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

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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" 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 determination made under North Dakota Century Code section 50-25.1-05.1 whether a child meets the definition of an abused or neglected child.

3. "Subject" means a person 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; April 1, 2022.
General Authority: NDCC 50-25.1-05
Law Implemented: NDCC 50-25.1-05

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.

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

75-03-19-03. Time for initiating assessments - Emergencies.

All nonemergency child abuse or neglect assessments must be initiated within time frames established by the department after receipt of a report by the assessing agency. In cases involving a serious threat or danger to the life or health of a child, the assessment and any appropriate protective measures must commence immediately upon receipt of a report by the assessing agency. An assessment is initiated by contact with the alleged abused or neglected child, a law enforcement officer with jurisdiction in the location where the child may be found or where the alleged abuse or neglect occurred, or the subject of the report.

History: Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; April 1, 2022.
General Authority: NDCC 50-25.1-05
Law Implemented: NDCC 50-25.1-05

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 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

75-03-19-05. Time for submitting written assessment reports.

Repealed effective July 1, 2006.

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 child abuse or neglect is confirmed, confirmed with an unknown subject, unconfirmed, or unable to determine to provide for the protection and treatment of an abused or neglected child;

2. Assessment techniques that include interviewing and observing the subject and the child victim, interviewing 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 the child abuse or neglect decision is confirmed or confirmed within an unknown subject and the child remains at substantial risk of continued abuse or neglect due to a supported state of impending danger, development of service plans for the provision of protective services based on goals and objectives established by the department or its 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; April 1, 2022.
General Authority: NDCC 50-25.1-05, 50-25.1-05.4
Law Implemented: NDCC 50-25.1-05, 50-25.1-05.4

75-03-19-07. Caseload standards.

Any authorized agent designated by the department to receive reports and conduct assessments of reports of suspected child abuse or neglect shall adhere to the caseload standards establishing minimum staff-to-assessment ratios.

History: Effective September 1, 1990; amended effective January 1, 1996; July 1, 2006; April 1, 2022.
General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-05, 50-25.1-06.1

75-03-19-08. Exchange and transfer of information.

The department and its authorized agent may exchange or transfer information and records concerning the reports or assessments among and between personnel of each respective agency to the extent necessary to perform the duties and effectuate the purposes set forth in North Dakota Century Code chapter 50-25.1.

History: Effective September 1, 1990; amended effective January 1, 1996; July 1, 2006.
General Authority: NDCC 50-25.1-05
Law Implemented: NDCC 50-25.1-05, 50-25.1-11

75-03-19-09. Child abuse or neglect complaint or allegation.

At the initial contact, the department or its authorized agent shall advise the subject of a report of suspected child abuse or neglect of the specific complaints or allegations made against the individual.

History: Effective July 1, 2006.
General Authority: NDCC 50-25.1-05
Law Implemented: NDCC 50-25.1-05, 50-25.1-11

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 child protective services worker providing child protection services must complete the first available training program 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

75-03-19-11. Child abuse information index.

1. The child abuse information index is comprised of three child protection tiers. The highest child protection tier is comprised of the most severe form of maltreatment with the lowest tier consisting of the least severe form of maltreatment. The department shall assign each subject with a confirmed or confirmed with unknown subject determination a child protection tier in correlation with the maltreatment determination.

    a. Child protection tier 1. Subjects determined to have abused or neglected a child for any of the following maltreatment determinations shall remain on the child abuse information index for a period of twenty-five years:

        (1) Physical abuse resulting in death of a child;

        (2) Neglect resulting in death of a child;

        (3) Sexual abuse;

        (4) Physical abuse or neglect resulting in near death of a child;

        (5) Physical abuse or neglect resulting in bodily injury that created a substantial risk of death, or caused serious permanent disfigurement, unconsciousness, extreme pain, permanent loss or impairment of the function of any bodily member or organ, a bone fracture, or impediment of air flow or blood flow to the brain or lungs; or

(6) Physical abuse or neglect resulting in substantial temporary disfigurement, loss, or impairment of the function of any bodily member or organ.

b. Child protection tier 2. Subjects determined to have abused or neglected a child for any of the following maltreatment determinations shall remain on the child abuse information index for a period of seven years:

(1) Physical abuse or neglect resulting in any impairment of physical condition, including physical pain;

(2) Neglect impacting the child's physical, mental, or emotional health;

(3) Neglect resulting in environmental exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia as prohibited by North Dakota Century Code section 19-03.1-22.2; or

(4) Neglect resulting in prenatal exposure to alcohol misuse or any controlled substance in a manner not lawfully prescribed by a practitioner.

c. Child protection tier 3. Child protection tier 3 consists of all other confirmed reports of child abuse and neglect, excluding educational neglect, that do not meet child protection tier 1 or tier 2 criteria. Subjects determined to have abused or neglected a child for any remaining form of maltreatment shall remain on the child abuse information index for a period of three years.

2. If two or more forms of maltreatment are found to occur on a confirmed determination, the department shall place the subject on the child abuse information index for the highest applicable child protection tier.

3. The department shall remove the subject from the child abuse information index after the child protection term of years has expired for a confirmed or confirmed with an unknown determination in correlation with the maltreatment determination.

History: Effective April 1, 2024.
General Authority: NDCC 50-25.1-05.4, 50-25.1-05.5
Law Implemented: NDCC 50-25.1-05.4, 50-25.1-05.5