

Testimony
Senate Bill 2097 – Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman
February 16, 2009

Chairman Weisz, members of the House Human Services Committee, I am Tara Lea Muhlhauser, Director of the Children and Family Services Division and former Program Administrator for Child Protective Services, in the Department of Human Services. I am here today to provide you with an overview of Senate Bill 2097. The Department supports passage of this bill.

Child Protective Services, under the authority of N.D.C.C. chapter 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 2007, we received 7,657 reports of child abuse and neglect, involving 6,271 potential victims. This is a number that has remained relatively steady in the past five years. Of the total number of reports received, 660 cases were determined to be "Services Required" involving 1,288 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 amendments to the current law addressing several issues that will allow for greater clarity and efficiency in

our ability to provide protection for children.

Section 1 is a clarification to the definition of “abused child” so that any child who is sexually abused (not just those reported to be abused by “a person responsible for the child’s welfare”) is covered under the mandated reporting section found elsewhere in the law. This was an oversight that occurred in the changes made in this definition during the last legislative session. In addition, I respectfully submit the attached amendment that further clarifies the application of this section to sexual offenses committed by other children in the home who are not adults.

Section 2 of this bill contains language to clarify several provisions under the “Confidentiality of Records” section of the current law. This proposed change allows the department to make a report-by-report decision on whether we might release records to the requesting individual or entity, and gives greater clarity to this provision. Also included is language that clarifies what information is available to be used in administrative proceedings in child abuse and neglect appeals. In this section, I would also like to offer an amendment. Our original draft included language that, upon later review, is superfluous adding nothing to the meaning of the provision; therefore, I respectfully request that “being requested” be removed.

Finally, we have updated the language in the “bona fide research” exemption under this section to refer to the involvement of the department’s Institutional Review Board in approving research requests. This board was not in existence when this section was initially written.

Thank you very much for the opportunity to appear in support of Senate Bill 2097. I am available to answer any questions.

PROPOSED AMENDMENT TO SENATE BILL NO. 2097

Page 1, line 11, remove the overstrike over "a person responsible for the child's welfare", remove "an adult", overstrike "to any act", and insert immediately thereafter "or by any individual who acts"