

Testimony
Engrossed House Bill 1520 - Department of Human Services
Senate Judiciary Committee
Senator Diane Larson, Chairman

March 18, 2019

Chairman Larson and members of the Senate Judiciary Committee, I am Marlys Baker, Child Protection Services Administrator for the Department of Human Services (Department). I appear today to provide testimony in support of Engrossed House Bill 1520 and the amendments proposed by the bill's sponsor.

Since the majority of the language in this bill pertains to Juvenile Court process and not to the Child Protection Services program, I will limit my testimony to the sections pertaining to my program area.

Section 5, page 3, line 26 clarifies that an individual who acts in violation of the listed sections of Chapter 12.1, entitled "Criminal Code" includes a juvenile. The Department agrees with this clarification.

Section 6, page 3, lines 28 and 29 and page 4, line 5 clarifies that when a report of suspected child abuse or neglect implicates a person other than a person responsible for a child's welfare, the Department, through its authorized agent, county social services, is required to refer the report to an appropriate law enforcement agency. Although this is standard practice in child protection services agencies, the language in the current statute indicates that this is optional. This bill makes clear that a referral to law enforcement is required.

Also, in Section 6, page 4, lines 7 through 13 create a new subsection directing the Department, through its authorized agent, county social services, to conduct defined tasks when a report of suspected child sexual abuse which implicates an individual under the age of eighteen and who is not a person responsible for a child's welfare under subsection 1 of section 50-25.1-02 of the North Dakota Century Code. The

required tasks are aimed at providing safety for the child victim as well as the suspected child perpetrator by requiring an assessment of risk, a plan for safety, administration of any evidence-based screening tools, and referrals to services. These tasks apply to the alleged victim and suspect, the parent, custodian or other persons serving in loco parentis to the alleged victim and the suspect as well as to any other children under the same care as the alleged victim and the alleged suspect. Providing this intervention as early as possible during the investigation for alleged sexual abuse of a child by a child ensures that all the children involved are kept safe from further abuse or allegations of further abuse and ensures that all the children involved, as well as their caregivers, are provided an opportunity to access appropriate services in a timely manner rather than waiting for other processes to conclude. A report of suspected child sexual abuse, particularly when the alleged victim and suspect are children, is stressful and traumatic for the families of both the alleged victim as well as the suspect. Allowing risk, trauma, fear and anxiety to impact parents and children in two or more families to be extended while legal processes are ongoing serves no one. Early support and an offer of intervention as early as possible after identification of possible child sexual abuse can reduce child trauma, assure child safety and shorten the recovery time for children and their families. It should be noted that providing these services does not involve a mechanism to compel participation in in any particular service, nor a determination to be made by the Department, but does provide an offer of help to families experiencing crisis and stress dealing with the possible sexual abuse involving children. The Department supports this amendment to Chapter 50-25.1 of the North Dakota Century Code.

This concludes my testimony, and I am available to answer your questions.