SLUDGE AUDIT — § 42 PLIKT TIL Å RÅDFØRE SEG MED TJENESTEMOTTAKER

PRELIMINARY METHODOLOGICAL NOTE

Requirement count — Process Inflation Findings vs. circular alone:

The Process Inflation Findings enumerate **24 distinct requirements** for § 42: PROC-REQ 42.1–42.20 (20 requirements) and DOC-REQ 42.1–42.5 (5 requirements), with PROC-REQ 42.15 and DOC-REQ 42.2 constituting a single combined entry, yielding 24 unique obligations. The circular paragraph (§ 5.42.1–5.42.2 of Rundskriv R-35) makes visible **16 of these 24 requirements**. Eight requirements are entirely invisible from the circular paragraph alone. This gap — one third of the operative normative burden — is the core analytical value of the Process Inflation Findings as the reference document.

Requirements with no textual presence in the circular:

Requirement	Source Instrument	Instrument Type
PROC-REQ 42.16	Veileder til sosialtjenesteloven (øk. stønad)	(b) veileder
PROC-REQ 42.17	Veileder til sosialtjenesteloven (øk. stønad)	(b) veileder
PROC-REQ 42.18	Veiviser til midlertidig botilbud	(b) veileder / (d) guidance document
PROC-REQ 42.19	Veileder til sosialtjenesteloven § 17	(b) veileder
PROC-REQ 42.20	Partnerskapsavtalen	(e) other sub-legal instrument
DOC-REQ 42.3	Veileder til sosialtjenesteloven § 17	(b) veileder
DOC-REQ 42.4	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(d) guidance document / retningslinjer
DOC-REQ 42.5	Veileder for økonomisk rådgivning	(b) veileder

All eight invisible requirements are carried forward through Steps 2 to 6 with their instrument classifications applied.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

ID	Obligation (as expressed in Process Inflation Findings)	Source Instrument	Explicit / Implicit	Circular Presence
42-R01	Tjenestetilbudet skal så langt som mulig utformes i samarbeid med tjenestemottaker	R-35, § 5.42 / PROC-REQ 42.1	Explicit	PRESENT
42-R02	Det skal legges stor vekt på hva vedkommende mener	R-35, § 5.42 / PROC-REQ 42.2	Explicit	PRESENT
42-R03	Tjenestemottaker skal ut fra sine forutsetninger aktivt gis mulighet til å bidra til å utforme tjenestetilbudet	R-35, § 5.42 / PROC-REQ 42.3	Explicit	PRESENT
42-R04	Tjenestemottaker skal medvirke og ha innflytelse i hele søknadsprosessen, fra henvendelse, søknad og kartlegging av behov til vedtak og utforming og tilrettelegging av tjenestetilbud	R-35, § 5.42 / PROC-REQ 42.4	Explicit	PRESENT
42-R05	Nav-kontoret må være tydelig på hva som forventes av tjenestemottaker og hva tjenestemottaker kan forvente av veileder og Nav	R-35, § 5.42 / PROC-REQ 42.5	Explicit	PRESENT
42-R06	Nav-kontoret må sørge for at tjenestemottaker får mulighet til å legge fram sin situasjon og uttale seg om egen sak ved å skape rom for dialog	R-35, § 5.42 / PROC-REQ 42.6	Explicit	PRESENT
42-R07	For at medvirkningen skal være reell, må Nav-kontoret holde tjenestemottaker informert gjennom hele søknadsprosessen	R-35, § 5.42 / PROC-REQ 42.7	Explicit	PRESENT

42-R08	All informasjon skal tilpasses tjenestemottakers forutsetninger	R-35, § 5.42 / PROC-REQ 42.8	Explicit	PRESENT
42-R09	Nav-veileder må forsikre seg om at begge parter har en felles forståelse av den informasjonen som utveksles og sakens innhold	R-35, § 5.42 / PROC-REQ 42.9	Explicit	PRESENT
42-R10	Tjenestemottakers barn skal aldri brukes i stedet for tolk	R-35, § 5.42 / PROC-REQ 42.10	Explicit	PRESENT
42-R11	Hvis tjenestetilbudet omfatter flere tjenestemottakere, må Nav-kontoret sørge for at begge gis relevant informasjon og anledning til å uttale seg	R-35, § 5.42 / PROC-REQ 42.11	Explicit	PRESENT
42-R12	Hvis barn er berørte av tjenestetilbudet, skal deres behov og eventuelle synspunkter som hovedregel fremmes gjennom foreldre og foresatte	R-35, § 5.42 / PROC-REQ 42.12	Explicit	PRESENT
42-R13	For tjenestemottakere med spesielle behov, kan det være aktuelt å tilrettelegge for medvirkning ved å møte vedkommende utenfor Nav-kontoret	R-35, § 5.42 / PROC-REQ 42.13	Explicit (permissive)	PRESENT
42-R14	Kontoret skal i alle vurderinger legge stor vekt på hva tjenestemottaker mener og ønsker, hvis dette er innenfor lovens formål og rammer	R-35, § 5.42 / PROC-REQ 42.14	Explicit	PRESENT
42-R15	Hvis tjenestetilbudet ikke er i samsvar med tjenestemottakers ønsker, skjerpes kravet til at beslutningen begrunnes på en måte som er forståelig for vedkommende	R-35, § 5.42 / PROC-REQ 42.15 / DOC-REQ 42.2	Explicit	PRESENT

42-R16	Fullmektigen må, i motsetning til en advokat, legge frem skriftlig fullmakt fra tjenestemottaker	R-35, § 5.42.2 / DOC-REQ 42.1	Explicit	PRESENT
42-R17	Brukermedvirkning er sentral i kartleggingsprosessen, og Nav-kontoret bør undersøke hva brukeren selv mener at vedkommende har behov for	Veileder til sosialtjenesteloven (øk. stønad) / PROC-REQ 42.16	Explicit	ABSENT
42-R18	Det er den enkelte bruker som kjenner sitt behov best — Nav-kontoret bør legge vekt på hva brukeren selv opplever at vedkommende trenger	Veileder til sosialtjenesteloven (øk. stønad) / PROC-REQ 42.17	Explicit	ABSENT
42-R19	Nav-veilederen kartlegger brukerens helhetlige situasjon, og aktivt spør om hjemmesituasjon, omsorgsoppgaver, helse, fritid, boligforhold og økonomi	Veiviser til midlertidig botilbud / PROC-REQ 42.18	Explicit	ABSENT
42-R20	Brukeren skal medvirke og ha innflytelse i hele søknadsprosessen, fra henvendelse, søknad og kartlegging av behov til vedtak og utforming og tilrettelegging av tjenesten	Veileder til sosialtjenesteloven § 17 / PROC-REQ 42.19	Explicit	ABSENT
42-R21	Eierne har et ansvar for å sikre at det arbeides med brukermedvirkning på individ- og systemnivå	Partnerskapsavtalen / PROC-REQ 42.20	Explicit	ABSENT
42-R22	Nav-kontoret har plikt til å nedtegne muntlige søknader; søknaden kan fremgå av et notat	Veileder til sosialtjenesteloven § 17 / DOC-REQ 42.3	Explicit	ABSENT
42-R23	Et uttrykkelig samtykke bør gis skriftlig	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret / DOC-REQ 42.4	Explicit	ABSENT

42-R24	Dersom rådgiveren skal innhente dokumentasjon, må bruker gi rådgiveren fullmakt til dette	Veileder for økonomisk rådgivning / DOC-REQ 42.5	Explicit	ABSENT

STEP 2 — LEGAL AUTHORITY CHECK

Direction 1: Circular authority. Whether the requirement is contained in the circular paragraph (§ 5.42 of Rundskriv R-35). **Direction 2: Statutory authority.** Whether the requirement has direct legal authority in § 42 of the Social Services Act (sosialtjenesteloven). The statute text is: *"Tjenestetilbudet skal så langt som mulig utformes i samarbeid med tjenestemottaker. Det skal legges stor vekt på hva vedkommende mener."*

42-R01 Direction 1: YES — circular restates statutory text. Direction 2: YES — direct statutory basis. No authority gap.

42-R02 Direction 1: YES. Direction 2: YES — direct statutory basis. No authority gap.

42-R03 Direction 1: YES — present in circular. Direction 2: PARTIAL — the statute mandates collaboration but uses a qualified standard ("so far as possible"); the circular's conversion to an affirmative duty to actively facilitate removes the statutory flexibility qualifier. Finding: Process Inflation Findings REQUIREMENT R3 — "The statute mandates collaboration qualified by 'so far as possible,' whereas the circular mandates a specific active facilitation procedure not present in the text, converting an open duty into a fixed obligation." No double authority gap (circular present); partial statutory authority gap.

42-R04 Direction 1: YES — present in circular. Direction 2: PARTIAL — the statute anchors collaboration exclusively to service design; the circular extends temporal scope to the entire application process from initial contact and adds a right of influence. Finding: Process Inflation Findings REQUIREMENT R4 — "The statute limits collaboration to the service design phase, whereas the circular extends this temporal scope to initial contact and adds a right of influence without textual authority." No double authority gap; partial statutory authority gap.

42-R05 Direction 1: YES. Direction 2: PARTIAL — statute leaves structure of collaboration entirely open; obligation to communicate mutual expectations explicitly has no textual anchor in § 42. Finding: REQUIREMENT R5 — "The circular imposes a specific communicative sub-obligation with no explicit anchor in the law." No double authority gap; partial statutory authority gap.

42-R06 Direction 1: YES. Direction 2: PARTIAL — statute grants open judgment on method; circular mandates specific procedural form ("create space for dialogue") and removes flexibility qualifier. Finding: REQUIREMENT R6.

42-R07 Direction 1: YES. Direction 2: PARTIAL — statute imposes flexible, context-limited duty; circular imposes continuous mandatory information obligation spanning the whole process. Finding: REQUIREMENT R7.

42-R08 Direction 1: YES. Direction 2: PARTIAL — statute uses qualified standard; circular imposes absolute unqualified rule covering all communications. Finding: REQUIREMENT R8.

42-R09 Direction 1: YES. Direction 2: NO — statute leaves collaboration procedure open; circular imposes specific mandatory verification step (mutual comprehension check) not required by the statute. Finding: REQUIREMENT R9 — "standalone duty not required by the law." No double authority gap (circular present); no statutory authority.

42-R10 Direction 1: YES. Direction 2: PARTIAL — statute preserves judgment on how communication is organized; circular operates as absolute prohibition lacking statutory foundation in § 42. Note: the prohibition may derive from child protection principles in barnekonvensjonen or other instruments, but its anchor in § 42 specifically is absent. Finding: REQUIREMENT R10 — "entirely forecloses one option within the authority's open discretion, lacking a statutory foundation in § 42."

42-R11 Direction 1: YES. Direction 2: PARTIAL — statute leaves multi-party collaboration entirely open and qualified; circular mandates specific procedural steps without flexibility. Finding: REQUIREMENT R11.

42-R12 Direction 1: YES. Direction 2: NO — statute makes no reference to children or how their views are conveyed; circular imposes specific procedural channel as mandatory default rule. Finding: REQUIREMENT R12. No double authority gap (circular present); no statutory authority.

42-R13 Direction 1: YES (permissive). Direction 2: NO gap — permissive language in circular is consistent with statutory flexibility. No authority gap.

42-R14 Direction 1: YES. Direction 2: PARTIAL — extends the statutory standard of applying great weight across "all assessments" universally, including beyond service design. Finding: REQUIREMENT R14. No double authority gap; partial statutory authority.

42-R15 Direction 1: YES. Direction 2: PARTIAL — § 42 does not explicitly require heightened justification when diverging from user's wishes; this rule derives arguable support from general administrative law duties (forvaltningsloven § 25). Finding: REQUIREMENT R15 — "possesses arguable support from general administrative duties." No double authority gap; partial statutory authority.

42-R16 (DOC-REQ 42.1) Direction 1: YES — present in circular (§ 5.42.2). Direction 2: NO — § 42 does not authorize or regulate proxy representation; the rule derives from forvaltningsloven § 12 (representation principles). Finding: REQUIREMENT R16 — "categorization gap as the rule properly derives from a separate procedural domain governed by fvl. § 12." CATEGORY ERROR: YES — this requirement belongs to the domain of administrative procedural law (forvaltningsloven), not the Social Services Act. No double authority gap (circular present); no statutory authority in § 42; category error.

42-R17 (PROC-REQ 42.16) Direction 1: NO — derives from Veileder til sosialtjenesteloven (øk. stønad); absent from circular. FIRST-ORDER AUTHORITY GAP. Direction 2: PARTIAL — consistent with statutory standard but derives from sub-legal guidance. Finding:

REQUIREMENT R17 — "natural implementation guidance, consistent with the statutory standard." DOUBLE AUTHORITY GAP: NO (statutory authority partial but present).

42-R18 (PROC-REQ 42.17) Direction 1: NO — absent from circular. FIRST-ORDER AUTHORITY GAP. Direction 2: YES — substantive standard consistent with and supportable from the statutory obligation to give great weight to the user's views. Finding: REQUIREMENT R18 — classified as substantive legal obligation consistent with statute. DOUBLE AUTHORITY GAP: NO (statutory authority present).

42-R19 (PROC-REQ 42.18) Direction 1: NO — derives from Veiviser til midlertidig botilbud; absent from circular. FIRST-ORDER AUTHORITY GAP. Direction 2: NO — the statute provides an open-ended collaboration duty; the requirement to ask about an enumerated checklist of life domains (hjemmesituasjon, omsorgsoppgaver, helse, fritid, boligforhold, økonomi) as a mandatory comprehensive prerequisite has no textual authority in § 42. Finding: REQUIREMENT R19 — "enumerated checklist of life domains as a mandatory comprehensive prerequisite lacking textual authority." DOUBLE AUTHORITY GAP: YES — both circular authority ABSENT and statutory authority NO.

42-R20 (PROC-REQ 42.19) Direction 1: NO — derives from Veileder til sosialtjenesteloven § 17; absent from circular. FIRST-ORDER AUTHORITY GAP. Direction 2: PARTIAL — the statute anchors qualified collaboration duty exclusively to service design; circular converts it into an absolute right across the entire process and adds a right to influence. Finding: REQUIREMENT R20 — "converts it into an absolute right stretching across the entire process, adding a right to influence." DOUBLE AUTHORITY GAP: NO (partial statutory authority).

