

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED SENATE BILL NO. 2384

Introduced by

Senator Watne

1 A BILL for an Act to amend and reenact sections 14-09-22 and 50-25.1-11 of the North Dakota
2 Century Code, relating to child abuse and neglect and to authorized disclosures of confidential
3 records.

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

5 **SECTION 1. AMENDMENT.** Section 14-09-22 of the 1999 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **14-09-22. Abuse or neglect of child - Penalty.**

- 8 1. Except as provided in subsection 2, a parent, adult family or household member,
9 guardian, or other custodian of any child, who willfully commits any of the following
10 offenses is guilty of a class C felony except if the victim of an offense under
11 subdivision a is under the age of six years in which case the offense is a class B
12 felony:
- 13 a. Inflicts, or allows to be inflicted, upon the child, bodily injury, substantial bodily
14 injury, or serious bodily injury as defined by section 12.1-01-04 or mental
15 injury.
 - 16 b. Fails to provide proper parental care or control, subsistence, education as
17 required by law, or other care or control necessary for the child's physical,
18 mental, or emotional health, or morals.
 - 19 c. Permits the child to be, or fails to exercise reasonable diligence in preventing
20 the child from being, in a disreputable place or associating with vagrants or
21 vicious or immoral persons.
 - 22 d. Permits the child to engage in, or fails to exercise reasonable diligence in
23 preventing the child from engaging in, an occupation forbidden by the laws of

1 this state or an occupation injurious to the child's health or morals or the
2 health or morals of others.

3 2. A person who provides care, supervision, education, or guidance for a child
4 unaccompanied by the child's parent, adult family or household member, guardian,
5 or custodian in exchange for money, goods, or other services and who while
6 providing such services commits an offense under subdivision a of subsection 1 is
7 guilty of a class B felony. Any such person who commits, allows to be committed,
8 or conspires to commit, against the child, a sex offense as defined in chapter
9 12.1-20 is subject to the penalties provided in that chapter.

10 **SECTION 2. AMENDMENT.** Section 50-25.1-11 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **50-25.1-11. Confidentiality of records - Authorized disclosures.** All reports made
13 under this chapter, as well as any other information obtained, are confidential and must be
14 made available to:

- 15 1. A physician who has before the physician a child whom the physician reasonably
16 suspects may have been abused or neglected.
- 17 2. A person who is authorized to place a child in protective custody and has before
18 the person a child whom the person reasonably suspects may have been abused
19 or neglected and the person requires the information in order to determine whether
20 to place ~~such~~ the child in protective custody.
- 21 3. Authorized staff of the department, appropriate county social service boards, and
22 appropriate state and local child protection team members.
- 23 4. Any person who is the subject of a report; provided, however, that the identity of
24 persons reporting under this chapter is protected.
- 25 5. Public officials and their authorized agents who require ~~such~~ the information in
26 connection with the discharge of their official duties.
- 27 6. A court whenever ~~it~~ the court determines that the information is necessary for the
28 determination of an issue before the court.
- 29 7. A person engaged in a bona fide research purpose; provided, however, that no
30 information identifying the subjects of a report is made available to the researcher

- 1 unless the information is absolutely essential to the research purpose and the
2 department gives prior approval.
- 3 8. A person who is identified in subsection 1 of section 50-25.1-03, and who has
4 made a report of suspected child abuse or neglect, if the child is likely to or
5 continues to come before the reporter in the reporter's official or professional
6 capacity.
- 7 9. Parents or a legally appointed guardian of a child who is suspected of being, or
8 having been, abused or neglected, provided the identity of persons making reports
9 or supplying information under this chapter is protected. Unless the information is
10 confidential under section 44-04-18.7, when a decision is made under section
11 50-25.1-05.1 that services are required to provide for the protection and treatment
12 of an abused or neglected child, the department shall make a good-faith effort to
13 provide written notice of the decision to persons identified in this subsection. The
14 department shall consider any known domestic violence when providing
15 notification under this section.