

## **CHAPTER 65.5-01-04 AUTHORITY OF THE PROJECT**

### **Section**

65.5-01-04-01 Authority of the Project - Representation

65.5-01-04-02 Authority of the Project - Investigation

#### **65.5-01-04-01. Authority of the project - Representation.**

1. Representation for specific individuals may be provided by the project consistent with North Dakota Century Code section 25-01.3-11 if:
  - a. For an adult, services are consented to by the individual or the individual's guardian.
  - b. For a minor, services are consented to by the minor's parent or guardian.
  - c. The individual is unable to provide consent by reason of mental or physical condition, does not have a guardian or other legal representative, and either:
    - (1) The project has received a report or complaint; or
    - (2) There is probable cause to believe:
      - (a) The individual has been subjected to abuse, neglect, or exploitation; or
      - (b) There is a lack of compliance with federal or state laws or rules that affect the individual's habilitation or treatment plans, program plans, educational plans, or other services and care.
  - d. An individual's guardian has refused to consent, the project has probable cause to believe the guardian is not acting in the best interest of the individual, and either:
    - (1) The project has received a report or complaint; or
    - (2) There is probable cause to believe:
      - (a) The individual has been subjected to abuse, neglect, or exploitation; or
      - (b) There is a lack of compliance with federal or state laws or rules that affect the individual's habilitation or treatment plans, program plans, educational plans, or other services and care.
2. The project shall attempt to obtain a signed authorization from each individual to whom representation is offered. A copy of signed authorization, if received, must be provided to the individual and the individual's guardian.
3. This section does not limit the ability of the project to represent individuals under 29 U.S.C. 794e, 42 U.S.C. 6042, 42 U.S.C. 10805, or North Dakota Century Code section 25-01.3-06.

**History:** Effective December 1, 1990; amended effective June 1, 1998.

**General Authority:** NDCC 25-01.3-02, 25-01.3-03, 25-01.3-06, 28-32-02

**Law Implemented:** NDCC 25-01.3-06, 25-01.3-11

#### **65.5-01-04-02. Authority of the project - Investigation.**

The project may investigate incidents of possible abuse, neglect, or exploitation reported to the project or which the project has probable cause to believe have occurred, pursuant to North Dakota Century Code chapter 25-01.3. If the project determines that an individual is unable to protect himself

or herself from abuse, neglect, or exploitation, the project may take such action as is necessary to provide for protection of the individual through essential services, subject to the limitations of North Dakota Century Code section 25-01.3-11.

**History:** Effective December 1, 1990; amended effective June 1, 1998.

**General Authority:** NDCC 25-01.3-02, 25-01.3-03, 25-01.3-06, 28-32-02

**Law Implemented:** NDCC 25-01.3-06, 25-01.3-11