

May 8, 2020

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

RE: Proposed Creation of N.D. Admin. Code chapter 75-03-19.2
Approved Locations for Abandoned Infants

Dear Ms. Richter:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to create 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 Monday, June 15, 2020, beginning at 1:00 p.m. and continuing until 2:30 p.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

NOTICE OF INTENT TO CREATE
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-03-19.2
APPROVED LOCATIONS FOR ABANDONED INFANTS

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed creation of N.D. Admin. Code chapter 75-03-19.2 at 1:00 p.m. on Monday, June 15, 2020, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed creation of N.D. Admin. Code Chapter 75-03-19.2, Approved Locations for Abandoned Infants, is necessary to reflect changes to North Dakota Century Code section 50-25.1-15 made by 2019 House Bill No. 1285.

The proposed changes are as follows:

Section 75-03-19.2-01 is created to clarify that definitions used in this chapter are the same as the definitions contained in North Dakota Century Code section 50-25.1-02. The section also provides definitions for “criminal justice agencies”, “emergency medical service operations”, “human service zones”, “local public health units”, “long-term care nursing facilities”, and “regional human service centers”.

Section 75-03-19.2-02 is created to provide that the department's authorized agent shall act as designee of the department for the purpose of receiving reports of infants abandoned, and to require the department's designated agent to conduct an assessment of whether the abandoned infant is unharmed to determine whether services are required for the protection and treatment of the infant.

Section 75-03-19.2-03 is created to identify the approved physical locations as well as the offsite location of on-duty staff members where an infant may be relinquished.

Section 75-03-19.2-04 is created to provide that when an infant is born and abandoned at birth while remaining at the same hospital, the infant will be considered an abandoned infant under this chapter when the parent of a child in that parent's custody fails to arrange for the child's discharge within ten days after the child no longer requires hospital care without regard to a parent's or agent's verbal statement of intention to abandon the infant.

LEGAL ADVISORY UNIT

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 the human service zones (formerly known as county social services) offices and at human service centers. Copies of the proposed rules, the regulatory analysis relating to these rules, and the telephone call number for public access to real time streaming of the public hearing 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 Thursday, June 25, 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 8th day of May, 2020.