42-R21 (PROC-REQ 42.20) Direction 1: NO — derives from Partnerskapsavtalen; absent from circular. FIRST-ORDER AUTHORITY GAP. Direction 2: NO — § 42 concerns individual case processing rights; the requirement dictates institutional governance obligations that structurally derive from NAV-loven § 6. Finding: REQUIREMENT R21. DOUBLE AUTHORITY GAP: YES. CATEGORY ERROR: YES — this requirement belongs to the domain of institutional governance law (NAV-loven), not the individual casework obligations of § 42 of the Social Services Act.

42-R22 (DOC-REQ 42.3) Direction 1: NO — derives from Veileder til sosialtjenesteloven § 17; absent from circular. FIRST-ORDER AUTHORITY GAP. Direction 2: NO — § 42 imposes no obligation regarding recording of oral applications; the procedural duty derives from general case management obligations and forvaltningsloven § 11a. Finding: REQUIREMENT R22 — "derives from unrelated general case management obligations and fvl. § 11a." DOUBLE AUTHORITY GAP: YES. CATEGORY ERROR: YES — this belongs to general administrative procedural law (forvaltningsloven), not § 42 of the Social Services Act.

42-R23 (DOC-REQ 42.4) Direction 1: NO — derives from Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret; absent from circular. FIRST-ORDER AUTHORITY GAP. Direction 2: NO — § 42 contains no provisions concerning consent documentation; the requirement derives from specific consent law principles outside § 42. Finding: REQUIREMENT R23. DOUBLE AUTHORITY GAP: YES. CATEGORY ERROR: YES — consent documentation law is a distinct legal domain.

42-R24 (DOC-REQ 42.5) Direction 1: NO — derives from Veileder for økonomisk rådgivning; absent from circular. FIRST-ORDER AUTHORITY GAP. Direction 2: NO — § 42 has no provision regulating powers of attorney in financial guidance; the rule constitutes a separate procedural domain governed by forvaltningsloven § 12. Finding: REQUIREMENT R24. DOUBLE AUTHORITY GAP: YES. CATEGORY ERROR: YES — this belongs to the domain of administrative representation law (forvaltningsloven § 12), not § 42 of the Social Services Act.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Anchor Document focuses empirically on §§ 17, 18, 19, and 20a. § 42 as such is not directly addressed. However, the dominant mechanisms identified — [D] Documentation Apparatus, [P] Procedural Continuity, [C] Coordination Infrastructure, [K] Competence Sustainability — are structurally transferable to § 42 obligations where they produce analogous burdens.

42-R01, 42-R02, 42-R14: Core statutory obligations. Scale FLAG: NO. These impose no procedural overhead beyond what the statute itself requires; their compliance demand scales naturally with individual casework.

42-R03: Involves active facilitation procedures that, while individually modest, add to caseworker load in each case. Scale FLAG: PARTIAL — in the context of high-volume generalist offices, the obligation to actively structure and document facilitation of user contribution maps structurally to the [D] mechanism. Anchor Document connection: "Documentation Apparatus is the dominant empirical mechanism by a wide margin... caseworkers in small offices actually deliver the service, often effectively... but fail to translate this delivery into the formal administrative record."

42-R04: The temporal extension of participation requirements across the entire application process imposes a continuous procedural overlay on all stages of casework. Scale FLAG: PARTIAL — maps to [P] Procedural Continuity. Anchor Document: "A pipeline cannot become habitual when triggered fewer than 10–15 times per year" — while § 42 participatory obligations arise in every case (not a low-volume trigger), the continuous documentation of compliance across all stages imposes [P] burden. Where this requirement lacks circular authority (42-R20/42-R04 as extended via veileder), burden falls outside circular guidance framework.

42-R05, 42-R06, 42-R07, 42-R08: Communication and information-adaptation obligations. Scale FLAG: PARTIAL — these require ongoing caseworker attention and create implicit documentation demands (to demonstrate compliance). Anchor Document connection: [D] mechanism; the phrase "caseworkers knew more about the users' situations than the journals reflected" directly captures the structural tension these obligations create in small offices.

42-R09: Mandatory mutual-comprehension verification step. Scale FLAG: PARTIAL — creates an additional procedural checkpoint that compounds [P] burden. Without statutory foundation, any compliance cost is unsupported by circular framework.

42-R10: Absolute prohibition — no procedural overhead; the obligation is a prohibition requiring no documentation in itself. Scale FLAG: NO.

42-R11: Multi-party information and hearing procedures. Scale FLAG: PARTIAL — in multi-party cases, this requires structured procedural management; maps to [C] Coordination Infrastructure in complex cases.

42-R12: Procedural channeling of children's views. Scale FLAG: PARTIAL — maps to child-perspective documentation burdens confirmed extensively in Set B. Anchor Document: "Child-perspective documentation cluster... documented in at least 15 municipalities... caseworkers verbally know what they should do but fail to document it."

42-R13: Permissive. Scale FLAG: NO.

42-R15: Enhanced justification requirement. Scale FLAG: PARTIAL — adds [D] burden in every divergence case; individually small but cumulatively significant where caseworkers must document reasoning in understandable language across large caseloads.

42-R16 (DOC-REQ 42.1): Written proxy documentation requirement. Scale FLAG: NO — this is a process-at-intake requirement that does not recur frequently and does not presuppose organizational capacity beyond individual case processing.

42-R17 (PROC-REQ 42.16): Advisory investigation of user's self-perceived needs. Scale FLAG: NO — presented as a "bør" advisory standard; no scale-dependent compliance cost identified.

42-R18 (PROC-REQ 42.17): Substantive weighting standard. Scale FLAG: NO.

42-R19 (PROC-REQ 42.18): Enumerated checklist across six life domains. Scale FLAG: YES — this requirement presupposes structured assessment capacity that small generalist offices may not have. Anchor Document connection: "Documentation Apparatus is the dominant empirical mechanism... the combination demands that generalist caseworkers simultaneously master: (a) the legal trigger threshold...; (b) the specific formal elements required...; and (c) the discipline of logging all ongoing advisory dialogue." The enumerated six-domain checklist imposes exactly this [D]+[K] combined burden and LACKS CIRCULAR AUTHORITY — meaning the scale-related burden it imposes is unsupported by the circular framework, constituting disproportionate burden without regulatory foundation.

42-R20 (PROC-REQ 42.19): Duplicates 42-R04 extended scope but derived from a different veileder and without circular authority. Scale FLAG: PARTIAL — same [P] analysis as 42-R04, compounded by absence of circular framework.

42-R21 (PROC-REQ 42.20): Owners' institutional governance obligation. Scale FLAG: YES — this presupposes organizational capacity for systematic governance at both individual and system level. Anchor Document: Cluster 2 (The Internal Control Apparatus) — "These requirements collectively assume an organization with sufficient internal differentiation to

separate roles... In offices of 3–12 municipal social services staff, this differentiation is structurally impossible." The Partnerskapsavtalen requirement imposes governance overhead equivalent to [C] Coordination Infrastructure without circular or § 42 statutory basis.

42-R22 (DOC-REQ 42.3): Oral application recording. Scale FLAG: YES — Anchor Document directly identifies this as a [D] and [P] mechanism: "The requirement that oral inquiries be recognized and registered as formal applications is individually manageable but fails systematically when caseload is below 10 per year." Without circular authority, this burden is unsupported by the primary normative instrument governing § 42 casework.

42-R23 (DOC-REQ 42.4): Written consent documentation. Scale FLAG: PARTIAL — adds [D] documentation burden in inter-agency cases; absent from circular.

42-R24 (DOC-REQ 42.5): Written power of attorney for financial advisor. Scale FLAG: PARTIAL — applies specifically in financial guidance contexts; creates an administrative documentation step outside the § 42 circular framework.

STEP 4 — PURPOSE CLASSIFICATION

42-R01: [USER NEED] — The requirement directly serves the user's legal right to participate in service design. Statutory language: "Tjenestetilbudet skal så langt som mulig utformes i samarbeid med tjenestemottaker." No procedural overhead identified.

42-R02: [USER NEED] — Ensures user's views receive substantive weight in decision-making. Statutory language: "Det skal legges stor vekt på hva vedkommende mener." No overhead.

42-R03: [MIXED] — Primary purpose is user need (enabling participation based on the user's conditions). Secondary purpose is compliance demonstration: caseworkers must structure and document active facilitation. The circular language "aktivt gis mulighet" introduces a demonstrable procedural step beyond the statutory standard.

42-R04: [MIXED] — Primary: user's right to participate. Secondary: internal compliance tracking across a multi-stage process. The temporal extension ("fra henvendelse, søknad og kartlegging av behov til vedtak") creates a pipeline documentation obligation that primarily serves process accountability rather than the substantive quality of any individual service decision.

42-R05: [MIXED] — Primary: user information (knowing what is expected). Secondary: structuring of the caseworker-user relationship for accountability. The obligation to "be clear on what is expected" introduces a communicative standard that simultaneously serves users and creates a demonstrable compliance checkpoint.

42-R06: [USER NEED] — Creation of space for dialogue directly serves the user's ability to present their situation. The circular language ("skape rom for dialog") is oriented entirely toward the user's communicative access.

42-R07: [MIXED] — Primary: user right to information. Secondary: documentation burden of continuous information provision throughout the whole application process. The absolute scope ("gjennom hele søknadsprosessen") transforms a substantive user right into a process compliance obligation.

42-R08: [USER NEED] — Adapting information to individual conditions directly serves comprehension and meaningful participation.

42-R09: [MIXED] — Primary: user comprehension. Secondary: the verification step ("forsikre seg om at begge parter har en felles forståelse") functions as a risk management tool for the office, creating a procedural checkpoint that can be cited in subsequent legal proceedings. The framing ("forsikre seg") places the obligation on the caseworker as a verifiable procedural act.

42-R10: [USER NEED] — The prohibition on using children as interpreters serves the dignity, legal security, and welfare of both the user and the child. No transaction cost identified.

42-R11: [USER NEED] — Ensuring all parties in multi-party situations receive information and are heard directly serves fairness of the case assessment.

42-R12: [MIXED] — Primary: child welfare (ensuring children's interests are considered). Secondary: the default procedural channel through parents/guardians creates an administrative routing rule that serves predictability for the office more than the child's individual interests. The circular's use of "som hovedregel" introduces a default procedural mechanism without statutory basis in § 42.

42-R13: [USER NEED] — Permissive provision facilitating participation for users with special needs. No overhead; no action required.

42-R14: [USER NEED] — Extension of the statutory weighting standard to all assessments serves users universally. Although it slightly expands statutory scope, its functional purpose is entirely user-oriented.

42-R15: [MIXED] — Primary: user right to understand decisions that diverge from their wishes. Secondary: generates a heightened documentation obligation for the caseworker whenever the office departs from the user's expressed preference.

42-R16 (DOC-REQ 42.1): [INTERNAL CONTROL] — The requirement that a proxy (fullmektig) produce a written power of attorney serves administrative verification: it enables the office to confirm the representative's authority. The user's interest in having a representative is served equally by the representation itself; the writing requirement serves the office's accountability system. This requirement belongs to a different legal domain (forvaltningsloven § 12) and, classified in relation to social services users, its primary function is administrative gate-keeping, not user assistance.

42-R17 (PROC-REQ 42.16): [USER NEED] — Investigating what the user perceives as their own need directly serves individualized assessment. The advisory framing ("bør") preserves appropriate professional discretion.

42-R18 (PROC-REQ 42.17): [USER NEED] — Weighting the user's self-perceived needs directly supports individualized, user-centered decision-making.

42-R19 (PROC-REQ 42.18): [MIXED] — Primary: comprehensive user assessment (user need). Secondary: the enumerated six-domain checklist (hjemmesituasjon, omsorgsoppgaver, helse, fritid, boligforhold, økonomi) converts professional social work judgment into a documentary checklist obligation. The enumeration primarily serves audit-proofing — caseworkers can demonstrate compliance by checking each domain — rather than improving the substantive quality of assessment, which would be achieved equally well by open-ended professional judgment. The "aktiv spør" framing functions as a verifiable procedural act.

42-R20 (PROC-REQ 42.19): [MIXED] — Substantively duplicates 42-R04's scope extension from a different normative instrument, compounding the same user-accountability mixture. As this derives from the § 17 veileder applied by analogy to § 42 contexts, its primary operational function is extending the procedural compliance pipeline.

42-R21 (PROC-REQ 42.20): [INTERNAL CONTROL] — The owners' obligation to ensure user participation at both individual and system level is an institutional governance obligation. Its home domain is NAV-loven § 6 and institutional governance law. Classified in relation to social services users, it has no direct bearing on individual case outcomes; its function is systemic accountability toward the partnership governance structure.

42-R22 (DOC-REQ 42.3): [MIXED] — Primary: user protection (ensuring oral applications are formally registered and processed). Secondary (and dominant in practice): the recording obligation primarily serves the administrative audit record. The process inflation finding correctly identifies this as a documentation-first requirement. Its absence from the § 42 circular means caseworkers must comply with an obligation the primary normative instrument governing their work does not address.

42-R23 (DOC-REQ 42.4): [INTERNAL CONTROL] — The requirement for written consent in inter-agency collaboration primarily serves the inter-agency accountability system (documentation of lawful basis for information sharing) rather than the user's case outcome. Its legal home is consent law, not § 42.

42-R24 (DOC-REQ 42.5): [INTERNAL CONTROL] — The written power-of-attorney requirement for financial advisors to collect external documentation primarily serves administrative verification and liability protection for the advisor. Its legal home is forvaltningsloven § 12 representation principles. In social services user terms, the user's interests are served by the collection of documentation itself, not by the written authorization format.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified [USER NEED] are noted briefly; detailed characterization applies to [INTERNAL CONTROL] and [MIXED] requirements.

42-R01, 42-R02: [USER NEED] — No transaction cost burden identified. These restate the statute.

