

October 31, 2023

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-18 and 75-03-19
Procedures for Appeal of Child Abuse and Neglect Assessments and
Assessment of Child Abuse and Neglect Reports


Dear Ms. Fordahl:

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 Tuesday, December 19, 2023, beginning at 1:30 p.m. and continuing until 3:00 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 Division

JA/rv

cc: Kirsten Hansen, Children & Family Services
Cory Pedersen, Children & Family Services
Jessica Thomasson, Executive Director of Human Services Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTERS 75-03-18 AND 75-03-19
PROCEDURES FOR APPEAL OF CHILD ABUSE AND NEGLECT ASSESSMENTS
AND ASSESSMENT OF CHILD ABUSE AND NEGLECT REPORTS

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed changes to the N.D. Admin. Code at 1:30 p.m. on Tuesday, December 19, 2023, in Bismarck, N.D. in AV 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 and 75-03-19, Procedures for Appeal of Child Abuse and Neglect Assessments and Assessment of Child Abuse and Neglect Reports, are necessary to comply 2023 Senate Bill No. 2103.

The proposed changes are as follows:

Section 75-03-18-02 is amended to add the ability for an individual to appeal a child protection tier designation.

Section 75-03-18-04 is amended to add child protection tier designation to the time for filing request for appeal.

Section 75-03-18-13 is amended to prohibit the Department from adding a child abuse and neglect subject on the child abuse information index if the confirmed decision is reversed.

Section 75-03-19-11 is created to establish the child abuse information index three child protection tiers and processes based on the assessment of child abuse and neglect reports.

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.

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Copies of the proposed rules are available for review at human service zones 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 Health and 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 Friday, December 29, 2023.

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 Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 31st day of October, 2023.

October 31, 2023

RE: Proposed Amendments to N.D. Admin. Code chapter 75-03-18 and 75-03-19
Procedures for Appeal of Child Abuse and Neglect Assessments and
Assessment of Child Abuse and Neglect Reports

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-18 and 75-03-19, Procedures for Appeal of Child Abuse and Neglect Assessments 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 Friday, December 29, 2023.

The department has scheduled an oral hearing for Tuesday, December 19, 2023. 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 Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Sara Stolt
Interim Commissioner

SES/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Kirsten Hansen, Children & Family Services
Cory Pedersen, Children & Family Services
Jessica Thomasson, Executive Director of Human Services Division

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

INTERIM COMMISSIONER
Sara Stolt