

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2189

Introduced by

Senators J. Lee, D. Larson, Meyer

Representatives Karls, Delmore, Holman

1 A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota
2 Century Code, relating to the confidentiality of children's advocacy center records; and to
3 amend and reenact subsection 3 of section 12.1-34-07 and subsection 1 of section 27-20-51 of
4 the North Dakota Century Code, relating to reimbursement of the cost of forensic interviews and
5 confidentiality of juvenile court records and children's advocacy center records.

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

7 **SECTION 1. AMENDMENT.** Subsection 3 of section 12.1-34-07 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 3. Upon submission of appropriate documentation, the attorney general, within the limits
10 of legislative appropriations, shall reimburse the health care facility or a health care
11 professional for the reasonable costs incurred in performing the medical screening and
12 acute forensic medical examination. Beginning on April first of the final year of each
13 biennium, the attorney general, subject to legislative appropriations, shall reimburse
14 each accredited children's advocacy center located in the state for a forensic interview
15 that is not reimbursable by insurance, medicaid, or crime victims compensation.

16 **SECTION 2. AMENDMENT.** Subsection 1 of section 27-20-51 of the North Dakota Century
17 Code is amended and reenacted as follows:

18 1. Except as provided in this section, all files and records of the juvenile court, whether in
19 the office of the clerk of district court or juvenile court, of a proceeding under this
20 chapter are closed to the public. Juvenile court files and records are open to
21 inspection only by:
22 a. The judge and staff of the juvenile court.
23 b. The parties to the proceeding or their counsel or the guardian ad litem of any
24 party.

- 1 c. A public or private agency or institution providing supervision or having custody of
2 the child under order of the juvenile court, which must be given a copy of the
3 findings and order of disposition when it receives custody of the child.
- 4 d. Any court and its probation and other officials or professional staff and the
5 attorney for the defendant for use in preparing a presentence report in a criminal
6 case in which the defendant is convicted and who, prior to the criminal case, had
7 been a party to the proceeding in juvenile court.
- 8 e. The professional staff of the uniform crime victims compensation program when
9 necessary for the discharge of their duties pursuant to chapter 54-23.4.
- 10 f. A staff member of the division of children and family services of the department of
11 human services or a law enforcement officer when necessary for the
12 performance of that person's duties under section 50-11.1-06.2 or the National
13 Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119 et
14 seq.].
- 15 g. An employee or agent of the department of human services when necessary for
16 performance of that individual's duty under chapter 50-11 or 50-11.1 to
17 investigate the background of an individual living or working in the facility, home,
18 or residence for which licensure is sought.
- 19 h. A criminal justice agency if the juvenile is required to register under section
20 12.1-32-15.
- 21 i. The staff of a children's advocacy center if the juvenile or a victim of the juvenile
22 has been referred for or has received services at the children's advocacy center.

23 **SECTION 3.** A new section to chapter 50-25.1 of the North Dakota Century Code is created
24 and enacted as follows:

25 **Confidentiality of children's advocacy center records.**

26 Records and digital media in the possession of a children's advocacy center relating to a
27 forensic medical examination, forensic interview, or therapy are confidential and may be
28 released only to a person other than a law enforcement agency ~~or~~, the department or the
29 department's authorized agent, or a medical or mental health professional when the child
30 comes before the medical or mental health professional in that person's professional capacity,
31 upon service of a subpoena signed by a judge.