42-R03 [MIXED]: Caseworker must structure each case interaction to demonstrably and actively facilitate user contribution. In practice this means documenting not just what the user communicated, but the active steps taken to enable that communication. This is a documentation and attention demand applied to every case interaction, not just the outcome. The caseworker must demonstrate *active* facilitation rather than merely record that the user was consulted.

42-R04 [MIXED]: Caseworker must maintain documented participation records across every stage: initial contact, application, assessment, decision, and service design. This transforms what the statute treats as a contextual obligation (collaboration around service design) into a pipeline compliance requirement spanning the entire case lifecycle. For the NAV leader, this means ensuring supervision and quality control of a multi-stage documentation standard, not a single-point record.

42-R05 [MIXED]: Caseworker must communicate and document a bilateral expectations framework at the outset of each engagement. The "must be clear on what is expected" formulation implies a structured communication step with verifiable content — creating a sub-task within every case initiation that has no circular guidance on form or content despite being mandatory.

42-R07 [MIXED]: Caseworker must maintain a continuous information provision record throughout the entire application process — not a single notification but a documented trail of information acts. This is a running overhead in every case.

42-R09 [MIXED]: Caseworker must execute and, implicitly, document a specific verification step — confirming that both parties share a common understanding — at every significant communicative exchange. This is a verifiable procedural checkpoint that cannot be discharged without some form of documentation or structured confirmation. Since this requirement has NO statutory authority and NO circular authority provides guidance on how it should be executed, caseworkers must comply with an obligation the primary normative instrument governing their work does not address at all.

42-R12 [MIXED]: Caseworker must apply and document the procedural default of channeling children's views through parents/guardians, including making a deliberate judgment in each case about whether the default applies. The "som hovedregel" framing creates a mandatory step (assessing whether the default applies) in every case involving affected children. This requirement has NO statutory authority in § 42; the burden it imposes is unsupported by the circular framework and constitutes disproportionate burden without regulatory foundation at the statutory level.

42-R15 [MIXED]: Caseworker must produce a decision rationale that is demonstrably *more detailed* and *more comprehensible* whenever the service offer diverges from the user's wishes. This is a graduated documentation standard — creating a two-tier justification regime — that applies systematically in contested cases. The NAV leader must quality-control decisions against this heightened standard.

42-R16 (DOC-REQ 42.1) [INTERNAL CONTROL]: Caseworker must demand, receive, verify, and file a written power of attorney from any proxy before engaging with them. This is an intake documentation requirement that delays service to the user while administrative verification is completed. The caseworker must determine the adequacy of the written authorization, which requires knowledge of forvaltningsloven § 12 standards that are technically outside the § 42 framework. Since this requirement has NO statutory authority under § 42, caseworkers must comply with an obligation the primary normative instrument governing their § 42 work does not address. The legal domain mismatch means caseworkers must apply forvaltningsloven competence in a § 42 case processing context without guidance from the § 42 circular.

42-R19 (PROC-REQ 42.18) [MIXED]: Caseworker must systematically work through and record an assessment across six enumerated life domains for each user as a prerequisite for follow-up. This is a structured checklist obligation — the most audit-ready form of procedural overhead — that converts professional social work judgment into a six-domain verification exercise. The caseworker must document not just what they assessed but that all six domains were addressed. This requirement has NO circular authority AND NO statutory authority; the scale-related burden it imposes falls entirely outside any framework the circular provides guidance for.

42-R21 (PROC-REQ 42.20) [INTERNAL CONTROL]: NAV leaders and municipal owners must establish, maintain, and demonstrate systematic mechanisms for user participation at both individual and system level. This requires institutional documentation: governance routines, system-level reporting, and demonstrable oversight structures. This is a compliance architecture obligation — the [C] Coordination Infrastructure cluster — that presupposes administrative back-office capacity. The obligation derives from Partnerskapsavtalen / NAV-loven § 6, not from § 42; caseworkers and leaders must fulfill an institutional governance requirement embedded within the § 42 normative context without circular authority or § 42 statutory basis.

42-R22 (DOC-REQ 42.3) [MIXED]: Caseworker must formally recognize and register every oral expression of need as an oral application in the case system, including via journal note. This imposes a dual documentation demand: (1) recognition of the legal status of the verbal expression; (2) contemporaneous formal registration. The trigger threshold is broad ("gir uttrykk for et behov") and therefore operates in a large proportion of all user contacts. This is confirmed as a [D] + [P] volume driver in the Anchor Document. The burden falls entirely outside the § 42 circular framework since the requirement derives from Veileder til sosialtjenesteloven § 17 applied here by extension.

42-R23 (DOC-REQ 42.4) [INTERNAL CONTROL]: Caseworker must obtain, process, and file written consent documentation before any inter-agency information sharing. This is an administrative gatekeeping procedure with legal liability dimensions. The caseworker must assess the adequacy of consent under principles derived from consent law, not from § 42. The burden falls entirely outside any circular guidance the § 42 framework provides.

42-R24 (DOC-REQ 42.5) [INTERNAL CONTROL]: Financial advisor must obtain and file a written power of attorney before collecting any external documentation on the user's behalf. This is an administrative authorization requirement that generates a sub-task within every

financial advisory case involving external documentation retrieval. The burden falls outside the § 42 circular framework; caseworkers must apply forvaltningsloven § 12 standards without § 42 circular guidance.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: 42-R01 **PROVISION TEXT:** The service offer shall, as far as possible, be designed in collaboration with the user **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — direct statutory basis (sosialtjenesteloven § 42, sentence 1) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. This replicates the statutory obligation and serves the substantive quality and legal security of the user's case assessment directly. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R02 **PROVISION TEXT:** Great weight shall be attached to what the user thinks **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.2) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — direct statutory basis (sosialtjenesteloven § 42, sentence 2) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. This replicates the statutory standard of weight. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R03 **PROVISION TEXT:** The user shall, based on their conditions, actively be given the opportunity to contribute to designing the service offer **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute mandates collaboration with a flexibility qualifier ("so far as possible"); the circular converts this into a fixed active facilitation procedure, removing the statutory flexibility **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — in high-volume generalist casework, the obligation to actively structure and documentably facilitate user contribution maps to [D] Documentation Apparatus (Anchor Document: dominant empirical mechanism; the tension between substantive service delivery and formal record-keeping is structurally confirmed across 35+ municipalities) **PURPOSE:** MIXED — primary: user need (enabling participation). Secondary: demonstrable compliance with an active facilitation standard **BURDEN DESCRIPTION:** Caseworker must structure each case interaction to demonstrably and actively facilitate user contribution, creating a documentation demand applied to every interaction. Not merely recording the outcome, but demonstrating the facilitation process. **KILL LIST CLASSIFICATION:** Category B — Status Change. The

circular's use of mandatory language ("skal aktivt gis mulighet") converts the statute's qualified standard ("så langt som mulig") into a fixed obligation. The circular should be reformulated to permissive-qualified language that restores the statute's flexibility to professional casework judgment. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: 42-R04 **PROVISION TEXT:** The user shall participate and have influence throughout the entire application process, from initial contact, application, and needs assessment through to decision-making, design, and arrangement of services **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.4) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute anchors collaboration to service design; the circular extends temporal scope to the full application process from initial contact and adds a right of influence not present in the statute **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — maps to [P] Procedural Continuity; the obligation to maintain documented participation across every procedural stage imposes pipeline compliance demands that fail systematically when the frequency of structured engagement is insufficient to build routine **PURPOSE:** MIXED — primary: user right to participate. Secondary: process compliance tracking across a multi-stage pipeline **BURDEN DESCRIPTION:** Caseworker must maintain documented participation records across every case stage. NAV leader must quality-control compliance with a multi-stage documentation standard extending from initial contact through final service arrangement — a scope significantly broader than the statute requires. **KILL LIST CLASSIFICATION:** Category B — Status Change. The circular's temporal extension of the participatory obligation from service design (statute) to the entire application process has no explicit statutory basis. The mandatory language should be reformulated to clarify that the temporal scope is a recommended practice standard, not a binding legal obligation coextensive with the statute. **TRANSACTION COST CATEGORY:** Procedural Duplication / Reporting Overhead

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REQUIREMENT ID: 42-R05 **PROVISION TEXT:** The NAV office must be clear about what is expected of the user and what the user can expect from the caseworker and NAV **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.5) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute leaves the structure of collaboration entirely open; this specific communicative sub-obligation has no textual anchor in § 42 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — [D] connection; the "must be clear" formulation creates an implicit documentation demand (demonstrating that clarity was achieved) in each case engagement **PURPOSE:** MIXED — primary: user information and procedural fairness. Secondary: structuring the caseworker-user relationship for accountability and compliance demonstration **BURDEN DESCRIPTION:** Caseworker must communicate and, implicitly, demonstrate a bilateral expectations framework at the outset of each engagement. The circular provides no guidance on the required form or content of this communication despite its mandatory framing. **KILL LIST CLASSIFICATION:** Category C — Clarification. The obligation is sound in principle but the circular does not specify what "being clear" requires,

how it should be documented, or what suffices for compliance. Clarification of the room for maneuver would reduce shadow binding that currently leads caseworkers to apply this as a stricter procedural requirement than the circular intends. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: 42-R06 **PROVISION TEXT:** The NAV office must ensure that the user is given the opportunity to present their situation and speak to their case by creating space for dialogue **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.6) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute grants open judgment on the method of collaboration; the circular mandates a specific procedural form ("create space for dialogue") and removes the flexibility qualifier **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — [D] connection; the specific procedural form creates an implicit documentation expectation **PURPOSE:** USER NEED — the creation of space for dialogue is directly oriented toward enabling the user to present their situation; the procedural specification serves this purpose **BURDEN DESCRIPTION:** No independent transaction cost burden identified beyond normal casework interaction. The form-specification ("space for dialogue") does not materially add documentation burden beyond what good casework requires, though it constrains professional judgment on method. **KILL LIST CLASSIFICATION:** Category C — Clarification. The mandatory language ("må sørge for") removes the statute's open judgment on method. Clarifying that this formulation represents a recommended form of meeting the collaborative duty — not a mandatory specific procedure — would restore appropriate casework discretion. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (burden is form-constraint rather than documentation overhead)

REQUIREMENT ID: 42-R07 **PROVISION TEXT:** For participation to be genuine, the NAV office must keep the user informed throughout the entire application process **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.7) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute imposes a flexible, context-limited collaborative duty anchored to service design; the circular imposes a continuous mandatory information obligation spanning the whole process **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the continuous information obligation creates a running [D] demand in every case; the absolute scope ("gjennom hele søknadsprosessen") creates systemic compliance expectations that require documentation of ongoing information provision **PURPOSE:** MIXED — primary: user right to information throughout the process. Secondary: continuous process compliance overhead that goes significantly beyond what the statute anchors **BURDEN DESCRIPTION:** Caseworker must maintain a continuous information provision record throughout the entire application lifecycle — not a single notification but a documented trail of information acts demonstrating ongoing compliance with a standard the statute does not require. **KILL LIST CLASSIFICATION:** Category B — Status Change. The absolute temporal scope of this obligation is not grounded in the statute. Reformulation to acknowledge that continuous information provision is a professional standard of good practice — not a binding legal obligation of the same force as the statutory duty — would restore casework discretion and

reduce disproportionate documentation demands. **TRANSACTION COST CATEGORY:** Documentation Inflation / Reporting Overhead

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REQUIREMENT ID: 42-R08 **PROVISION TEXT:** All information must be adapted to the user's conditions **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.8) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute uses a qualified standard allowing calibrated collaboration; the circular imposes an absolute, unqualified rule covering all communications **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this is a substantive communication standard that scales naturally with individual casework; it does not presuppose organizational capacity beyond what individual caseworkers possess **PURPOSE:** USER NEED — adapting information to individual conditions directly serves comprehension and meaningful participation in the user's case **BURDEN DESCRIPTION:** No transaction cost burden identified. The obligation to adapt information is a professional communication standard that serves the user's understanding directly. **KILL LIST CLASSIFICATION:** Category C — Clarification. The word "all" ("All informasjon") imposes an absolute standard that the statute does not require. Clarifying that adaptation of information is required where the user's conditions make it necessary — consistent with the statute's qualified standard — would reduce shadow binding without diminishing user protection. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R09 **PROVISION TEXT:** The NAV caseworker must ensure that both parties have a mutual understanding of the information exchanged and the case content **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.9) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — the statute leaves the collaboration procedure open; the circular imposes a specific mandatory verification step (mutual comprehension check) as a standalone duty with no statutory foundation in § 42 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the verification step adds a [P] procedural checkpoint to every significant communicative exchange; in high-volume casework contexts this compounds the procedural compliance pipeline **PURPOSE:** MIXED — primary: user comprehension. Secondary: risk management documentation for the office — the verification step ("forsikre seg om") functions as a verifiable procedural act that can be cited in subsequent legal proceedings, serving the office's accountability system **BURDEN DESCRIPTION:** Caseworker must execute and implicitly document a specific verification step — confirming mutual understanding — at each significant exchange. This requirement has NO statutory authority; the transaction cost it imposes falls outside any framework the circular provides basis for as a standalone legal obligation. Caseworkers must comply with a duty the primary normative instrument governing their work introduces without statutory anchor. **KILL LIST CLASSIFICATION:** Category B — Status Change. The mandatory framing of this verification step converts a professional good practice into an implied legal obligation. Given the absence of statutory authority, the language should be reformulated to permissive guidance to restore professional discretion. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: 42-R10 **PROVISION TEXT:** The user's children shall never be used as interpreters **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.10) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute preserves judgment on communication organization; the circular operates as an absolute prohibition lacking direct statutory foundation in § 42 specifically. The prohibition is arguably supported by child protection principles (barnekonvensjonen) and general welfare law, but its anchor in § 42 is absent **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO — while the prohibition derives more naturally from child welfare law than from § 42, it is not a category error in the social services context; its purpose is directly user- and child-protective **SCALE FLAG:** NO — this is a prohibitory rule requiring no organizational capacity; compliance is achieved by refraining from a practice **PURPOSE:** USER NEED — the prohibition serves the dignity, legal security, and welfare of both the user and the child directly **BURDEN DESCRIPTION:** No transaction cost burden identified. The prohibition is a conduct rule that places no documentation or reporting obligation on caseworkers. **KILL LIST CLASSIFICATION:** Category C — Clarification. The statutory basis is thin but the policy content is sound. Clarification that this prohibition derives from child protection and interpreter rights principles, with cross-reference to the relevant legal instruments, would strengthen its normative grounding without changing its substance. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R11 **PROVISION TEXT:** Where the service offer encompasses multiple users, the NAV office must ensure both are given relevant information and the opportunity to speak **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.11) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute leaves multi-party collaboration entirely open and qualified; the circular mandates specific procedural steps without flexibility qualifier **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — in multi-party cases, the structured procedural management requirement maps to [C] Coordination Infrastructure; complex multi-party cases require additional case management capacity **PURPOSE:** USER NEED — ensuring all parties in multi-party situations receive information and are heard serves the fairness and legal security of each individual's case assessment **BURDEN DESCRIPTION:** No disproportionate transaction cost burden identified beyond what fairness in multi-party cases requires. The obligation specifies a sound professional standard. **KILL LIST CLASSIFICATION:** Category C — Clarification. The mandatory framing without flexibility qualifier slightly overreaches the statute's qualified approach. Clarification that the obligation extends to multi-party situations to the extent practicable — consistent with the statute's "as far as possible" standard — would align this with its statutory anchor. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R12 **PROVISION TEXT:** Where children are affected by the service offer, their needs and any views shall as a general rule be channeled through parents and guardians **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.12)

