

**Testimony**  
**Senate Bill 2100 – Department of Human Services**  
**Senate Judiciary Committee**  
**Senator Dave Nething, Chairman**  
**January 10, 2007**

Chairman Nething, members of the Senate Judiciary Committee, I am Tara Lea Muhlhauser, Deputy Director of the Children and Family Services Division and Program Administrator for Child Protective Services, of the Department of Human Services. I am here today to provide you with an overview of Senate Bill 2100. The Department supports passage of this bill.

Child Protective Services, under the authority of NDCC 50-25.1, is the program that provides the institutional infrastructure for child abuse and neglect reporting, prevention, assessments, decisions, and services for abused and neglected children and their families in the state. County Social Service agencies and their staff provide the actual direct protective services to protect children in each of the communities in the state.

In Federal Fiscal Year 2005, we received 3,956 reports of child abuse and neglect, involving 6,972 potential victims. This is a number that has remained steady in the past five years. Of the total number of reports received, 792 cases were determined to be "Services Required" involving 1461 victims. A "Services Required" case indicates the presence of safety issues and risks that are addressed through services and referral to the Juvenile Court for consideration of legal action.

The bill before you today concerns some amendments to the current law addressing several issues that will allow for greater clarity, efficiency, and more comprehensive protection for children.

Section 1 of the Amendment concerns definitions. We are asking that employees of public or private schools be removed. This would mean that Child Protective Services would no longer conduct Child Protective Assessments when the reported abuse or neglect involved a teacher and student. Schools have their own processes in place for investigation of these incidents and we believe it is an issue best addressed by school administrators, School Boards, law enforcement, and parents. In addition, Child Protective Services has no real authority to enforce any recommendations or decisions made by local Child Protection Teams. The Juvenile Court has no jurisdiction in cases when the parent is not the alleged subject of the abuse or neglect.

Also in the definition section, a request is made to bring the definition of "abused child" within the already existing definition of "child abuse and neglect" in NDCC 14-09-22 - Abuse or Neglect of a Child-Penalty (referencing definitions in the criminal code section 12.1-01-04 as cited in NDCC section 14-09-22(1)(a)). Also, this amendment would bring "sexually abused child" within the definitions currently found in NDCC chapter 12.1-20; the Sex Offenses chapter of the North Dakota Century Code. This will provide greater clarity as there will be one universal definition of child abuse and neglect. This change also removes the definition of "harm" as it is no longer needed to define "child abuse and neglect".

Since its inception, Child Protective Services in North Dakota, and nationally, has relied on the statutory distinction of the professional “mandated reporter”. This bill proposes adding a couple categories to the list of mandated reporters. School personnel, school bus drivers, and foster parents are requested additions because they have significant contact with children on a daily basis. Veterinarians are also proposed because of the clear link research has established between animal maltreatment and child maltreatment. This research is quite new and has been the basis for twenty-two other states adding this or similar categories of personnel in the animal care profession to their lists of mandated reporters.

Section 3 of the bill proposes some clean-up language to 50-25.1-03.1 to clarify that a child is not the “subject” of a child abuse and neglect report; an adult is the subject.

Section 4 proposes to add school counselor and division of juvenile services staff to the list of entities responsible for providing information to the coroner or the child fatality review panel so that we are able to do more thorough work on cases where there has been a child fatality.

Section 5 provides us with the authority to refer reports involving school personnel (in keeping with the change in the first section) to the requisite school board.

Finally, Section 6 of this bill proposes that the department be given the legal authority to protect the identity of not only persons reporting child abuse and neglect (which already exists), but also persons

supplying information for the child abuse and neglect report or assessment. These folks are often referred to as “collateral contacts” by social workers. These collateral contacts can be unwilling to become involved or provide information because we can offer them no assurance that their identify will be protected when the completed assessment report is given to the subject of the report. This will give us greater authority to provide identity protection for those people willing to share information with social workers as a part of the assessment process.

Thank you very much for the opportunity to appear in support of this bill today. I will be available to answer any questions you have.