

**CHAPTER 75-03-18**  
**PROCEDURES FOR APPEAL OF CHILD ABUSE AND NEGLECT ASSESSMENTS**

Section

75-03-18-01	Definitions
75-03-18-02	Who May File an Appeal
75-03-18-03	Request for Appeal to be in Writing - Where Filed - Content
75-03-18-04	Time for Filing Request for Appeal
75-03-18-05	Informal Meeting
75-03-18-06	Request for Formal Hearing [Repealed]
75-03-18-07	Formal Hearing
75-03-18-07.1	Treatment of Witnesses
75-03-18-08	Hearing Decision [Repealed]
75-03-18-09	Probable Cause Finding not Directly Reviewable [Repealed]
75-03-18-10	Confidentiality
75-03-18-11	Evidence
75-03-18-12	Effect of Appeal
75-03-18-13	Effect of Overturn of Case Decision or Appeal

**SECTION 1:** Section 75-03-18-01 is amended as follows:

**75-03-18-01. Definitions.**

1. "Assessing agency" means the ~~county social service board in the county~~human service zone where the report of suspected abuse or neglect is assessed, or, in certain instances, ~~a regional human service center.~~ "Assessment" is defined in ~~section 75-03-19-01~~the department.
2. "Assessment" is the factfinding process designed to provide information which enables a decision to be made that services are required to provide for the protection and treatment of an abused or neglected child.
3. "Decision" means the conclusion that determines whether services are required to provide for the protection and treatment of an abused or neglected child.
- ~~3.4.~~ "Department" means the North Dakota department of human services or its designee.
- ~~4.~~ "Determination" means the decision made by the state child protection team that institutional child abuse or neglect is or is not indicated.
5. ~~"Regional human service center" means a facility established according to the provisions of North Dakota Century Code section 50-06-05.3.~~
6. ~~"Subject" means a person named in a child abuse or neglect report who is~~

~~suspected as having abused or neglected any child. "Subject" includes:~~

- ~~a. — A child's parent;~~
- ~~b. — A child's guardian;~~
- ~~c. — A child's foster parent;~~
- ~~d. — An employee of a public or private school or nonresidential child care facility;~~
- ~~e. — An employee of a public or private residential home, institution, or agency; or~~
- ~~f. — A person responsible for the child's welfare in a residential setting~~responsible for the child's welfare as defined by North Dakota Century Code section 50-25.1-02.

**History:** Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; July 1, 2020.

**General Authority:** NDCC 50-25.1-05.4

**Law Implemented:** NDCC 50-25.1-04.1, 50-25.1-05.4

**SECTION 2:** Section 75-03-18-05 is amended as follows:

**75-03-18-05. Informal meeting.**

This chapter shall be construed to encourage informal, mutually consensual meetings or discussions between the subject and the assessing agency ~~or regional human service center~~. Such informal review will not suspend or extend the time for filing an appeal pursuant to section 75-03-18-04.

**History:** Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; July 1, 2020.

**General Authority:** NDCC 50-25.1-05.4

**Law Implemented:** NDCC 50-25.1-05.4

**SECTION 3:** Section 75-03-18-12 is amended as follows:

**75-03-18-12. Effect of appeal.**

Neither a request for appeal under this chapter nor an appeal from that decision under North Dakota Century Code chapter 28-32 shall be construed to suspend the legal effect of an assessment decision requirement to provide services during the time of the appeal until such time as a final decision overturning the case decision has been made and not appealed.

**History:** Effective November 1, 1994; amended effective January 1, 1996; July 1, 2020.  
**General Authority:** NDCC 50-25.1-05.4  
**Law Implemented:** NDCC 50-25.1-05.4

**CHAPTER 75-03-18.1**  
**CHILD ABUSE AND NEGLECT ASSESSMENT GRIEVANCE PROCEDURE FOR**  
**CONDUCT OF THE ASSESSMENT**

Section

- 75-03-18.1-01 Definitions
- 75-03-18.1-02 Who May File Grievance
- 75-03-18.1-03 Grievance to be in Writing - Contents - Time for Filing
- 75-03-18.1-04 Grievance Meeting
- 75-03-18.1-05 Grievance Meeting Decision
- 75-03-18.1-06 Informal Conference
- 75-03-18.1-07 Confidentiality