CIRCULAR AUTHORITY: PRESENT **LEGAL AUTHORITY:** NO — the statute makes no reference to children or how their views are conveyed; the circular imposes a specific procedural channel as the mandatory default rule without statutory basis in § 42 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO — child participation falls within the broader social services domain, though the specific provision's statutory anchor is in child welfare law and barnekonvensjonen rather than § 42 **SCALE FLAG:** PARTIAL — maps to child-perspective documentation burdens confirmed across 15+ municipalities in Set B; the "som hovedregel" formulation creates a mandatory assessment step (determining whether the default applies) in every case involving affected children **PURPOSE:** MIXED — primary: child welfare (ensuring children's interests are considered). Secondary: the procedural default channel through parents/guardians creates an administrative routing rule serving case management predictability for the office as much as the child's individual interests **BURDEN DESCRIPTION:** Caseworker must apply and record the procedural default in every case involving affected children, including a deliberate assessment of whether the default applies. This requirement has NO statutory authority in § 42; the burden it imposes is unsupported by the circular framework's statutory grounding. The procedural default also risks suppressing direct child participation in cases where parents' interests diverge from the child's. **KILL LIST CLASSIFICATION:** Category B — Status Change. The mandatory default procedural channel ("som hovedregel fremmes gjennom foreldre og foresatte") is not grounded in § 42. The language should be reformulated to permissive guidance acknowledging this as one approach, with appropriate reference to barnekonvensjonen as the governing instrument for child participation rights. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: 42-R13 **PROVISION TEXT:** For users with special needs, it may be appropriate to facilitate participation by meeting them outside the NAV office **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.13) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO SPECIFIC AUTHORITY REQUIRED — permissive language ("kan det være aktuelt") is consistent with the statute's flexibility qualifier; no authority gap identified **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — permissive provision; no compliance demand **PURPOSE:** USER NEED — facilitating participation for users with special needs serves equitable access directly **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a permissive professional standard requiring no documentation or compliance overhead. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R14 **PROVISION TEXT:** The office shall in all assessments attach great weight to what the user thinks and wishes, if this is within the purpose and framework of the law **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.14) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — extends the statutory standard of applying great weight universally across "all assessments," which goes slightly beyond the statute's anchoring of this standard to service design collaboration. However, the extension is consistent with the statute's spirit and the statutory language of §

42's second sentence is general **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — ensuring great weight is applied to user views in all assessments serves the quality and fairness of individual case decisions throughout the service relationship **BURDEN DESCRIPTION:** No transaction cost burden identified. This restates and extends the statutory standard in a user-protective direction. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R15 **PROVISION TEXT:** If the service offer is not in accordance with the user's wishes, the requirement for the decision to be reasoned in a way understandable to the user is heightened **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42 (PROC-REQ 42.15 / DOC-REQ 42.2) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 42 does not explicitly require heightened justification when diverging from user's wishes; arguable support from forvaltningsloven § 25 (reasons for administrative decisions) and general principles of administrative fairness **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — adds a [D] burden in every contested case; caseworkers must produce a demonstrably more detailed and comprehensible reasoning, which the NAV leader must quality-control against a heightened standard **PURPOSE:** MIXED — primary: user right to understand decisions affecting them (user need). Secondary: generates a differentiated documentation obligation that creates a two-tier justification regime, adding overhead in contested cases **BURDEN DESCRIPTION:** Caseworker must produce heightened, understandable justification whenever the service offer diverges from user wishes. NAV leader must quality-control contested decisions against this elevated standard. The overhead is proportionate to the user protection function in most cases. **KILL LIST CLASSIFICATION:** No Kill List Action — the arguable statutory support from forvaltningsloven administrative law principles is sufficient, and the user protection function is direct and proportionate. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor; proportionate)

REQUIREMENT ID: 42-R16 **PROVISION TEXT:** A proxy (fullmektig), unlike a lawyer, must present a written power of attorney from the user **SOURCE INSTRUMENT:** Circular / Rundskriv R-35, § 5.42.2 (DOC-REQ 42.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — § 42 does not authorize or regulate proxy representation; this derives from forvaltningsloven § 12 (representation principles) **DOUBLE AUTHORITY GAP:** NO (circular present) **CATEGORY ERROR:** YES — this requirement belongs to administrative procedural law (forvaltningsloven § 12), not to the Social Services Act's § 42 individual case processing obligations **SCALE FLAG:** NO — a procedural gatekeeping step at intake; does not presuppose organizational capacity beyond individual case processing **PURPOSE:** INTERNAL CONTROL — the written power of attorney requirement primarily serves administrative verification of the representative's authority, enabling the office to confirm representation rights. The user's interest in having a representative is served by the representation itself; the writing requirement serves the office's accountability system **BURDEN DESCRIPTION:** Caseworker must demand, verify, and file a written power of attorney before engaging with any proxy. This delays service while administrative verification

is completed and requires application of forvaltningsloven § 12 standards without circular guidance anchored in § 42. As a category error requirement, the caseworker must apply a different legal domain's rules within a § 42 case processing context. **KILL LIST CLASSIFICATION:** Category A — Removal. This requirement does not derive from § 42 of the Social Services Act and has no statutory basis in that provision. Its legal home is forvaltningsloven § 12. It should be removed from the § 42 normative framework and addressed through appropriate cross-referencing to forvaltningsloven or a general administrative procedures circular, not as a social services participation obligation. **TRANSACTION COST CATEGORY:** Documentation Inflation / Combined Burden (category error + documentation overhead)

REQUIREMENT ID: 42-R17 **PROVISION TEXT:** User participation is central to the assessment process; the NAV office should investigate what the user themselves considers they need **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven (øk. stønad) / PROC-REQ 42.16 **CIRCULAR AUTHORITY:** ABSENT — derives from a veileder not from the § 42 circular paragraph; constitutes a first-order authority gap **LEGAL AUTHORITY:** PARTIAL — consistent with the statutory standard and functions as natural implementation guidance; the advisory framing ("bør") preserves appropriate discretion **DOUBLE AUTHORITY GAP:** NO — statutory authority is partial but present **CATEGORY ERROR:** NO **SCALE FLAG:** NO — advisory standard that scales naturally with individual casework **PURPOSE:** USER NEED — investigating what the user perceives as their own need directly serves individualized assessment and meaningful participation **BURDEN DESCRIPTION:** [USER NEED] — No transaction cost burden identified. The advisory framing and substantive user-orientation mean this adds no overhead beyond sound professional practice. **KILL LIST CLASSIFICATION:** Category C — Clarification. The absence of circular authority for this provision means caseworkers encounter it without the normative context of the primary § 42 instrument. The circular should clarify that this provision from the economic counseling veileder applies within the § 42 framework, making its advisory (non-binding) status explicit to prevent shadow binding. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R18 **PROVISION TEXT:** It is the individual user who knows their own needs best; the NAV office should attach weight to what the user themselves perceives they need **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven (øk. stønad) / PROC-REQ 42.17 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap **LEGAL AUTHORITY:** YES — substantive standard consistent with and directly supportable from the statutory obligation to give great weight to the user's views (§ 42, sentence 2) **DOUBLE AUTHORITY GAP:** NO — statutory authority is present **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — weighting the user's self-perceived needs directly supports individualized, user-centered decision-making consistent with the statute **BURDEN DESCRIPTION:** [USER NEED] — No transaction cost burden identified. **KILL LIST CLASSIFICATION:** No Kill List Action — statutory authority is present. However, the absence of circular authority means this provision operates without the primary normative framework of the § 42 circular. Integration into or cross-referencing within the circular would

improve normative coherence. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: 42-R19 **PROVISION TEXT:** It is a prerequisite for good follow-up that the NAV caseworker maps the user's comprehensive situation, actively asking about home situation, care responsibilities, health, leisure, housing conditions, and finances **SOURCE INSTRUMENT:** Veiviser til midlertidig botilbud / PROC-REQ 42.18 **CIRCULAR AUTHORITY:** ABSENT — derives from guidance document for temporary housing; constitutes a first-order authority gap **LEGAL AUTHORITY:** NO — the statute provides an open-ended collaboration duty; the enumerated six-domain checklist as a mandatory comprehensive prerequisite has no textual authority in § 42 **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO **CATEGORY ERROR:** NO — the requirement falls within the social services domain, but derives from a guidance instrument for a different service area (temporary housing) applied by extension to § 42 contexts **SCALE FLAG:** YES — this requirement presupposes structured assessment capacity; the six-domain enumeration converts professional social work judgment into a documentary checklist obligation requiring back-office documentation support. Anchor Document: "Documentation Apparatus... demands that generalist caseworkers simultaneously master: (a) the legal trigger threshold; (b) specific formal elements; and (c) the discipline of logging all advisory dialogue." The six-domain enumeration imposes exactly this [D]+[K] combined burden. As a double authority gap requirement, the scale-related burden it imposes is entirely unsupported by the circular framework and constitutes disproportionate burden without regulatory foundation. **PURPOSE:** MIXED — primary: comprehensive user assessment (user need). Secondary: the enumerated checklist converts professional judgment into an audit-proofing exercise; the "aktiv spør" formulation functions as a verifiable procedural act primarily serving compliance demonstration rather than assessment quality, which open-ended professional judgment achieves equally well **BURDEN DESCRIPTION:** Caseworker must systematically work through and record assessments across six enumerated life domains as a prerequisite for follow-up in every applicable case. This is a structured checklist obligation in its most audit-ready form. The requirement has NO circular authority AND NO statutory authority; the transaction cost it imposes falls entirely outside any framework the circular provides guidance for. The requirement derives from a guidance instrument for a different service context (temporary housing) applied extraterritorially to § 42 casework. **KILL LIST CLASSIFICATION:** Category A — Removal. This requirement lacks both circular authority and statutory authority in § 42. Its source instrument (Veiviser til midlertidig botilbud) governs a different service domain. Applied to § 42 contexts, it constitutes an unauthorized extension of normative burden from a contextually mismatched guidance document. The underlying professional standard (comprehensive assessment) is sound and can be preserved through permissive professional guidance within the appropriate instrument. **TRANSACTION COST CATEGORY:** Documentation Inflation / Structural Disproportionality / Combined Burden

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REQUIREMENT ID: 42-R20 **PROVISION TEXT:** The user shall participate and have influence throughout the entire application process, from initial contact, application, and needs assessment through to decision and design of services **SOURCE INSTRUMENT:**

Veileder til sosialtjenesteloven § 17 / PROC-REQ 42.19 **CIRCULAR AUTHORITY:** ABSENT — derives from the § 17 veileder; constitutes a first-order authority gap **LEGAL AUTHORITY:** PARTIAL — mirrors the temporal extension in 42-R04 without circular authority; the statute anchors the qualified collaboration duty exclusively to service design; this formulation adds an absolute right to influence across the entire process **DOUBLE AUTHORITY GAP:** NO — partial statutory authority present **CATEGORY ERROR:** NO — but note: this requirement derives from the § 17 veileder and is being applied extraterritorially to § 42 contexts; while not a legal domain error, it is a source instrument mismatch **SCALE FLAG:** PARTIAL — [P] Procedural Continuity; same structural analysis as 42-R04 but compounded by absence of circular authority. Any [P] burden this imposes falls outside the § 42 circular framework entirely. **PURPOSE:** MIXED — substantive duplication of 42-R04 from a different normative source; compounds the scope-extension burden without adding new user-protective content **BURDEN DESCRIPTION:** Caseworker must comply with an identical scope-extension obligation arising from the § 17 veileder applied to § 42 contexts — a procedural requirement the primary § 42 normative instrument does not address. The duplication of 42-R04 from a different instrument creates Procedural Duplication burden without circular guidance. **KILL LIST CLASSIFICATION:** Category B — Status Change. This requirement duplicates the temporal scope-extension of 42-R04 without circular or adequate statutory authority. Its source instrument is mismatched. The mandatory language should be reformulated to permissive guidance, or the requirement should be integrated into the § 42 circular with explicit advisory framing if retained at all. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: 42-R21 **PROVISION TEXT:** The owners have a responsibility to ensure that work on user participation is addressed on both individual and system levels **SOURCE INSTRUMENT:** Partnerskapsavtalen / PROC-REQ 42.20 **CIRCULAR AUTHORITY:** ABSENT — derives from Partnerskapsavtalen; constitutes a first-order authority gap **LEGAL AUTHORITY:** NO — § 42 concerns individual case processing rights; this requirement dictates institutional governance obligations structurally derived from NAV-loven § 6 **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO (in § 42) **CATEGORY ERROR:** YES — this requirement belongs to institutional governance law (NAV-loven § 6 and partnership governance frameworks), not to the individual casework obligations of § 42 of the Social Services Act **SCALE FLAG:** YES — presupposes organizational capacity for systematic governance at both individual and system level. Anchor Document: Cluster 2 (The Internal Control Apparatus) — "These requirements collectively assume an organization with sufficient internal differentiation to separate roles... In offices of 3–12 municipal social services staff, this differentiation is structurally impossible." The requirement to ensure systemic-level work on user participation imposes [C] Coordination Infrastructure overhead without any basis in the § 42 circular framework. **PURPOSE:** INTERNAL CONTROL — an institutional governance obligation with no direct bearing on individual case outcomes; serves the partnership accountability system rather than individual users' case assessments **BURDEN DESCRIPTION:** NAV leaders and municipal owners must establish, maintain, and demonstrate systematic mechanisms for user participation at both individual and system level — a compliance architecture obligation presupposing back-office capacity. This derives from Partnerskapsavtalen / NAV-loven § 6, not § 42; the burden falls entirely outside the § 42 circular framework with no circular

guidance whatsoever. The category error means caseworkers and leaders must fulfill institutional governance requirements presented within a § 42 participation context. **KILL LIST CLASSIFICATION:** Category A — Removal. This requirement lacks circular authority, lacks statutory authority in § 42, and constitutes a category error: institutional governance law imposed through a partnership agreement and applied within the § 42 social services normative framework. It should be removed from the § 42 normative framework and addressed through the appropriate governance instruments (NAV-loven, partnerskapsavtalen itself, or a dedicated governance circular). **TRANSACTION COST CATEGORY:** Structural Disproportionality / Combined Burden

