



Legal Services offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the Department. Additionally, the Department constructs relevant mailing lists for specific rulemaking. The Department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.

The Department conducts public hearings on all substantive rulemaking. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a redrafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on March 18, 2020. The record was held open until 5:00 p.m. on March 30, 2020, to allow written comments to be submitted. No comments were received at the public hearing. No written comments were received within the comment period. A "Summary of Comments" is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$2,361.36.
6. The proposed amendments to N.D. Admin. Code chapters 75-03-18, 75-03-18.1, and 75-03-19, Procedures for Appeal of Child Abuse and Neglect Assessments, Child Abuse and Neglect Assessment Grievance Procedure for Conduct of the Assessment,

and Assessment of Child Abuse and Neglect Reports, are necessary to comply with 2019 House Bill 1108 and 2019 Senate Bill No. 2124. The following specific changes were made:

**Section 75-03-18-01** is amended to add a definition of "Assessment", to modify the definitions of "Assessing Agency" and "Subject" to reflect current state law, including changes made as a result of 2019 Senate Bill No. 2124 and for clarity purposes, remove the definition of "Determination" as the term is not used in chapter 75-03-18, and remove the definition of "Regional human service center" as it is part of the department and to reflect that change to the definition of "Assessing agency".

**Section 75-03-18-05** is amended to remove "or regional human service center" based on the updated definition of "Assessing agency" and the removal of the definition of "Regional human service center". The regional human service center is part of the department.

**Section 75-03-18-12** is amended in order to be consistent with North Dakota Century Code section 50-25.1-06 which requires protective services to be provided for the abused or neglected child and other children under the same care as well as to the parents, custodian or other persons serving in loco parentis with respect to the child or other children. The requirement for the department and human service zone to provide services is not suspended when an appeal is filed.

**Section 75-03-18.1-01** is amended to modify the definitions of "Director" and "Subject" to reflect current state law, including changes made as a result of 2019 Senate Bill No. 2124 and to reflect that the director of the human service center is not directly

affiliated with the work of a child abuse and neglect assessment or grievance procedure. Definition of "Regional representative" is being removed as the human service centers are part of the department and the regional representative is not directly affiliated with the grievance procedure for the conduct of the assessment.

**Section 75-03-18.1-03** is amended in response to 2019 Senate Bill No. 2124 and to provide clarification as to with whom the grievance would be filed.

**Section 75-03-18.1-04** is amended in response to 2019 Senate Bill No. 2124 and to replace the use of a specific title of an employee of the department with "an individual designated by the department".

**Section 75-03-18.1-05** is amended in response to the revision of the definition of "Director" and the removal of the definition of "Regional representative" and to replace the use of a specific title of an employee of the department with "individual designated by the department".

**Section 75-03-19-01** is amended to modify the definitions of "Assessment", "Decision", and "Subject" to reflect terminology and definitions set forth in and for consistency purposes with state law and 2019 House Bill 1108.

**Section 75-03-19-02** is amended as a result of 2019 Senate Bill No. 2124 and the State's financing of Human Service Zones.

**Section 75-03-19-04** is amended to remove the use of a specific title of an employee of the department and replace it with "individual designated by the department".

**Section 75-03-19-06** is amended to clarify language and for consistency purposes.

**Section 75-03-19-10** is amended to clarify language and to require the child protection services worker to complete the first available training program upon hiring, unless otherwise approved by the department.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The rule amendments are not expected to have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.
9. The anticipated fiscal impact resulting from the implementation of the proposed amendments is nominal.
10. A constitutional takings assessment was prepared and is attached to this report.
11. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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