

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.

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- 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.