**SECTION 4:** Section 75-03-18.1-01 is amended as follows:

**75-03-18.1-01. Definitions.**

1. "Department" means the North Dakota department of human services.
2. "Director" means the director of the ~~county social services board, the director of the human service center,~~zone or the director's designee.
3. "~~Regional representative~~" means the regional supervisor of child protection services who is located in regional human service centers.
4. "~~Subject~~" means a person named in a child abuse or neglect report who is suspected as having abused or neglected any child. "Subject" includes:
  - a. ~~A child's parent;~~
  - b. ~~A child's guardian;~~
  - c. ~~A child's foster parent;~~
  - d. ~~An employee of a public or private school or nonresidential child care facility;~~
  - e. ~~An employee of a public or private residential home, institution, or agency; or~~
  - f. ~~A person responsible for the child's welfare in a residential setting~~responsible for the child's welfare as defined by North Dakota Century Code section 50-25.1-02.

**History:** Effective September 1, 1997; amended effective July 1, 2020.

**General Authority:** NDCC 50-25.1-05.4

**Law Implemented:** NDCC 50-25.1-05.4

**SECTION 5:** Section 75-03-18.1-03 is amended as follows:

**75-03-18.1-03. Grievance to be in writing - Contents - Time for filing.**

1. The grievance must be in writing on forms developed and provided by the department and must contain a succinct statement of the grievant's objections to the conduct of the assessment.
2. A grievance must be filed with the director of the human service zone which provided the written assessment decision notification within ten days of the grievant's receipt of the written decision of the department ~~or county social service board.~~

**History:** Effective September 1, 1997; amended effective July 1, 2020.

**General Authority:** NDCC 50-25.1-05.4

**Law Implemented:** NDCC 50-25.1-05.4

**SECTION 6:** Section 75-03-18.1-04 is amended as follows:

**75-03-18.1-04. Grievance meeting.**

1. If a grievance is filed, the ~~agency~~human service zone completing the assessment shall schedule a grievance meeting with the subject. This meeting must be held within ten days of the ~~agency's~~director's receipt of the written grievance. The director shall preside at the grievance meeting.
2. At a maximum, the grievance meeting may include the following participants:
  - a. ~~The regional representative~~an individual designated by the department;
  - b. Two individuals that the subject determines should be present; and
  - c. Up to two ~~agency-selected~~human service zone-selected individuals having information concerning the conduct of the assessment.

**History:** Effective September 1, 1997; amended effective July 1, 2020.

**General Authority:** NDCC 50-25.1-05.4

**Law Implemented:** NDCC 50-25.1-05.4

**SECTION 7:** Section 75-03-18.1-05 is amended as follows:

**75-03-18.1-05. Grievance meeting decision.**

Within ten days after conclusion of the grievance meeting, the director ~~of the~~

~~assessing agency~~ shall prepare a written summary of the meeting and the resolution of the grievance. The written summary must be based on the files, records, and information received at the grievance hearing. The written summary and resolution constitutes the final determination of the grievance. The summary and resolution of the director must be sent to the grievants and the ~~regional representative~~individual designated by the department.

**History:** Effective September 1, 1997; amended effective July 1, 2020.

**General Authority:** NDCC 50-25.1-05.4

**Law Implemented:** NDCC 50-25.1-05.4

**CHAPTER 75-03-19**  
**ASSESSMENT OF CHILD ABUSE AND NEGLECT REPORTS**

Section

75-03-19-01	Definitions
75-03-19-02	Department's Authorized Agent to Receive Reports and Conduct Assessments—Reimbursement
75-03-19-03	Time for Initiating Assessments - Emergencies
75-03-19-04	Time for Completing Assessments
75-03-19-05	Time for Submitting Written Assessment Reports [Repealed]
75-03-19-06	Assessment Procedures
75-03-19-07	Caseload Standards
75-03-19-08	Exchange and Transfer of Information
75-03-19-09	Child Abuse or Neglect Complaint or Allegation
75-03-19-10	Training Requirements

**SECTION 8:** Section 75-03-19-01 is amended as follows:

**75-03-19-01. Definitions.**

The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 50-25.1, except:

