

Testimony
House Bill 1260 - Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman

January 16, 2019

Chairman Weisz and members of the Human Services Committee, I am Marlys Baker, Child Protection Services Administrator for the Department of Human Services (Department). I appear today to provide testimony in opposition to House Bill 1260 in its current form and to offer an amendment.

Section 1, page 3, lines 6 through 8 provides a definition of “mental injury”. The Department agrees that a definition of “mental injury” is necessary. The current definition of “abused child” (page 1, lines 19 through 24) references section 14–09-22 of the North Dakota Century Code, entitled, “Abuse of child – Penalty”. It is this section which contains the words “mental injury” as a form of child abuse. However, the term “mental injury” as used in section 14-09-22 is currently not defined. The department is requesting that the definition of “mental injury” proposed in this Bill be removed from chapter 50-25.1 and placed into chapter 14-09. The Department has no objections to the definition itself.

Section 2 of this Bill modifies the reporting requirement for child abuse and neglect to include mandatory reporting of mental injury, psychological abuse, and parental alienation. Neither psychological abuse nor parental alienation are defined in current statute or in this Bill. The current reporting statute requires that persons who are mandated to make child protection reports shall report if they have “knowledge of or reasonable cause to suspect a child is abused or neglected”. Definitions of “abused child”, “sexually abused child”, and “neglected child” are found in section 50-25.1-02 of the North Dakota Century Code. A specific requirement to report particular, undefined types of child maltreatment is not necessary. Under the current reporting requirements and definitions, the psychological maltreatment of children is reportable under the definition of “neglected child” (page 3, line 11), further defined in section 27-20-02 of the North Dakota Century Code. Within section 27-20-02,

entitled "Definitions", subdivision a of subsection 8 states, "Deprived child' means a child who:

a. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian;"

Given the specific language of "mental or emotional health" in the definition of "neglected child" and the reporting requirement for "knowledge or reasonable cause to suspect", additional, undefined terms are unnecessary. Additionally, research on the federal Child Welfare Information Gateway summary of child abuse and neglect definitions in all fifty states revealed that no other state includes definitions of parental alienation in child abuse and neglect laws. The Department recommends that page 4, lines 24 through 26, are removed from this Bill.

This concludes my testimony, and I am happy to answer any questions you may have.