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REQUIREMENT ID: 42-R22 **PROVISION TEXT:** The NAV office has an obligation to formally record oral applications; when a user expresses a need for a service, this constitutes an oral application. It is sufficient that the application appears in the case file, such as in a note. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 / DOC-REQ 42.3 **CIRCULAR AUTHORITY:** ABSENT — derives from the § 17 veileder; constitutes a first-order authority gap **LEGAL AUTHORITY:** NO — § 42 imposes no obligation regarding the recording of oral applications; this derives from general case management obligations and forvaltningsloven § 11a **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO (in § 42) **CATEGORY ERROR:** YES — the requirement belongs to general administrative procedural law (forvaltningsloven § 11a and general case management principles), not to § 42 of the Social Services Act **SCALE FLAG:** YES — Anchor Document directly identifies oral application registration as a [D] and [P] volume driver: "The requirement that oral inquiries be recognized and registered as formal applications is individually manageable but fails systematically when caseload is below 10 per year." The broad trigger threshold ("gir uttrykk for et behov") means this operates in a large proportion of all user contacts. As a double authority gap requirement with no circular basis, the scale-related burden is entirely unsupported. **PURPOSE:** MIXED — primary: user protection (ensuring oral applications are formally registered and processed). Secondary (and operationally dominant): the recording obligation primarily serves the administrative audit record, confirming that the office received and processed the application in a legally traceable form **BURDEN DESCRIPTION:** Caseworker must formally recognize and register every oral expression of need as an oral application, including via journal note. The broad trigger threshold creates documentation demands in a large proportion of all user contacts. This burden falls entirely outside the § 42 circular framework since the requirement derives from the § 17 veileder applied extraterritorially. Caseworkers must comply with an obligation the primary normative instrument governing their § 42 work does not address at all. **KILL LIST CLASSIFICATION:** Category A — Removal. This requirement lacks both circular authority and statutory authority in § 42 and constitutes a category error. Its legal home is forvaltningsloven § 11a and general case management law. Applied to § 42 contexts through the § 17 veileder, it represents an unauthorized extension of a general procedural obligation into the § 42 normative framework. The underlying user protection rationale is valid but should be addressed through the appropriate general administrative law instruments. **TRANSACTION COST CATEGORY:** Documentation Inflation / Structural Disproportionality

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REQUIREMENT ID: 42-R23 **PROVISION TEXT:** An express consent requires that the person has done something active to give their consent, and consent should be given in writing **SOURCE INSTRUMENT:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret / DOC-REQ 42.4 **CIRCULAR AUTHORITY:** ABSENT — derives from inter-agency collaboration guidelines; constitutes a first-order authority gap **LEGAL AUTHORITY:** NO — § 42 contains no provisions concerning consent documentation; the requirement derives from specific consent law principles outside § 42 **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO (in § 42) **CATEGORY ERROR:** YES — consent documentation law is a distinct legal domain (personvernlovgivning, forvaltningsloven, and inter-agency information sharing frameworks) separate from § 42 of the Social Services Act **SCALE FLAG:** PARTIAL — adds [D] documentation burden in inter-agency cases; the requirement to obtain, process, and file written consent documentation creates overhead in a subset of cases that is potentially significant in complex multi-agency contexts **PURPOSE:** INTERNAL CONTROL — the written consent requirement primarily serves the inter-agency accountability system (documentation of lawful basis for information sharing and liability protection) rather than the user's case outcome; the user's interests are served by the substantive consent and by the protection of their information, not by the written format specifically **BURDEN DESCRIPTION:** Caseworker must obtain, process, and file written consent documentation before any inter-agency information sharing occurs in cases covered by this guideline. The caseworker must assess adequacy of consent under consent law principles derived from a different legal domain, without any guidance from the § 42 circular. The category error means applying inter-agency collaboration law standards within a § 42 casework context. **KILL LIST CLASSIFICATION:** Category A — Removal. This requirement lacks circular authority, lacks statutory authority in § 42, and constitutes a category error. Its legal home is inter-agency information sharing law and consent principles. It should be removed from the § 42 normative framework and addressed through the appropriate inter-agency collaboration instruments. **TRANSACTION COST CATEGORY:** Documentation Inflation / Combined Burden (category error + documentation overhead)

REQUIREMENT ID: 42-R24 **PROVISION TEXT:** If the financial advisor is to retrieve documentation, the user must give the advisor written authorization (power of attorney) to do so **SOURCE INSTRUMENT:** Veileder for økonomisk rådgivning / DOC-REQ 42.5 **CIRCULAR AUTHORITY:** ABSENT — derives from the economic counseling veileder; constitutes a first-order authority gap **LEGAL AUTHORITY:** NO — § 42 has no provision regulating powers of attorney in financial guidance; this constitutes a separate procedural domain governed by forvaltningsloven § 12 representation principles **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO (in § 42) **CATEGORY ERROR:** YES — this requirement belongs to administrative representation law (forvaltningsloven § 12), not to § 42 of the Social Services Act **SCALE FLAG:** PARTIAL — applies specifically in financial guidance contexts involving external documentation retrieval; creates an administrative authorization sub-task outside the § 42 circular framework **PURPOSE:** INTERNAL CONTROL — the written power of attorney primarily serves administrative verification and liability protection for the advisor; the user's interests are served by the actual collection of documentation, not by the written authorization format **BURDEN DESCRIPTION:** Financial advisor must obtain and file a written power of attorney

before collecting external documentation in each applicable case. This generates an administrative sub-task within every financial advisory case involving external retrieval, without any basis in the § 42 circular. The category error means applying forvaltningsloven § 12 standards within a § 42 casework context without circular guidance. **KILL LIST CLASSIFICATION:** Category A — Removal. This requirement lacks both circular authority and statutory authority in § 42 and constitutes a category error. Its legal home is forvaltningsloven § 12. Applied to § 42 contexts through the economic counseling veileder, it is an unauthorized extension of administrative representation law into the § 42 normative framework. Cross-referencing to forvaltningsloven in the economic counseling veileder is appropriate; embedding this as a § 42 social services obligation is not. **TRANSACTION COST CATEGORY:** Documentation Inflation / Combined Burden

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CLOSING COMPARATIVE NOTE

Total requirements identified from Process Inflation Findings: 24

Requirements visible from circular paragraph alone: 16 (PROC-REQ 42.1–42.15 and DOC-REQ 42.1)

Requirements invisible from circular alone: 8 (PROC-REQ 42.16–42.20; DOC-REQ 42.3, 42.4, 42.5) — representing **33% of the total operative normative burden** imposed on caseworkers in the name of § 42 compliance. These requirements would be entirely undetected in any analysis beginning from the circular paragraph.

Double authority gaps (circular authority ABSENT + statutory authority NO or PARTIAL): **4**

- 42-R19 (PROC-REQ 42.18 — enumerated life domain checklist) — Veiviser til midlertidig botilbud
- 42-R21 (PROC-REQ 42.20 — owners' system-level governance) — Partnerskapsavtalen
- 42-R22 (DOC-REQ 42.3 — oral application recording) — Veileder § 17
- 42-R23 (DOC-REQ 42.4 — written consent) — Retningslinjer barnevern/Nav
- 42-R24 (DOC-REQ 42.5 — written PoA for financial advisor) — Veileder øk. rådgivning

Correction: 5 double authority gaps (42-R19, 42-R21, 42-R22, 42-R23, 42-R24).

Category errors (requirements belonging to a different legal domain): **4**

- 42-R16 (DOC-REQ 42.1) — forvaltningsloven § 12 (proxy representation)
- 42-R21 (PROC-REQ 42.20) — NAV-loven § 6 (institutional governance)
- 42-R22 (DOC-REQ 42.3) — forvaltningsloven § 11a (general case management)
- 42-R23 (DOC-REQ 42.4) — consent law / inter-agency information sharing
- 42-R24 (DOC-REQ 42.5) — forvaltningsloven § 12 (administrative representation)

Correction: 5 category errors (42-R16, 42-R21, 42-R22, 42-R23, 42-R24).

Kill List breakdown:

Category	Count	Requirements
A — Removal	5	42-R16, 42-R19, 42-R21, 42-R22, 42-R23, 42-R24
B — Status Change	5	42-R03, 42-R04, 42-R07, 42-R09, 42-R12, 42-R20
C — Clarification	5	42-R05, 42-R06, 42-R08, 42-R10, 42-R11, 42-R17
No Action	9	42-R01, 42-R02, 42-R13, 42-R14, 42-R15, 42-R18

Note: Precise counts — Category A: 6 (42-R16, 42-R19, 42-R21, 42-R22, 42-R23, 42-R24); Category B: 6 (42-R03, 42-R04, 42-R07, 42-R09, 42-R12, 42-R20); Category C: 6 (42-R05, 42-R06, 42-R08, 42-R10, 42-R11, 42-R17); No Kill List Action: 6 (42-R01, 42-R02, 42-R13, 42-R14, 42-R15, 42-R18).

Primary transaction cost categories by frequency:

Category	Count
Documentation Inflation	11 requirements
Combined Burden	5 requirements
Procedural Duplication	3 requirements
Structural Disproportionality	3 requirements
Reporting Overhead	2 requirements
No Transaction Cost Identified	9 requirements

Synthesis observation for main report:

The § 42 analysis reveals a structural pattern that differs from the § 17 findings in the Anchor Document in one analytically important respect: unlike § 17 where the primary volume driver is a specialized technical service (debt counseling) requiring expert capacity that small municipalities cannot sustain, the § 42 volume drivers are almost entirely procedural and documentary. The statute itself is remarkably lean — two sentences — and the scale of

burden identified (24 requirements, 5 double authority gaps, 5 category errors, 6 Category A Kill List candidates) is entirely a product of circular elaboration and cross-instrument contamination from veileders, retningslinjer, and a partnerskapsavtale that have migrated into the § 42 normative space without statutory authorization.

The most structurally significant finding is the **category error cluster**: five requirements embedded within the § 42 framework that properly belong to forvaltningsloven (proxy representation, oral application recording, written consent, written authorization for financial advisors) or NAV-loven institutional governance. These are not merely peripheral additions — they require caseworkers to apply different bodies of law without guidance from the primary normative instrument governing their work. The transaction cost they impose is specifically disproportionate because it falls outside any framework the § 42 circular provides, meaning municipalities cannot look to the primary instrument for guidance on compliance scope, form, or sufficiency.

The invisible-from-circular finding — 8 of 24 requirements, one third of the total burden — is the structural core of the analytical value demonstrated here. An audit beginning from the circular alone would miss all five category errors among the invisible requirements, both double authority gaps from invisible requirements (42-R21, 42-R22, 42-R23, 42-R24 are all invisible), and the single highest-impact structural disproportionality finding (42-R21, the owners' governance obligation from Partnerskapsavtalen). This is precisely the form of normative layering that hjemmelsinnsnevring analysis is designed to surface.

SLUDGE AUDIT — § 43 INNHENTING AV OPPLYSNINGER

Structured Identification of Documentation and Procedural Obligations

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PRELIMINARY METHODOLOGICAL NOTE

Requirement visibility differential: From the Process Inflation Findings (Reference Document, Document 3), **27 requirements** are identified for § 43. Starting from the circular paragraph alone (Context Document, Document 2), only **19 requirements** are directly visible in the circular text. The remaining **8 requirements have no textual presence in the circular at all**. This means approximately 30% of the full requirement load imposed on caseworkers and NAV leaders under § 43 is invisible from the primary normative instrument governing their work.

Requirements with no textual presence in the circular — source mapping:

Requirement ID	Source Instrument	Instrument Type
PROC-REQ-43.16	Veileder om økonomisk stønad	(b) a veileder
PROC-REQ-43.17	Veileder om økonomisk stønad	(b) a veileder
PROC-REQ-43.18	Veileder om økonomisk stønad	(b) a veileder
PROC-REQ-43.19	Barnets beste — veileder	(b) a veileder
PROC-REQ-43.20	Kommunebrev 2025	(a) a Kommunebrev
DOC-REQ-43.10	Barnets beste — veileder	(b) a veileder
DOC-REQ-43.11	Veileder om økonomisk stønad	(b) a veileder
DOC-REQ-43.12	Veileder til sosialtjenesteloven § 17	(d) a guidance document attached to a specific statutory provision other than § 43

The structural implication is analytically decisive: a NAV leader or caseworker who reads the circular as the authoritative normative instrument governing § 43 will be unaware of more than a quarter of the obligations that audit, supervision, and institutional practice may expect them to fulfil. Six of the eight invisible requirements derive from veileders; one from a Kommunebrev; one from a veileder for an entirely different statutory provision (§ 17). None derive from sosialtjenesteloven itself. These source designations are carried forward into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

The following 27 requirements are enumerated in full from the Process Inflation Findings, constituting the complete population for this audit.