1. ~~"Assessment" is the factfinding process designed to provide information which enables a decision to be made to provide for the protection and treatment of an abused or neglected child~~means an alternative response assessment, child protection assessment, and family services assessment as defined in North Dakota Century Code chapter 50-25.1-02.
2. ~~"Decision" means the conclusion that determines whether services are required to provide for the protection and treatment of an abused or neglected child~~determination made under North Dakota Century Code section 50-25.1-05.1 whether services are required to provide for the protection and treatment of an abused or neglected child.
3. "Department" means the North Dakota department of human services.
4. "Subject" means a person named in a child abuse or neglect report who is suspected as having abused or neglected any child. "Subject" includes:
  - a. — A child's parent;
  - b. — A child's guardian;
  - c. — A child's foster parent;
  - d. — An employee of a public or private school or nonresidential child care

facility;

- e. ~~An employee of a public or private residential home, institution, or agency; or~~
- f. ~~A person responsible for the child's welfare in a residential setting;~~ responsible for the child's welfare as defined by North Dakota Century code section 50-25.1-02.

**History:** Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; January 1, 1996, amendments voided by Administrative Rules Committee effective August 8, 1996; September 1, 1997; July 1, 2020.

**General Authority:** NDCC 50-25.1-05

**Law Implemented:** NDCC 50-25.1-05

**SECTION 9:** Section 75-03-19-02 is amended as follows:

**75-03-19-02. Department's authorized agent to receive reports and conduct assessments—Reimbursement.**

The department's authorized agent shall act as designee of the department for the purpose of receiving reports of suspected child abuse or neglect and conducting assessments, except as otherwise provided for by law or as otherwise determined by the department in a particular case. ~~The department shall reimburse such authorized agent, in a reasonable amount determined by the department, to the extent funds are made available to the department for these purposes. An authorized agent may not be required to act as the department's authorized agent if the department is unable to provide reimbursement for services rendered.~~

**History:** Effective September 1, 1990; amended effective January 1, 1996; July 1, 2006; July 1, 2020.

**General Authority:** NDCC 50-25.1-05

**Law Implemented:** NDCC 50-25.1-02(3), 50-25.1-04, 50-25.1-05, 50-25.1-05.1

**SECTION 10:** Section 75-03-19-04 is amended as follows:

**75-03-19-04. Time for completing assessments.**

Assessments of reports of suspected child abuse or neglect must be completed, a decision made, and a written report completed and submitted to the ~~regional child protection service supervisor or other person~~ individual designated by the department within sixty-two days from the date of receipt of the report unless an extension of the time is requested of and granted by the department.

**History:** Effective September 1, 1990; amended effective January 1, 1996; July 1, 2006; July 1, 2020.

**General Authority:** NDCC 50-25.1-05

**Law Implemented:** NDCC 50-25.1-05



**SECTION 11:** Section 75-03-19-06 is amended as follows:

**75-03-19-06. Assessment procedures.**

Assessments of reports of suspected child abuse or neglect must be conducted by the department or its authorized agents in substantial conformity with the policies of the department. Assessments of reports of suspected child abuse or neglect must reflect:

1. An assessment process designed to collect sufficient information to make a decision whether services are required to provide for the protection and treatment of an abused or neglected child;
2. Assessment techniques that include interviewing and observing the subject, the child victim, and other interested or affected persons and documenting those interviews and observations;
3. Conclusions and a summary based on information gathered by assessment techniques described in subsection 2; and
4. If services are required, development of a ~~treatment plan~~ plans based on goals and objectives established by the department or its ~~designee~~ and authorized agent for the subject and for the family of the child victim.

**History:** Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; July 1, 2006; July 1, 2020.

**General Authority:** NDCC 50-25.1-05, 50-25.1-05.4

**Law Implemented:** NDCC 50-25.1-05, 50-25.1-05.4

**SECTION 12:** Section 75-03-19-10 is amended as follows:

**75-03-19-10. Training requirements.**

The department shall maintain a child welfare certification training program to protect the legal rights and safety of children and families. The training curriculum must include the legal duties of child protection services. Each ~~social~~ child protection services worker providing child protection services must complete the first available training program ~~within the first year of employment with child protection services~~ upon hiring, unless otherwise approved by the department.

**History:** Effective July 1, 2006; amended effective July 1, 2020.

**General Authority:** NDCC 50-25.1-05

**Law Implemented:** NDCC 50-25.1-05, 50-25.1-11