

# North Dakota State Reporting Laws

**THE PURPOSE OF THIS GUIDE IS TO PROVIDE GENERAL INFORMATION ONLY. IT IS NOT INTENDED AS LEGAL ADVICE OR TO APPLY TO ANY PARTICULAR SITUATION.**

## TITLE X

### **Background:**

In 1970, Congress added Title X to the Public Health Services Act to make family planning and reproductive health services available to individuals who need them, with priority given to low-income individuals.

### **Providing family planning services:**

All clients, including adolescents, who are seeking Title X services may consent to their own care, and these services must be provided to them on a voluntary and confidential basis.

### **Confidentiality and state law requirements for reporting abuse and neglect:**

Although Title X providers are legally required to maintain confidentiality of all clients, including adolescents, they are not exempt from state laws that require the reporting of “child abuse, child molestation, sexual abuse, rape or incest.” This reporting obligation creates a limited exception to the duty to maintain client confidentiality.

Please refer to the Supporting Statutes, which are attached.

## DUTY TO REPORT

### **In public health clinics:**

Any physician, nurse, dentist, optometrist, medical examiner or coroner, or any other medical or mental health professions, religious practitioner of the healing arts, addiction counselor, social worker, child care worker having knowledge of reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, shall report, oral or written (oral report must be followed by a written report) the circumstances to the Department of Human Services if the knowledge or suspicion is derived from information received by that person in that person’s professional capacity.

- A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received at the capacity of the spiritual adviser.
- Any person having reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, may report such circumstances to the Department of Human Services.
- Prenatal exposure to controlled substances - Individuals required to report (as listed above) who have knowledge of or reasonable cause to suspect that a woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy shall report the circumstances to the Department of Human Services if the knowledge or suspicion is derived from information received by that individual in that individual’s official or professional capacity.

- ◇ Any individual may make a voluntary report if the individual has knowledge of or reasonable cause to suspect that a woman is pregnant and has used a controlled substance for a non-medical purpose during that pregnancy.

## **AGE OF “CONSENT”**

Sexual contact with a child is illegal and considered child abuse when:

- ◇ The child is under age 18.
- ◇ When criminality depends on the victim being a minor fifteen years of age or older, the actor is guilty of an offense only if the actor is at least three years older than the minor.

## **WHO ARE REPORTS MADE TO?**

Department of Human Services, or its designee, which is usually county social services.

## **PROCEDURE FOR MAKING A REPORT**

Oral or written (oral report must be followed by a written report within 48 hours if requested by the department) to the Department of Human Services.

## **CAN A REPORTER BE HELD LIABLE IF IT TURNS OUT THAT HER/HIS SUSPICIONS WERE WRONG?**

All those required to report who do so in good faith are protected from civil or criminal liability if suspicions are unfounded. Any person who intentionally makes a false report could be civilly or criminally liable.

## **CONSEQUENCES OF FAILURE TO REPORT**

The penalty for failure to make a report is a misdemeanor.

## **VICTIMS SERVICES AGENCIES**

Each clinic should contact their local State’s Attorney’s Office or Sheriffs Department for Victims Service contact information, as it is not a state service, but a town/city or community service.

The purpose of this guide is to provide general information only.  
It is not intended as legal advice or to apply to any particular situation.