Req. ID	Obligation (as expressed in Process Inflation Findings)	Source Instrument	Nature	Circular Presence
PROC-REQ-43.1	Opplysninger skal så langt som mulig innhentes i samarbeid med tjenestemottaker eller slik at vedkommende har kjennskap til innhentingen.	R-35 § 43	Explicit	PRESENT (statutory text + 5.43.1)
PROC-REQ-43.2	Nav-kontoret skal sikre at saken er så godt opplyst som mulig før det treffes en avgjørelse.	R-35 § 43	Explicit	PRESENT (5.43.1)
PROC-REQ-43.3	Det må foreligge opplysninger i saken som dokumenterer om tjenestemottaker har et hjelpebehov eller ikke.	R-35 § 43	Explicit	PRESENT (5.43.1)
PROC-REQ-43.4	Det må også foreligge opplysninger som dokumenterer oppholdsstatus, og eventuelt om personen har fast bopel i Norge.	R-35 § 43	Explicit	PRESENT (5.43.1)
PROC-REQ-43.5	Hvis Nav-kontoret skal innhente opplysningene, skal dette som hovedregel skje etter samtykke fra vedkommende.	R-35 § 43	Explicit	PRESENT (5.43.1)
PROC-REQ-43.6	Hvilke opplysninger som skal fremskaffes i den enkelte sak må alltid vurderes individuelt ut fra tjenestemottakers situasjon og	R-35 § 43	Explicit	PRESENT (5.43.2.1)

	konkret i forhold til tjenesten det søkes om.			
PROC-REQ-43.7	Det skal ikke innhentes flere opplysninger enn nødvendig.	R-35 § 43	Explicit	PRESENT (5.43.2.1)
PROC-REQ-43.8	Kontoutskrift kan derfor ikke kreves fremlagt rutinemessig.	R-35 § 43	Explicit	PRESENT (5.43.2.2)
PROC-REQ-43.9	Tjenestemottaker skal gis anledning til å stryke over opplysninger som ikke er nødvendige for saken før kontoutskriften leveres.	R-35 § 43	Explicit	PRESENT (5.43.2.2)
PROC-REQ-43.10	Opplysningene i saken skal foreligge skriftlig, enten dette er i form av innhentede dokumenter eller nedtegnelser i søknad eller øvrige saksdokumenter.	R-35 § 43	Explicit	PRESENT (5.43.2.3)
PROC-REQ-43.11	Hvis tjenestemottaker ikke fremlegger dokumentasjonen som etterspørres, skal Nav-kontoret likevel vurdere tjenestemottakers behov med bakgrunn i sannsynligheten av opplysningene som er gitt.	R-35 § 43	Explicit	PRESENT (5.43.2.3)
PROC-REQ-43.12	Muntlige opplysninger som Nav-kontoret innhenter, for eksempel fra samarbeidspartnere, skal dokumenteres ved nedtegnelse i saken.	R-35 § 43	Explicit	PRESENT (5.43.2.3)
PROC-REQ-43.13	Tjenestemottaker skal være informert om, og ha forstått, hvilke opplysninger som er nødvendige for å avgjøre saken.	R-35 § 43	Explicit	PRESENT (5.43.2.5)
PROC-REQ-43.14	Nav-kontoret har ikke anledning til å sette vilkår om, eller på annen måte utøve press for, at tjenestemottaker skal undertegne samtykkeerklæring.	R-35 § 43	Explicit	PRESENT (5.43.2.6)

PROC-REQ-43.15	Det skal aldri innhentes opplysninger fra private institusjoner eller personer som ikke utfører oppgaver for det offentlige uten tjenestemottakers samtykke.	R-35 § 43	Explicit	PRESENT (5.43.2.7)
PROC-REQ-43.16	NAV-kontoret må være aktive i kartleggingsprosessen slik at man får avdekket hva brukeren har behov for.	Veileder om økonomisk stønad	Explicit	ABSENT
PROC-REQ-43.17	NAV-kontoret bør innledningsvis i kartleggingen søke å avklare hvor lenge brukeren vil ha behov for hjelp fra NAV.	Veileder om økonomisk stønad	Explicit	ABSENT
PROC-REQ-43.18	Hvis henvendelsen gjelder hjelp i en nødsituasjon, må søknaden vurderes raskt, helst samme dag.	Veileder om økonomisk stønad	Explicit	ABSENT
PROC-REQ-43.19	For at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene må barnets beste-vurderingene dokumenteres.	Barnets beste — veileder	Explicit	ABSENT
PROC-REQ-43.20	Direktoratet oppfordrer derfor kommunen til å arbeide med å tydeliggjøre hvordan barnets beste-vurderinger skal brukes i saksbehandlingen.	Kommunebrev 2025	Explicit	ABSENT
DOC-REQ-43.4	Hovedregelen er at opplysningene som er nødvendige for saken skal være skriftlige i form av innhentede dokumenter, som lønnsslipp, husleiekontrakt, saldoutskrift og likning.	R-35 § 43	Explicit	PRESENT (5.43.2.3)
DOC-REQ-43.5	Noen opplysninger som tjenestemottaker gir krever ikke ytterligere dokumentasjon enn nedtegnelse i saksdokumentene, fordi det uten videre bør legges til grunn at opplysningene er riktige.	R-35 § 43	Explicit	PRESENT (5.43.2.3)

DOC-REQ-43.6	Det er også tilstrekkelig at opplysninger som det er umulig eller urimelig vanskelig å fremskaffe dokumentasjonen på, nedtegnes i saksdokumentene.	R-35 § 43	Explicit	PRESENT (5.43.2.3)
DOC-REQ-43.8	Tjenestemottaker som er i stand til å ivareta sine interesser, skal som hovedregel selv fremskaffe og dokumentere opplysningene som er nødvendige.	R-35 § 43	Explicit	PRESENT (5.43.2.5)
DOC-REQ-43.10	Det som skrives om barnet i saken bør være nøytralt beskrivende og begrense seg til det som er strengt nødvendig for å vise at vi har tatt tilstrekkelig hensyn til barnets beste.	Barnets beste — veileder	Explicit	ABSENT
DOC-REQ-43.11	NAV-kontoret må gjøre en konkret og individuell vurdering av hvordan opplysningene skal dokumenteres.	Veileder om økonomisk stønad	Explicit	ABSENT
DOC-REQ-43.12	Nav-kontoret har plikt til å nedtegne muntlige søknader.	Veileder til sosialtjenesteloven § 17	Explicit	ABSENT

STEP 2 — LEGAL AUTHORITY CHECK

For each requirement, the bi-directional authority check is applied. Direction 1 = circular presence (YES/NO). Direction 2 = statutory authority in sosialtjenesteloven (YES / PARTIAL / NO), drawn from the legal gap assessments in the Process Inflation Findings.

PROC-REQ-43.1

- D1 (Circular): YES
- D2 (Statutory): YES — statutory text reproduced verbatim; no gap identified.
- Double Authority Gap: NO

PROC-REQ-43.2

- D1: YES
- D2: YES — operationalizes the general administrative investigation duty in forvaltningsloven § 17.
- Double Authority Gap: NO

PROC-REQ-43.3

- D1: YES
- D2: PARTIAL — the Social Services Act regulates *how* information is gathered but does not specify the substantive content or required documentation format for establishing hjelpebehov. The threshold-specification derives from the circular's elaboration, not from statute.
- Double Authority Gap: NO (circular authority present)

PROC-REQ-43.4

- D1: YES
- D2: PARTIAL — residency and domicile conditions for coverage are implicit in the law's scope provisions (§ 2), but the Act does not independently mandate that documentation of oppholdsstatus must be present in the case file as a precondition for decision-making. The evidentiary documentation obligation is a circular construction.
- Double Authority Gap: NO (circular authority present)

PROC-REQ-43.5

- D1: YES
- D2: YES — consent as main rule is directly authorized by and implied from the statutory framework.
- Double Authority Gap: NO

PROC-REQ-43.6

- D1: YES
- D2: PARTIAL — the Process Inflation Findings identify that the circular converts the law's permissive discretion over information gathering into a mandatory individualized assessment ("alltid"), eliminating the authority's freedom to use standardized intake criteria. The statutory basis for individualization exists but does not carry the absolute character ("alltid") the circular imposes.
- Double Authority Gap: NO (circular authority present)

PROC-REQ-43.7

- D1: YES
- D2: PARTIAL — the Act contains no explicit data minimization requirement. The principle derives from general privacy law and proportionality norms, not from the text of § 43.
- Double Authority Gap: NO

PROC-REQ-43.8

- D1: YES
- D2: NO — the Act authorizes requesting information but contains no provision restricting the routine demand for bank statements. The restriction derives from privacy principles elaborated in the circular without textual anchor in the statute.
- Double Authority Gap: NO (circular authority present)

PROC-REQ-43.9

- D1: YES
- D2: NO — the Act establishes a general collaborative approach but contains no authorization for or reference to a specific pre-submission document redaction right. This procedural step has no identifiable statutory basis in § 43 or adjacent provisions.
- Double Authority Gap: NO (circular authority present)

PROC-REQ-43.10

- D1: YES
- D2: PARTIAL — the Act regulates the collection process but not the written form of case file documentation. The skriftlighet requirement is a circular specification that goes beyond what the statute mandates. Forvaltningsloven's general archiving principles provide partial support but do not mandate this specific form for social services case files.
- Double Authority Gap: NO

PROC-REQ-43.11

- D1: YES
- D2: YES — probability assessment methodology directly operationalizes the mandatory investigation duty. No gap identified.
- Double Authority Gap: NO

PROC-REQ-43.12

- D1: YES
- D2: PARTIAL — the Act authorizes gathering information but provides nothing explicitly regarding the documentation format for oral information obtained from third parties. The written-record mandate is a circular specification.
- Double Authority Gap: NO

PROC-REQ-43.13

- D1: YES
- D2: PARTIAL — the Act requires that the user have "kjennskap til innhentingen" (awareness). The circular escalates this to active informing ("informert om") and verified comprehension ("ha forstått"), which go materially beyond the statutory passive-awareness standard.
- Double Authority Gap: NO

PROC-REQ-43.14

- D1: YES
- D2: PARTIAL — the voluntary-consent framework implied by the Act implies a prohibition on coercion, but the specific prohibition on setting conditions or applying pressure for consent is not textually grounded in § 43 or any adjacent provision. The circular states this as an absolute prohibition beyond what the statute textually supports.

- Double Authority Gap: NO

PROC-REQ-43.15

- D1: YES
- D2: YES — purely private parties are entirely excluded from the statutory permissive authority for information gathering. No gap identified.
- Double Authority Gap: NO

PROC-REQ-43.16

- D1 (Circular): NO — **FIRST-ORDER AUTHORITY GAP**
- D2: YES — the directive to take an active mapping role correctly operationalizes the administrative investigation duty under forvaltningsloven § 17. Statutory basis is sound, but the requirement operates outside the circular framework.
- Double Authority Gap: NO (statutory authority present)

PROC-REQ-43.17

- D1: NO — **FIRST-ORDER AUTHORITY GAP**
- D2: NO — the Act does not specify the sequence or content of the mapping process. No provision requires early clarification of the expected duration of need. The requirement derives entirely from veileder guidance without statutory anchor.
- Double Authority Gap: **YES** — no circular authority AND no statutory authority.

PROC-REQ-43.18

- D1: NO — **FIRST-ORDER AUTHORITY GAP**
- D2: NO — the Act contains no emergency clause, processing timeline, or special procedural rule for acute situations. A same-day processing norm is not derivable from the statutory text.
- Double Authority Gap: **YES**

PROC-REQ-43.19

- D1: NO — **FIRST-ORDER AUTHORITY GAP**
- D2: NO — § 43 of the Social Services Act contains no provision authorizing or requiring documentation of barnets beste-vurderinger. While barnekonvensjonen Article 3 and Grunnloven § 104 establish the substantive principle, neither instrument creates a documentation obligation of the kind this veileder imposes, particularly as elaborated here for § 43 case processing.
- Double Authority Gap: **YES**

PROC-REQ-43.20

- D1: NO — **FIRST-ORDER AUTHORITY GAP**
- D2: NO — the Act provides no textual basis for institutional development recommendations addressed to municipalities regarding how barnets beste-vurderinger should be incorporated into saksbehandling routines. This is administrative soft law without legislative anchor.

- Double Authority Gap: **YES**

DOC-REQ-43.4

- D1: YES
- D2: PARTIAL — the Act authorizes requesting information but does not specify the required physical form or enumerate recognized document types. The specification of lønnsslipp, husleiekontrakt, saldoutskrift, and likning as exemplars of the main rule goes beyond statutory text.
- Double Authority Gap: NO

DOC-REQ-43.5

- D1: YES
- D2: PARTIAL — the Act does not explicitly establish differentiated evidentiary thresholds based on the type or personal character of information. The classification of certain information as requiring only file notation derives from the circular's interpretation of the general assessment duty.
- Double Authority Gap: NO

DOC-REQ-43.6

- D1: YES
- D2: YES — applies the Act's own "så langt som mulig" qualifier directly to documentation realities. No gap identified.
- Double Authority Gap: NO

DOC-REQ-43.8

- D1: YES
- D2: YES — allocation of primary responsibility for information gathering to capable users is directly rooted in statutory preparatory works and the general structure of the Act.
- Double Authority Gap: NO

DOC-REQ-43.10

- D1: NO — **FIRST-ORDER AUTHORITY GAP**
- D2: NO — § 43 contains no provision governing the form, tone, or content restrictions of child-related file recordings. The neutrality requirement and the "strictly necessary" limitation derive entirely from the barnets beste veileder without identifiable anchor in sosialtjenesteloven.
- Double Authority Gap: **YES**

DOC-REQ-43.11

- D1: NO — **FIRST-ORDER AUTHORITY GAP**
- D2: PARTIAL — the Act provides no methodology for deciding how information should be documented. The obligation to conduct a specific individualized

assessment of documentation method is a veileder construction that elaborates beyond what the statute requires.
- Double Authority Gap: **YES** (no circular authority + partial statutory authority only)

DOC-REQ-43.12

- D1: NO — **FIRST-ORDER AUTHORITY GAP**
- D2: NO — § 43 does not address or mandate the recording of oral applications. This requirement derives from a veileder for sosialtjenesteloven § 17 — a different statutory provision — applied in the § 43 context. The normative instrument does not govern the provision it is being invoked to regulate.
- Double Authority Gap: **YES**
- **CATEGORY ERROR IDENTIFIED:** The source instrument (Veileder til sosialtjenesteloven § 17) is a guidance document attached to a different statutory provision. Its application to § 43 is an authority error that compounds the double gap.

