

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2384

2001 SENATE JUDICIARY

SB 2384

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2384

Senate Judiciary Committee

Conference Committee

Hearing Date 20 FEBRUARY 2001

Tape Number	Side A	Side B	Meter #
1	X		0-52.2
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2384: A BILL FOR AN ACT TO AMEND AND REENACT SECTION 50-25.1-05 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO NOTIFICATION OF CHILD ABUSE AND NEGLECT ASSESSMENTS.

Senator Watne, district 5, supports the bill. (testimony attached)

Susan Beehler, representing R-Kids, supports the bill. (testimony attached)

Senator Dever, with the research that has been done, who commits the most sexual abuse?

Susan Beehler, stats say it is the parents first.

Senator Trenbeath, I would like to hear that man's testimony in person. I don't like hearing written testimony from someone who doesn't appear before the committee.

Susan Beehler, he said you could call him.

Gladys Cairns, administrator of child protection for the Department of Human Services.

(testimony attached)

Senator Traynor, who are the people you identify in this?

Gladys Cairns, parents.

Senator Watne, do you think Susan's recommendation should be put in the bill?

Gladys Cairns, I think it is up to the committee.

Senator Traynor, the affidavit in the mail, is a better system than mail.

John Olson, representing peace officers and states attorneys, only concern with the bill is the assessment in conjunction with an investigation be recognized and a report not be made until an investigation be made. Asked to adopt Senator Watne's amendment.

Bonnie Palecek, representing abused women services. Concern about children. If it would go from 4,000 assessments to 700 assessments. Issues of retaliation if there would be identification. A concern is a logistical concern of exemption how social services would work. Has proposed amendments.

Margaret Kottre, with R-Kids, they are for this bill. Would like to see this bill be passed for children.

Senator Traynor, closed the hearing on SB 2384.

SENATOR WATNE MOTIONED TO PASS ALL AMENDMENTS AND HOG HOUSE THE BILL. SECONDED BY SENATOR BERCIER. VOTE INDICATED 6 YEAS, AND 0 NAYS AND 1 ABSENT AND NOT VOTING. SENATOR WATNE MOTIONED TO PASS THE BILL, SECONDED BY SENTOR BERCIER. VOTE INDICATED 6 YEAS, 0 NAYS, AND 1 ABSENT AND NOT VOTING.

FISCAL NOTE
 Requested by Legislative Council
 6/21/2001

Bill/Resolution No.:

Amendment to: SB 2384

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$476			\$476		

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill requires that upon the completion of a child abuse and neglect assessment and when a decision is made that services **are required**, the Department of Human Services shall make a good-faith effort to provide written notice of the decision to each parent or the guardian of the child an assessment was conducted on. The county is designated by the Department to be the agent in the delivery of child abuse and neglect assessment services. Thus the bill would have a fiscal impact on the counties. The county currently provides written notification of the assessment results to the subjects of an investigation. If this bill passes, the Department will require the county social service office to use an affidavit process in notifying any non-custodial parent of said child's assessment requiring services.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

As the county social service office agencies are serving as designees of the Department of Human Services when they conduct a child abuse and neglect assessment, the fiscal impact will be on the counties.

It is estimated that about 700 cases each year require services. The Department does not have a system to determine if said child of the assessment has a non-custodial parent. Therefore, at most, 700 good-faith effort written notifications will need to be sent each year at a current charge of a standard letter - 34 cents. For the biennium, the cost is estimated to be \$476.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	02/23/2001

FISCAL NOTE
 Requested by Legislative Council
 01/29/2001

Bill/Resolution No.: SB 2384

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$47,266			\$47,266		

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill requires that upon the completion of a child abuse and neglect assessment, the Department of Human Services send a certified letter to each parent or the guardian of the child an assessment was conducted on. The county is designated by the Department to be the agent in the delivery of child abuse and neglect assessment services. If this bill passes, the Department of Human Services will require the county social service office to send the certified letter as part of the assessment process. Thus, the fiscal impact would be on the county social service offices.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

As the county social service agencies are serving as designees of the Department of Human Services when they conduct a child abuse and neglect assessment, the fiscal impact will be on the counties.

It is estimated that a total of 6,319 certified letters would need to be sent each year at a current charge of \$3.74 per letter, or \$23,633 per year. For a biennium, the cost is estimated to be \$47,266.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	02/01/2001

10760.0101
Title.

Prepared by the Legislative Council staff for
Senator Watne
February 5, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2384

Page 1, line 19, replace "Upon" with "Unless the information is confidential under section
44-04-18.7, upon"

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2384

Page 1, line 1, after "A Bill" replace the remainder of the bill with "for an Act to amend and reenact section 50-25.1-05.1 of the North Dakota Century Code, relating to ~~how~~ ^{the determination is made that services are required} ~~at~~ ^{for the protection and treatment of an abused or neglected child}

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-25.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-05.1. Services required - How determined. ~~Upon~~ Unless the information is confidential under section 44-04-18.7, upon completion of the assessment of the initial report of child abuse or neglect, a decision must be made whether services are required to provide for the protection and treatment of an abused or neglected child.

1. This determination is the responsibility of the department.
2. A decision that services are required may not be made where the suspected child abuse or neglect arises solely out of conduct involving the legitimate practice of religious beliefs by a parent or guardian. This exception does not preclude a court from ordering that medical services be provided to the child where the child's life or safety requires it or the child is subject to harm or threatened harm.
3. When a decision that services are required to provide for the protection and treatment of an abused or neglected child is made, the department shall make a good faith effort to provide written notice of the decision to persons as identified in section 50-25.1-11(9). The department shall consider any known domestic violence when providing notification under this section.

sub-section 9 of

Renumber accordingly

Rewrite

Date: 2/20/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2394

Senate Judiciary Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Pass All Amendments proposed before Committee. Meld them together.

Motion Made By Watne Seconded By Bercier.

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.	X	
Watne, D. Vice Chairman	X		Nelson, C.		
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2384: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2384 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 50-25.1-05.1 of the North Dakota Century Code, relating to the determination of when services are required for the protection and treatment of an abused or neglected child.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-25.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-05.1. Services required - How determined. ~~Upon~~ Unless the information is confidential under section 44-04-18.7, upon completion of the assessment of the initial report of child abuse or neglect, a decision must be made whether services are required to provide for the protection and treatment of an abused or neglected child.

1. This determination is the responsibility of the department.
2. A decision that services are required may not be made where the suspected child abuse or neglect arises solely out of conduct involving the legitimate practice of religious beliefs by a parent or guardian. This exception does not preclude a court from ordering that medical services be provided to the child where the child's life or safety requires it or the child is subject to harm or threatened harm.
3. When a decision is made that services are required to provide for the protection and treatment of an abused or neglected child, the department shall make a good-faith effort to provide written notice of the decision to persons identified in subsection 9 of section 50-25.1-11. The department shall consider any known domestic violence when providing notification under this section."

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2384

