

05 2020

February 5, 2020

Vonette Richter, Legal Division Director
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code chapters 75-03-18, 75-03-18.1, and 75-03-19
Procedures for Appeal of Child Abuse and Neglect Assessments, Child Abuse and Neglect Assessment Grievance Procedure for Conduct of the Assessment, and Assessment of Child Abuse and Neglect Reports

Dear Ms. Richter:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Wednesday, March 18, 2020, beginning at 9:00 a.m. and continuing until 10:30 a.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Advisory Unit

JA/rv

cc: Cory Pederson, CFS
Marlys Baker, CFS

Enclosures

LEGAL ADVISORY UNIT

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | www.nd.gov/dhs

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTERS 75-03-18, 75-03-18.1, AND 75-03-19
PROCEDURES FOR APPEAL OF CHILD ABUSE AND NEGLECT ASSESSMENTS,
CHILD ABUSE AND NEGLECT ASSESSMENT GRIEVANCE PROCEDURE FOR
CONDUCT OF THE ASSESSMENT, AND ASSESSMENT OF CHILD ABUSE AND
NEGLECT REPORTS

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-03-18, 75-03-18.1, and 75-03-19 at 9:00 a.m. on Wednesday, March 18, 2020, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-03-18, 75-03-18.1, and 75-03-19, Procedures for Appeal of Child Abuse and Neglect Assessments, Child Abuse and Neglect Assessment Grievance Procedure for Conduct of the Assessment, and Assessment of Child Abuse and Neglect Reports, are necessary to comply with 2019 House Bill 1108 and 2019 Senate Bill No. 2124.

The proposed changes are as follows:

Section 75-03-18-01 is amended to modify the definitions of “Assessing Agency”, “Assessment”, and “Subject” to reflect current state law, including changes made as a result of 2019 Senate Bill No. 2124 and for clarity purposes, remove the definition of “Determination” as the term is not used in chapter 75-03-18, and remove the definition of “Regional human service center” as it is part of the department and to reflect that change to the definition of “Assessing agency”.

Section 75-03-18-05 is amended to remove “or regional human service center” based on the updated definition of “Assessing agency” and the removal of the definition of “Regional human service center”. The regional human service center is part of the department.

Section 75-03-18-12 is amended in order to be consistent with North Dakota Century Code section 50-25.1-06 which requires protective

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services to be provided for the abused or neglected child and other children under the same care as well as to the parents, custodian or other persons serving in loco parentis with respect to the child or other children. The requirement for the department and human service zone to provide services is not suspended when an appeal is filed.

Section 75-03-18.1-01 is amended to modify the definitions of “Director” and “Subject” to reflect current state law, including changes made as a result of 2019 Senate Bill No. 2124 and to reflect that the director of the human service center is not directly affiliated with the work of a child abuse and neglect assessment or grievance procedure. Definition of “Regional representative” is being removed as the human service centers are part of the department and the regional representative is not directly affiliated with the grievance procedure for the conduct of the assessment.

Section 75-03-18.1-03 is amended in response to 2019 Senate Bill No. 2124 and to provide clarification as to with whom the grievance would be filed.

Section 75-03-18.1-04 is amended in response to 2019 Senate Bill No. 2124 and to replace the use of a specific title of an employee of the department with “an individual designated by the department”.

Section 75-03-18.1-05 is amended in response to the revision of the definition of “Director” and the removal of the definition of “Regional representative” and to replace the use of a specific title of an employee of the department with “individual designated by the department”.

Section 75-03-19-01 is amended to modify the definitions of “Assessment”, “Decision”, and “Subject” to reflect terminology and definitions set forth in and for consistency purposes with state law and 2019 House Bill 1108.

Section 75-03-19-02 is amended as a result of 2019 Senate Bill No. 2124 and the State’s financing of Human Service Zones.

Section 75-03-19-04 is amended to remove the use of a specific title of an employee of the department and replace it with “individual designated by the department”.

Section 75-03-19-06 is amended to clarify language and for consistency purposes.

Section 75-03-19-10 is amended to clarify language and to require the child protection services worker to complete the first available training program upon hiring, unless otherwise approved by the department.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zone (formerly known as county social services) offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, March 30, 2020.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 5th day of February, 2020.

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Procedures for Appeal of Child Abuse and Neglect Assessments, Child Abuse and Neglect Assessment Grievance Procedure for Conduct of the Assessment, and Assessment of Child Abuse and Neglect Reports

TO WHOM IT MAY CONCERN:

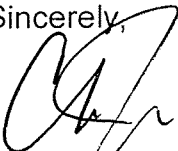
The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-18, 75-03-18.1, and 75-03-19, Procedures for Appeal of Child Abuse and Neglect Assessments, Child Abuse and Neglect Assessment Grievance Procedure for Conduct of the Assessment, and Assessment of Child Abuse and Neglect Reports. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, March 30, 2020.

The department has scheduled an oral hearing for Wednesday, March 18, 2020. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones,
Executive Director

CDJ/rv

Enclosures

cc: Vonette Richter, Legislative Council
Cory Pederson, CFS
Marlys Baker, CFS

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones