

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2360

Introduced by

Senator Holmberg

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 child abuse and neglect records and information; and to amend and
3 reenact section 50-25.1-10 of the North Dakota Century Code, relating to privileged
4 communications.

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

6 **SECTION 1.** A new section to chapter 50-25.1 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Access to records and information.** Upon the request of the department or its
9 designee, in the course of an assessment for child abuse or neglect, any hospital, physician,
10 medical professional, medical facility, mental health professional, or mental health facility shall
11 disclose information and records of that entity regarding the child which are relevant to the
12 assessment. The person submitting the request shall reimburse the disclosing entity for the
13 actual costs of assembling and providing the information.

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

16 **50-25.1-10. Abrogation of privileged communications.** Any privilege of
17 communication between husband and wife or between any professional person and the
18 person's patient or client, except between attorney and client, is abrogated and does not
19 constitute grounds for ~~preventing~~:

- 20 1. Refusing access to any information or record requested for a child abuse or
21 neglect assessment or any other investigation or proceeding under this chapter;
22 2. Preventing a report to be made; or for excluding

- 1 3. Excluding evidence in any proceeding under this chapter regarding child abuse,
- 2 neglect, or death resulting from abuse or neglect resulting from a report made
- 3 under this chapter.