

Introduced by

Representatives Satrom, Jones, Paulson, Schauer, Strinden

1 A BILL for an Act to amend and reenact sections 50-25.1-02 and 50-25.1-03 of the North
2 Dakota Century Code, relating to the reporting of a mental injury of a child; and to provide a
3 penalty.

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

5 **SECTION 1. AMENDMENT.** Section 50-25.1-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-25.1-02. Definitions.**

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

- 9 1. "A person responsible for the child's welfare" means an individual who has
10 responsibility for the care or supervision of a child and who is the child's parent, an
11 adult family member of the child, any member of the child's household, the child's
12 guardian, or the child's foster parent; or an employee of, or any person providing care
13 for the child in, a public or private school or child care setting.
- 14 2. "Abuse of alcohol", "alcohol abuse", or "abused alcohol" means alcohol abuse or
15 dependence as defined in the current edition of the "Diagnostic and Statistical Manual
16 of Mental Disorders" published by the American psychiatric association or a
17 maladaptive use of alcohol with negative medical, sociological, occupational, or
18 familial effects.
- 19 3. "Abused child" means an individual under the age of eighteen years who is suffering
20 from abuse as defined in section 14-09-22 caused by a person responsible for the
21 child's welfare and "sexually abused child" means an individual under the age of
22 eighteen years who is subjected by a person responsible for the child's welfare, or by
23 any individual who acts in violation of sections 12.1-20-01 through 12.1-20-07,
24 sections 12.1-20-11 through 12.1-20-12.2, or chapter 12.1-27.2.

- 1 4. "Alternative response assessment" means a child protection response involving
2 substance exposed newborns which is designed to:
 - 3 a. Provide referral services to and monitor support services for a person responsible
4 for the child's welfare and the substance exposed newborn; and
 - 5 b. Develop a plan of safe care for the substance exposed newborn.
- 6 5. "Assessment" means a factfinding process designed to provide information that
7 enables a determination to be made that services are required to provide for the
8 protection and treatment of an abused or neglected child.
- 9 6. "Authorized agent" means the county social service board, unless another entity is
10 designated by the department.
- 11 7. "Children's advocacy center" means a full or associate member of the national
12 children's alliance which assists in the coordination of the investigation in response to
13 allegations of child abuse by providing a dedicated child-friendly location at which to
14 conduct forensic interviews, forensic medical examinations, and other appropriate
15 services and which promotes a comprehensive multidisciplinary team response to
16 allegations of child abuse. The team response may include forensic interviews,
17 forensic medical examinations, mental health and related support services, advocacy,
18 and case review.
- 19 8. "Citizen review committee" means a committee appointed by the department to review
20 the department's provision of child welfare services.
- 21 9. "Department" means the department of human services or its designee.
- 22 10. "Institutional child abuse or neglect" means situations of known or suspected child
23 abuse or neglect when the institution responsible for the child's welfare is a residential
24 child care facility, a treatment or care center for individuals with intellectual disabilities,
25 a public or private residential educational facility, a maternity home, or any residential
26 facility owned or managed by the state or a political subdivision of the state.
- 27 11. "Local child protection team" means a multidisciplinary team consisting of the
28 designee of the director of the regional human service center, together with such other
29 representatives as that director might select for the team with the consent of the
30 director of the county social service board. All team members, at the time of their
31 selection and thereafter, must be staff members of the public or private agencies they

1 represent or shall serve without remuneration. An attorney member of the child
2 protection team may not be appointed to represent the child or the parents at any
3 subsequent court proceeding nor may the child protection team be composed of fewer
4 than three members. The department shall coordinate the organization of local child
5 protection teams on a county or multicounty basis.

6 12. "Mental injury" means an injury to the intellectual or psychological capacity of a child
7 as evidenced by a discernible and substantial impairment in the ability to function
8 within the normal range of performance and behavior.

9 13. "Near death" means an act which, as certified by a physician, places a child in serious
10 or critical condition.

11 ~~13.~~14. "Neglected child" means a deprived child as defined in chapter 27-20.

12 ~~14.~~15. "Prenatal exposure to a controlled substance" means use of a controlled substance as
13 defined in chapter 19-03.1 by a pregnant woman for a nonmedical purpose during
14 pregnancy as evidenced by withdrawal symptoms in the child at birth, results of a
15 toxicology test performed on the mother at delivery of the child at birth, or medical
16 effects or developmental delays during the child's first year of life that medically
17 indicate prenatal exposure to a controlled substance.

18 ~~15.~~16. "Protective services" includes services performed after an assessment of a report of
19 child abuse or neglect has been conducted, such as social assessment, service
20 planning, implementation of service plans, treatment services, referral services,
21 coordination with referral sources, progress assessment, monitoring service delivery,
22 and direct services.

23 ~~16.~~17. "State child protection team" means a multidisciplinary team consisting of the
24 designee of the department and, where possible, of a physician, a representative of a
25 child-placing agency, a representative of the state department of health, a
26 representative of the attorney general, a representative of the superintendent of public
27 instruction, a representative of the department of corrections and rehabilitation, one or
28 more representatives of the lay community, and, as an ad hoc member, the designee
29 of the chief executive official of any institution named in a report of institutional abuse
30 or neglect. All team members, at the time of their selection and thereafter, must be
31 staff members of the public or private agency they represent or shall serve without

1 remuneration. An attorney member of the child protection team may not be appointed
2 to represent the child or the parents at any subsequent court proceeding nor may the
3 child protection team be composed of fewer than three persons.

4 ~~17-18.~~ "Substance exposed newborn" means an infant younger than twenty-eight days of age
5 at the time of the initial report of child abuse or neglect and who is identified as being
6 affected by substance abuse or withdrawal symptoms or by a fetal alcohol spectrum
7 disorder.

8 **SECTION 2. AMENDMENT.** Section 50-25.1-03 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **50-25.1-03. Persons required and permitted to report - To whom reported.**

11 1. Any dentist; optometrist; dental hygienist; medical examiner or coroner; tier 1 mental
12 health professional, tier 2 mental health professional, tier 3 mental health professional,
13 or tier 4 mental health professional as defined under section 25-01-01; or any other
14 medical or mental health professional, religious practitioner of the healing arts,
15 schoolteacher or administrator, school counselor, child care worker, foster parent,
16 police or law enforcement officer, juvenile court personnel, probation officer, division of
17 juvenile services employee, or member of the clergy having knowledge of or
18 reasonable cause to suspect a child is abused or neglected, or has died as a result of
19 abuse or neglect, shall report the circumstances to the department if the knowledge or
20 suspicion is derived from information received by that individual in that individual's
21 official or professional capacity. A member of the clergy, however, is not required to
22 report such circumstances if the knowledge or suspicion is derived from information
23 received in the capacity of spiritual adviser.

24 2. For purposes of the reporting requirements under this section, abuse or neglect
25 includes mental injury on a child through the use of manipulation or psychological
26 abuse, including parental alienation.

27 3. Any person having reasonable cause to suspect a child is abused or neglected, or has
28 died as a result of abuse or neglect, may report such circumstances to the
29 department.

Sixty-sixth
Legislative Assembly

- 1 ~~3.4.~~ A person having knowledge of or reasonable cause to suspect a child is abused or
- 2 neglected, based on images of sexual conduct by a child discovered on a workplace
- 3 computer, shall report the circumstances to the department.