Summary of double authority gaps: PROC-REQ-43.17, PROC-REQ-43.18, PROC-REQ-43.19, PROC-REQ-43.20, DOC-REQ-43.10, DOC-REQ-43.11, DOC-REQ-43.12 = **7 double authority gaps**

Category errors: DOC-REQ-43.12 = **1 category error**

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Cross-reference with Anchor Document (Volume Driver Findings, Document 4). The Anchor Document primarily addresses §§ 17, 18, 19, and 20a. Where it does not directly address § 43, the structural mechanisms identified are applied by analogy on the basis of functional equivalence. Direct findings from the Anchor Document are cited where available; structural analogies are flagged as such.

PROC-REQ-43.1, 43.2, 43.5, 43.7, 43.11, 43.14, 43.15: Scale flag: **NO.** These requirements establish user-protective procedural rights and assessment norms. They do not presuppose organizational scale or back-office capacity. The Anchor Document's scale findings do not apply.

PROC-REQ-43.3 (document hjelpebehov): Scale flag: **PARTIAL.** The Anchor Document identifies the [D] Documentation Apparatus as the dominant empirical mechanism across all social service domains (~65 findings, ~42% of all Set B findings). The requirement to ensure specific substantive content is documented in a case file is structurally analogous to the documentation failures identified across Nordreisa, Nannestad, Salangen, and others ("caseworkers knew more about the users' situations than the journals reflected"). Small offices that deliver competent assessments in practice are systematically penalized for failing to translate that assessment into a documented case file threshold. This requirement carries a latent [D] burden.

PROC-REQ-43.4 (document residency): Scale flag: **PARTIAL.** Functionally analogous to the EØS residence assessment finding in the Anchor Document (Requirement A-2, §18), classified as a potential latent volume driver on the grounds that navigating residency questions requires specialist knowledge that small offices encounter too rarely to sustain. Documentation of oppholdsstatus for compliance purposes creates [D] burden without proportional user benefit at small scale.

PROC-REQ-43.6 (individual assessment, always): Scale flag: **PARTIAL.** The Anchor Document identifies that the obligation to conduct individualized assessments rather than applying standardized criteria imposes a [K] competence-sustainability burden on generalist offices. Requirement that assessment be individualized in every case presupposes reflective casework capacity that micro-offices may not sustain across all § 43 sub-questions simultaneously.

PROC-REQ-43.8 (no routine bank statements): Scale flag: **NO.** This is a protective ceiling on documentation demands. It reduces rather than creates transaction burden.

PROC-REQ-43.9 (redaction right): Scale flag: **PARTIAL.** The Anchor Document's [P] Procedural Continuity findings note that procedural steps that must be executed in correct sequence create compliance failures when the steps are triggered rarely. The redaction procedure is a specific sub-step that small offices may execute incorrectly or inconsistently due to low encounter frequency.

PROC-REQ-43.10 (written documentation): Scale flag: **YES.** Directly confirmed by the Anchor Document's [D] findings. The general requirement that all case information exist in written form is the structural precondition for the documentation apparatus failures documented across more than 40 municipalities. The finding at Hustadvika (2024) — "they fulfil the obligation to provide guidance but not the formal requirements to issue decisions" — is structurally applicable here: small offices may functionally satisfy the information-gathering obligation while failing to maintain the written documentation standard.

PROC-REQ-43.12 (oral information documented): Scale flag: **YES.** The Anchor Document explicitly identifies the obligation to journal all interactions, including oral communications, as a dominant [D] mechanism. The finding from Anchor Document Part 2 confirms: "Separately journaling all oral applications" and "Archiving SMS and telephone communications in Socio or equivalent systems" are among the most frequently sanctioned documentation requirements. The structural analogy to § 43's oral information documentation requirement is direct.

PROC-REQ-43.13 (user informed and understood): Scale flag: **PARTIAL.** The Anchor Document's [K] findings note that complex user communication and verification obligations degrade in small offices where generalist caseworkers process high volumes across many service domains. The verified-comprehension standard adds a caseworker obligation that presupposes sufficient time and competence per case.

PROC-REQ-43.16 (active mapping role): Scale flag: **PARTIAL.** The Anchor Document identifies proactive outreach as a latent volume driver for §17 (Latent Driver 1), noting: "outreach is inherently a higher-capacity function than reactive desk service, meaning the gap between normative expectation and operational reality may be larger here than

anywhere else in the dataset." Active kartlegging involves an analogous capacity demand. No circular authority means any scale burden falls without regulatory framework. Flag as structurally analogous [S]+[K] driver.

PROC-REQ-43.17 (early duration clarification): Scale flag: **PARTIAL.** This requirement has no circular authority. The Anchor Document's findings on [P] Procedural Continuity indicate that planning-sequencing requirements create compliance failures in small offices that cannot sustain pipelined case management. The absence of circular guidance means this obligation imposes procedural burden without the normative framework the circular would otherwise provide.

PROC-REQ-43.18 (same-day emergency assessment): Scale flag: **YES.** The Anchor Document's single-specialist bottleneck findings confirm that emergency-speed service obligations are structurally impossible to guarantee in small offices where coverage collapses during absences (Løten, Nav Vefsna, Sveio, Nes, Hole). A same-day processing norm presupposes staff availability that micro-offices cannot guarantee. No circular authority compounds the burden.

PROC-REQ-43.19 (document barnets beste): Scale flag: **YES.** Directly confirmed by the Anchor Document's Child Perspective Documentation Cluster (Cluster 3 in both §17/§18 memos): "[D] Systematic written mapping of children's needs in journal notes" and "[D] Individual, concrete assessments of children visible in every decision" appear in findings from more than 15 municipalities. The finding that "caseworkers verbally know what they should do but fail to document it" is structurally replicated here. No circular authority means the burden falls outside any regulatory framework § 43 provides.

PROC-REQ-43.20 (barnets beste institutional development): Scale flag: **YES.** The Anchor Document's internal control cluster (Cluster 2) confirms that institutional development obligations presuppose organizational capacity for dedicated quality-assurance functions that micro-offices do not have. A Kommunebrev instruction to municipalities to develop internal practice guidelines for barnets beste-vurderinger in saksbehandling assumes administrative differentiation that small NAV offices structurally cannot support. No circular authority.

DOC-REQ-43.4 (written documents — specific types): Scale flag: **PARTIAL.** The Anchor Document's [D] findings confirm that standardized documentation checklists produce compliance failures in small offices that process diverse cases too rarely to maintain the pipeline. The enumeration of specific document types (lønnsslipp, husleiekontrakt, saldoutskrift, likning) creates a documentation list that functions as a de facto standard, regardless of the circular's qualifier about individual cases.

DOC-REQ-43.5 (file notation for personal information): Scale flag: **NO.** This requirement reduces documentation burden by permitting file notation as sufficient for dignitary information. It does not presuppose scale.

DOC-REQ-43.6 (file notation when impossible): Scale flag: **NO.** This is a relief provision, not a burden. No scale flag.

DOC-REQ-43.8 (user procures own documentation): Scale flag: **NO.** Allocates primary responsibility to the user, reducing rather than creating institutional burden.

DOC-REQ-43.10 (neutral writing about child): Scale flag: **YES.** Directly linked to the Anchor Document's Child Perspective Documentation Cluster. The obligation to maintain a specific tone and scope in child-related file notes goes beyond what generalist caseworkers in small offices can reliably maintain without specialized training. No circular authority means the burden is imposed without normative framework.

DOC-REQ-43.11 (individual documentation method assessment): Scale flag: **YES.** The Anchor Document documents repeated findings of municipalities sanctioned for failing to conduct individualized assessments of how information should be recorded. The obligation to perform a separate, concrete documentation-methodology assessment for each case creates a [D]+[K] compound burden in small offices. No circular authority.

DOC-REQ-43.12 (record oral applications): Scale flag: **YES.** The Anchor Document's [P] Procedural Continuity findings explicitly identify "registration of oral applications as formal applications in the case system" as one of the most frequently failed procedural requirements across the dataset, appearing in findings from Skaun, Høyanger, Verdal, Sogndal, and others. This requirement — derived from a § 17 veileder and applied to the § 43 context — imposes a burden confirmed as a dominant volume driver. No circular authority.

STEP 4 — PURPOSE CLASSIFICATION

PROC-REQ-43.1: [USER NEED] — Collaborative collection directly serves user autonomy, dignity, and participation rights. The source instrument's language ("retten til brukermedvirkning," "tillit, og ikke mistenkeliggjøring og kontroll") establishes the user-protective rationale as primary.

PROC-REQ-43.2: [USER NEED] — Adequate case investigation is the precondition for a legally sound and substantively correct decision. Serves the user's right to a fair assessment.

PROC-REQ-43.3: [MIXED] — Primary purpose is user legal security (ensuring the assessment is substantively complete). Secondary purpose is internal control (enabling oversight and audit of whether hjelpebehov was established). The documentation obligation per se serves audit more than the user; the *assessment* obligation serves the user.

PROC-REQ-43.4: [MIXED] — Documentation of oppholdsstatus is necessary to apply the correct legal framework to the user's case (user need). However, the requirement that it exist as a documented record in the case file primarily serves audit and oversight (internal control). The assessment is user-serving; the documentation is control-serving.

PROC-REQ-43.5: [USER NEED] — Consent as main rule for information gathering directly protects user autonomy and privacy. No internal control dimension identified.

PROC-REQ-43.6: [USER NEED] — Mandatory individualization serves the user by preventing standardized information demands that may not fit individual circumstances. However, conversion of the statutory discretionary standard to an absolute ("alltid") obligation exceeds what the law requires, and that excess serves consistency-verification (internal control) rather than the user. Classification: **[MIXED]** — user-need primary; internal control secondary (through the absolute formulation).

PROC-REQ-43.7: [USER NEED] — Data minimization and proportionality in information gathering directly protect user privacy and dignity. No internal control function.

PROC-REQ-43.8: [USER NEED] — The prohibition on routine bank statement demands protects user privacy and prevents over-collection. Serves the user's data protection interest.

PROC-REQ-43.9: [USER NEED] — The pre-submission redaction right directly serves user privacy and data autonomy. The source instrument's framing ("store mengder personlig informasjon," "ikke relevant for Nav-kontorets behandling") identifies user privacy as the exclusive rationale.

PROC-REQ-43.10: [MIXED] — Written documentation serves user legal security (the source instrument explicitly states: "Skriftlighet sikrer tjenestemottakers rettsikkerhet og muliggjør at behovsvurderingen i saken kan overprøves og kontrolleres"). However, the overprøving and kontrollfunksjon primarily serves the internal administrative control system. User legal security is primary; internal control (audit trail, appeal capacity, supervision compliance) is a substantial secondary function.

PROC-REQ-43.11: [USER NEED] — The probability-based assessment obligation directly protects the user from having their application dismissed solely on account of missing documentation they cannot provide.

PROC-REQ-43.12: [INTERNAL CONTROL] — The obligation to record oral information from third parties in the case file primarily serves documentation completeness for audit and oversight purposes. The source instrument provides no user-facing rationale for this requirement. The user's interest is served by the underlying information-gathering, not by its formal recording.

PROC-REQ-43.13: [MIXED] — Informing the user of information requirements serves user participation (user need, primary). The "ha forstått" escalation — verified comprehension — creates a documentation obligation that primarily serves the authority's ability to demonstrate it provided adequate guidance (internal control, secondary). The user benefit is real; the verification element serves audit.

PROC-REQ-43.14: [USER NEED] — The prohibition on pressure for consent directly protects user autonomy. The user's voluntary consent must be genuine. No internal control function.

PROC-REQ-43.15: [USER NEED] — Absolute protection of user privacy against unauthorized third-party information gathering. No internal control function.

PROC-REQ-43.16: [USER NEED] — Active engagement in the mapping process serves the user's interest in having their needs identified. The Veileder's rationale ("avdekket hva brukeren har behov for") is explicitly user-benefit oriented.

PROC-REQ-43.17: [MIXED] — Early clarification of need-duration serves both case planning (internal management) and user expectations (user transparency). However, the requirement as framed ("søke å avklare") primarily serves the office's ability to plan service provision and resource allocation. Internal management is primary; user transparency is secondary.

PROC-REQ-43.18: [USER NEED] — Same-day emergency assessment directly serves the user in an acute situation. The rationale is entirely user-protective.

PROC-REQ-43.19: [MIXED] — Documentation of barnets beste-vurderinger ostensibly serves the child's legal security (user need) by enabling review and appeal. However, the framing ("For at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene") identifies the primary purpose as enabling external review and internal control of whether the assessment was conducted — this is an audit function, not a direct user-benefit function. Internal control is primary; user-adjacent protection is secondary.

PROC-REQ-43.20: [INTERNAL CONTROL] — The Kommunebrev instruction to municipalities to develop institutional practice for barnets beste-vurderinger in saksbehandling is entirely an institutional development and internal governance obligation. It creates no direct benefit for any individual user. The source instrument's framing ("oppfordrer kommunen til å arbeide med å tydeliggjøre") is directed at organizational process development, not user outcomes.

DOC-REQ-43.4: [MIXED] — The main rule of written documentation in standard form serves user legal security (primary) and internal audit (secondary). However, the enumeration of specific document types (lønnsslipp, husleiekontrakt, saldoutskrift, likning) functions as a standardized checklist that serves administrative consistency and audit over individual user circumstances. The list element serves internal control; the principle element serves the user.

DOC-REQ-43.5: [USER NEED] — This relief provision directly serves user dignity by permitting personal information to be accepted without extensive documentation demands. The source instrument's framing ("fornærmende å skulle dokumentere") is user-protective.

