-~~
2 ~~Century Code, relating to child protective services liaisons in school districts.~~for an Act to create
3 and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to a
4 child protective services and school district child safety liaison work group.

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

6 ~~— **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created-~~
7 ~~and enacted as follows:~~

8 ~~— **Child protective services liaison - Duties - Training - Report.**~~

9 ~~— 1. As used in this section, "child protective services" means an "authorized agent" or the~~
10 ~~"department" as the terms are defined under section 50-25.1-02.~~

11 ~~— 2. A school district may designate at least one child protective services liaison by~~
12 ~~assigning the duties under subsection 3 to an individual hired for the position of child-~~
13 ~~protective services liaison.~~

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15 ~~— a. Act as a point of contact for child protective services;~~

16 ~~— b. Communicate with child protective services on behalf of the school district as~~
17 ~~allowed by law;~~

18 ~~— c. Assist child protective services with a student case investigation as allowed by~~
19 ~~law;~~

~~d. Assist with coordinating resources and support services for a student in the care of child protective services;~~

~~e. Inform school personnel of a student's needs resulting from the student's involvement with child protective services as necessary; and~~

~~f. Annually provide to the school district a report, including:~~

~~(1) The number of cases on which the liaison worked;~~

~~(2) Challenges resulting from collaboration with child protective services; and~~

~~(3) Recommendations for improving the partnership between child protective services and the school district.~~

~~4. Child protective services shall provide:~~

~~a. Training to each child protective services liaison, within six months of the liaison's designation, including:~~

~~(1) Identification of signs of child abuse and neglect;~~

~~(2) Procedures for reporting suspected child abuse and neglect;~~

~~(3) Child protective services protocols and procedures;~~

~~(4) Best practices for collaborating with child protective services to support students; and~~

~~(5) Confidentiality and ethical considerations regarding student cases.~~

~~b. Ongoing training and professional development.~~

~~c. Assistance with internal school district investigations that may occur concurrently with child protective service investigations.~~

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2. A school district and the corresponding human service zone may designate representatives to form a child safety liaison work group.

3. The child safety liaison work group:

a. Shall focus on child safety issues, including:

(1) The roles and responsibilities of child protective services and mandatory reporters;

(2) Opportunities for improved relations between the human service zone and school district; and

(3) The coordination of services for children and families.

b. Must be proportional in member size to the need and population served, and have an equal number of representatives from the school district and human service zone.

c. Shall meet at least twice annually.

d. Shall report to the human service zone board, the school board, and the children's cabinet by July thirty-first of each year. The report must include recommendations, proposed solutions, progress, training needs, and identified gaps in service coordination.

4. The human service zone is responsible for coordinating the child safety liaison work group meetings.