

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

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

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

1. "Assessing agency" means the human service zone where the report of suspected abuse or neglect is assessed, or, in certain instances, 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~~whether a child meets the definition 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~~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.
4. "Department" means the North Dakota department of human services or its ~~designee~~authorized agent.
5. "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; July 1, 2020; April 1, 2022.

General Authority: NDCC 50-25.1-05.4

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

**SECTION 2.** Section 75-03-18-02 is amended as follows:

**75-03-18-02. Who may file an appeal.**

1. The subject of a ~~report~~ an assessment of suspected child abuse or neglect who is aggrieved by the result of the assessment may file an appeal.
2. A staff member of child protection services will notify the subject in writing of the decision resulting from an assessment. The staff member of child protection services who notifies the subject of the decision resulting from the assessment shall complete an affidavit of mailing that becomes a part of the assessment record in the form and manner prescribed by the department.
3. Written appeal procedures are available from the department upon request.

History: Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; September 1, 1997; April 1, 2022.  
General Authority: NDCC 50-25.1-05.4  
Law Implemented: NDCC 50-25.1-05.4

**SECTION 3.** Section 75-03-18-04 is amended as follows:

**75-03-18-04. Time for filing request for appeal.**

An appeal may not be filed before the date of an assessment decision and must be ~~filed~~ received by the department within thirty days after the documented date of the subject notification of the decision in accordance with procedures in chapter 75-01-03. Notification is considered to have occurred three days after the date on the affidavit of mailing. A postmark date is not accepted as the received date.

History: Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; September 1, 1997; April 1, 2022.  
General Authority: NDCC 50-25.1-05.4  
Law Implemented: NDCC 50-25.1-05.4

**SECTION 4.** Section 75-03-18-07.1 is amended as follows:

**75-03-18-07.1. Treatment of witnesses.**

1. The hearing must be conducted according to any fair treatment standards adopted by the legislative assembly or the supreme court for the protection of witnesses or children in court proceedings.
2. If any child is to be called as a witness during the appeal hearing, whether for deposition, discovery, or for the hearing, the office of administrative hearings may appoint a guardian ad litem for the child witness. If the child

witness is the victim and the party calling the victim is the subject and the victim's parent or guardian, the office of administrative hearings shall appoint a guardian ad litem for the child victim. A guardian ad litem's involvement is considered to be assisting in an investigation or child protection assessment.

History: Effective January 1, 1996; January 1, 1996, amendments voided by the Administrative Rules Committee effective August 8, 1996; amended effective September 1, 1997; April 1, 2022.

General Authority: NDCC 50-25.1-05.4

Law Implemented: NDCC 50-25.1-03, 50-25.1-05.4

**SECTION 5.** Section 75-03-18-10 is amended as follows:

**75-03-18-10. Confidentiality.**

1.        Information furnished at any informal conference, grievance meeting, and formal hearing is confidential and subject to the provisions of North Dakota Century Code sections 50-06-15, 50-25.1-11, and 50-25.1-14.
2.        The identity of a reporter of any incident of suspected abuse and neglect may not be disclosed at any informal ~~meeting~~conference or at any formal ~~hearing~~grievance meeting conducted under this chapter or chapter 75-03-18.1.

History: Effective September 1, 1990; amended effective November 1, 1994; April 1, 2022.

General Authority: NDCC 50-25.1-05.4

Law Implemented: NDCC 50-25.1-05.4, 50-06-15, 50-25.1-11, 50-25.1-14

**SECTION 6.** Section 75-03-18-13 is amended as follows:

**75-03-18-13. Effect of ~~overturn~~reversal of case decision or appeal.**

If an assessment decision is reversed on appeal under this chapter or under North Dakota Century Code chapter 28-32, a notation of the fact that the finding was ~~overturned~~reversed must be added to the record.

History: Effective November 1, 1994; amended effective January 1, 1996; April 1, 2022.

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**

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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 7.** 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~~ 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 ~~services are required to provide for the protection and treatment~~ a child meets the definition of an abused or neglected child.
3. ~~"Department" means the North Dakota department of human services.~~
4. ~~—~~ "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

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

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

All nonemergency child abuse or neglect assessments must be initiated ~~no later than seventy-two hours~~ within timeframes established by the department after receipt of

a report by the assessing agency ~~unless the department prescribes a different time in a particular case.~~ 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 ~~a search of records for information relating to the report,~~ contact with ~~at~~ 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, or with a collateral contact.

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

**SECTION 9.** 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~~ 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, and 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 ~~services are required~~ 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 ~~treatment~~ 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

**SECTION 10.** Section 75-03-19-07 is amended as follows:

**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-client~~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

**CHAPTER 75-03-19.1  
CHILD FATALITY REVIEW PANEL**

Section	
75-03-19.1-01	Definitions
75-03-19.1-02	Panel Membership
75-03-19.1-03	Duties
75-03-19.1-04	Confidentiality of Records

**SECTION 11.** Section 75-03-19.1-01 as amended as follows:

**75-03-19.1-01. Definitions.**

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

1. "Decision" means the conclusion reached by the panel regarding:
  - a. Manner of death listed on the death certificate;
  - b. Whether a death was preventable, nonpreventable, or preventability undeterminable;
  - c. Cause of death, if possible;
  - d. Circumstances that contributed to the death; and
  - e. Changes in policy, practices, and law to prevent children's deaths.
2. "Indepth review" means the process of reviewing information contained in written documentation obtained from any hospital, physician, medical professional, medical facility, mental health professional, mental health facility, or other entity regarding a child who has died, and using the information as a basis of a panel decision.
3. "Panel" means the child fatality review panel, governed by North Dakota Century Code chapter 50-25.1.
4. "Presiding officer" means the representative of the department's administrator of child protection services program.

History: Effective July 1, 2006; amended effective April 1, 2022.

General Authority: NDCC 50-25.1-04.2

Law Implemented: NDCC 50-25.1-04.3

**CHAPTER 75-03-19.2**  
**APPROVED LOCATIONS FOR ABANDONED INFANTS**

Section	
75-03-19.2-01	Definitions
75-03-19.2-02	Department's Authorized Agent to Receive Reports and Conduct Assessments
75-03-19.2-03	Approved Locations
75-03-19.2-04	Infants Abandoned at a Hospital at Birth

**SECTION 12.** Section 75-03-19.2-02 as amended as follows:

**75-03-19.2-02. Department's authorized agent to receive reports and conduct assessments.**

The department's authorized agent shall act as designee of the department for the purpose of receiving reports of infants abandoned under the provisions of chapter 75-03-19 and North Dakota Century Code section 50-25.1-15. Upon receipt of a report of an infant abandoned under North Dakota Century Code section 50-25.1-15, the department's authorized agent shall conduct an assessment. Upon a determination that the infant is unharmed, the assessment must be terminated and no ~~determination that services are required for the protection and treatment of an abused or neglected child~~ abuse or neglect assessment decision shall be made.

History: Effective October 1, 2020; amended effective April 1, 2022.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 50-25.1-15