DOC-REQ-43.6: [USER NEED] — Accommodation when documentation is impossible or unreasonably difficult directly serves the user by preventing application denial solely on documentary grounds. No internal control function.

DOC-REQ-43.8: [USER NEED] — Allocation of primary documentation responsibility to capable users supports user agency and the right to control one's own case preparation. No internal control function identified.

DOC-REQ-43.10: [MIXED] — The neutrality and minimality requirements for child-related file notes ostensibly protect the child from stigmatizing documentation (user-adjacent protection). However, the framing ("for å vise at vi har tatt tilstrekkelig hensyn") is explicitly

about demonstrating compliance to external reviewers — an internal control function. The requirement primarily serves audit and inspection compliance; the child's data protection interest is secondary.

DOC-REQ-43.11: [INTERNAL CONTROL] — A specific, mandatory individualized assessment of *how* to document gathered information goes beyond what serves the user and creates a procedural overhead obligation whose primary function is to produce a documented methodology trail for audit purposes. The user's interest is in having information gathered appropriately, not in the authority's documentation of its own documentation choices.

DOC-REQ-43.12: [INTERNAL CONTROL] — Recording oral applications in the formal case system serves procedural completeness for administrative tracking and audit purposes. The user's interest is in having the application processed; the recording obligation serves the authority's capacity to demonstrate that processing occurred.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [INTERNAL CONTROL] or [MIXED] are analyzed here. Requirements classified as [USER NEED] are noted with confirmation of no burden identification.

PROC-REQ-43.1 [USER NEED]: No transaction cost burden identified.

PROC-REQ-43.2 [USER NEED]: No transaction cost burden identified.

PROC-REQ-43.3 [MIXED]: The caseworker must ensure that the case file contains specific documented evidence that hjelpebehov was assessed. In practice, this creates a documentation obligation separate from the assessment itself: the caseworker must not only form a view of the user's need but must also produce a written record demonstrating that view was formed on the basis of documented information. In small offices, this creates a paperwork layer on top of the assessment that presupposes time and back-office support. This constitutes **Documentation Inflation**.

PROC-REQ-43.4 [MIXED]: The caseworker must ensure that oppholdsstatus is documented in the case file, typically by obtaining and filing evidence of the user's residency status before a decision is made. For most users this is procedurally straightforward, but for complex residency situations (EØS citizens, refugees, persons without fixed domicile), the obligation creates a competence and documentation burden. The Anchor Document's EØS residence findings (latent driver) are analogous. **Documentation Inflation**.

PROC-REQ-43.6 [MIXED]: The caseworker must conduct and be prepared to demonstrate that a specific individualized assessment of information needs was performed for each case, rather than applying a standardized intake protocol. This eliminates efficiency gains from standardization and requires caseworkers to revisit the information-assessment rationale in each case file. For offices processing high caseloads, this creates per-case procedural

overhead with limited user benefit beyond what a well-designed standard intake would already achieve. **Documentation Inflation + Procedural Duplication** (the individualization assessment replicates the general assessment obligation).

PROC-REQ-43.10 [MIXED]: The caseworker must ensure all case information exists in written form, which requires active documentation of information received verbally, in informal settings, or through personal knowledge of the user. In small offices where caseworkers know users personally, this transforms informal knowledge into formal documentation obligations. The Anchor Document confirms: "caseworkers knew more about the users' situations than the journals reflected" — a structural pattern confirmed across more than 40 municipalities. **Documentation Inflation**.

PROC-REQ-43.12 [INTERNAL CONTROL]: The caseworker must create a written record ("nedtegnelse i saken") for every item of oral information gathered from third parties (samarbeidspartnere, employers, landlords, etc.). This requires an active documentation step after every information-gathering conversation — a micro-task that compounds across a high-caseload environment. The source instrument provides no user-facing rationale; the obligation serves the audit trail. **Documentation Inflation.** This requirement is present in the circular, so it falls within the circular's normative framework, but its legal basis in the statute is only partial.

PROC-REQ-43.13 [MIXED]: The caseworker must not only provide information about case requirements but must verify that the user has understood ("ha forstått") what is needed. In practice, this creates an obligation to record that comprehension was verified — either through a documented conversation note or a signed acknowledgment. The transaction cost is twofold: the interaction itself (user communication) has a user-need basis; the documentation that comprehension occurred (audit trail) creates an **Internal Control** burden. **Documentation Inflation**.

PROC-REQ-43.17 [MIXED] — NO CIRCULAR AUTHORITY: The caseworker must, early in the mapping phase, seek to establish and record the expected duration of the user's assistance need. This requires a forward-planning conversation and notation that goes beyond what the immediate case assessment requires. Because this obligation has no circular authority, caseworkers must comply with an obligation that the primary normative instrument governing their work under § 43 does not address. The transaction cost is imposed by a veileder without the circular providing any guidance on scope, proportionality, or method. **Procedural Duplication** (replicates elements of the general assessment obligation without adding substance) + **Documentation Inflation**.

PROC-REQ-43.19 [MIXED] — NO CIRCULAR AUTHORITY: The caseworker must produce a formal written documentation of the barnets beste-vurdering in every case involving children, in a form sufficient to enable external review. In practice, this requires a structured note or decision section demonstrating that the child's interests were assessed, what factors were considered, and how they were weighted. This is a substantial documentation task that the Anchor Document's Child Perspective Cluster confirms as a primary source of compliance failures in small offices. Because this obligation has no circular authority under § 43, caseworkers must comply with an obligation that the circular framework does not address, leaving no guidance on scope, sufficiency, or method. **Documentation Inflation +**

Structural Disproportionality (the documentation standard presupposes specialized child welfare competence not universally available in small generalist offices).

PROC-REQ-43.20 [INTERNAL CONTROL] — NO CIRCULAR AUTHORITY: The municipality must invest internal management capacity in developing explicit institutional guidelines for how barnets beste-vurderinger are used in saksbehandling. This is a management-level obligation that requires convening meetings, drafting procedures, and documenting institutional commitments. In small offices where the NAV leader is simultaneously caseworker, approver, and quality controller, this obligation competes directly with frontline service delivery for limited management time. Because this obligation has no circular authority, NAV leaders must respond to a Kommunebrev directive that the circular governing § 43 practice does not address, with no regulatory framework specifying what "tydeliggjøring" requires. **Reporting Overhead + Structural Disproportionality**.

DOC-REQ-43.4 [MIXED]: The caseworker must ensure that the information gathered satisfies the main-rule standard of written documents (lønnsslipp, husleiekontrakt, saldoutskrift, likning), and must document individually why any deviation from the written-document rule is justified. The enumeration of specific document types functions as a de facto checklist even where the circular states it applies individually, creating a standardized compliance demonstration burden. **Documentation Inflation**.

DOC-REQ-43.10 [MIXED] — NO CIRCULAR AUTHORITY: The caseworker must ensure that all written references to children in the case file are neutrally descriptive and limited to what is "strictly necessary" for demonstrating that barnets beste was considered. In practice, this requires caseworkers to review, and potentially revise, all child-related notations for tone and content before filing. Because this obligation has no circular authority, caseworkers must apply a veileder standard that the circular governing § 43 does not address, with no regulatory guidance on what "nøytralt beskrivende" requires in practice. **Documentation Inflation**.

DOC-REQ-43.11 [INTERNAL CONTROL] — NO CIRCULAR AUTHORITY: The caseworker must conduct and be able to demonstrate a specific, concrete, individualized assessment of *how* the information in the case will be documented, as a step separate from documenting the information itself. This creates a meta-documentation obligation — documentation about documentation decisions — whose transaction cost falls entirely without any framework the circular provides guidance for. The Anchor Document's [D] findings confirm that this type of process-within-a-process obligation is among the most frequently failed documentation requirements. **Documentation Inflation + Procedural Duplication**.

DOC-REQ-43.12 [INTERNAL CONTROL] — NO CIRCULAR AUTHORITY: The caseworker must formally record oral applications in the case management system as distinct administrative acts separate from the substantive case file. This creates a procedural trigger (any oral inquiry must be evaluated for whether it constitutes an application requiring formal registration) and a documentation step for every qualifying interaction. The Anchor Document explicitly identifies this requirement — "the registration of oral applications as formal applications in the case system" — as one of the most frequently sanctioned procedural requirements in the entire supervision dataset, appearing across Skaun, Høyanger, Verdal, Sogndal, and others. Because the source instrument is a veileder for § 17

applied in the § 43 context, caseworkers must comply with an obligation that both the circular governing their work and the statutory provision they are operating under fail to address. **Documentation Inflation + Procedural Duplication + Structural Disproportionality** (presupposes case management system fluency and back-office support that small offices lack).

Requirements classified as [USER NEED] with no burden identified: PROC-REQ-43.1, 43.2, 43.5, 43.7, 43.8, 43.9, 43.11, 43.14, 43.15, 43.16, 43.18, DOC-REQ-43.5, DOC-REQ-43.6, DOC-REQ-43.8

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 43 / PROC-REQ-43.1 **PROVISION TEXT:** Information shall, as far as possible, be gathered in collaboration with the user or in a manner ensuring the user is aware of the collection. **SOURCE INSTRUMENT:** Circular R-35, § 43 (circular provision reproducing statutory text) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — statutory text reproduced verbatim; the requirement directly expresses the statutory provision. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — protects user autonomy, participation rights, and trust-based relationship with NAV. Source framing: "et godt samarbeid mellom Nav-kontoret og tjenestemottaker bygger på tillit, og ikke mistenkeliggjøring og kontroll." **BURDEN DESCRIPTION:** No transaction cost burden identified. This requirement imposes no documentation or reporting obligation; it governs the *manner* of information gathering in the user's interest. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority, proportionate purpose. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.2 **PROVISION TEXT:** The NAV office shall ensure that the case is as fully investigated as possible before a decision on services is made. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — operationalizes the general administrative investigation duty in forvaltningsloven § 17 as applied to the social services context. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — the obligation to fully investigate the case directly serves the quality and legal security of the user's assessment. **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a substantive assessment standard, not a documentation or reporting obligation. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.3 **PROVISION TEXT:** The case file must contain information documenting whether the user has a help need or not. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL**

AUTHORITY: PARTIAL — the Social Services Act regulates how information is gathered but does not specify the substantive content or required documentation format for establishing hjelpebehov as a case-file threshold. The documentation obligation is a circular specification. (Process Inflation Finding: "The law strictly regulates how information is gathered but does not specify the substantive content or exact documentation of 'hjelpebehov' that must exist in the file.") **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — structurally analogous to the [D] Documentation Apparatus findings across 40+ municipalities in the Anchor Document. Small offices may assess hjelpebehov competently through personal knowledge without meeting the formal documentation threshold. **PURPOSE:** MIXED — assessment of hjelpebehov serves the user (primary); documentation that the assessment was recorded serves audit and oversight (secondary). **BURDEN DESCRIPTION:** Caseworker must produce written documentation establishing the hjelpebehov conclusion as a documented element of the case file, separate from the assessment itself. Creates a documentation layer atop the substantive assessment. **KILL LIST CLASSIFICATION:** Category C — Clarification: The requirement should make explicit that the form of documentation is at the caseworker's discretion and proportional to the complexity of the case, not a mandatory structured record-keeping obligation separate from the general case file. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 43 / PROC-REQ-43.4 **PROVISION TEXT:** The case file must also contain information documenting the user's residency status and, if relevant, whether the person has fixed domicile in Norway. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — residency and domicile conditions are implicit in the Act's scope provisions, but the Act does not independently mandate that oppholdsstatus must be documented in the case file as a precondition for decision-making. The evidentiary documentation obligation is a circular construction. (Process Inflation Finding: "The law neither requires documentation of oppholdsstatus nor specifies residence-based evidentiary thresholds.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — analogous to the EØS residence assessment latent driver in the Anchor Document. Documentation of complex residency situations requires legal competence that small generalist offices encounter too rarely to sustain. **PURPOSE:** MIXED — documentation of oppholdsstatus is necessary for correct legal processing (user need); the formal file documentation of that assessment serves audit. **BURDEN DESCRIPTION:** Caseworker must obtain and file evidence of residency status before issuing a decision. For straightforward cases this is procedurally minimal; for complex residency situations, it creates a competence and documentation demand. **KILL LIST CLASSIFICATION:** Category C — Clarification: The obligation to document oppholdsstatus should make explicit that the form of documentation is proportional to the complexity of the residency situation, and that the obligation derives from scope provisions rather than a standalone documentation mandate. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 43 / PROC-REQ-43.5 **PROVISION TEXT:** If the NAV office is to gather information, this shall as a main rule be done with the user's consent. **SOURCE**

INSTRUMENT: Circular R-35, § 43, section 5.43.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — directly authorized by and implied from the statutory framework for information gathering and voluntary consent. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — consent as main rule directly protects user autonomy and privacy. **BURDEN DESCRIPTION:** No transaction cost burden identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.6 **PROVISION TEXT:** What information must be obtained in each individual case must always (alltid) be assessed individually based on the user's specific situation and the specific service applied for. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statutory basis for individualized assessment exists, but the absolute formulation ("alltid") converts what is a normative default in the statute into an unqualified mandate that eliminates any residual authority for standardized intake processes. (Process Inflation Finding: "The circular converts the law's permissive discretion over information gathering into a mandatory individualized assessment, eliminating the authority's freedom to use standardized intake criteria.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the obligation to conduct and demonstrate individualized assessment in every case presupposes per-case reflective capacity. The Anchor Document's [K] findings indicate this standard degrades in small offices processing high volumes across multiple service domains. **PURPOSE:** MIXED — individualization serves the user (primary); the absolute formulation creates a consistency-verification obligation that primarily serves internal control (secondary). **BURDEN DESCRIPTION:** Caseworker must produce a demonstrable rationale for the specific information requirements in each case, rather than applying a standard intake checklist. This creates per-case procedural overhead for cases where a well-designed standard intake would serve users equally well. **KILL LIST CLASSIFICATION:** Category B — Status Change: The absolute "alltid" formulation should be reformulated to a permissive/default standard ("som utgangspunkt") that restores local discretion to use standardized intake processes where individually appropriate, in alignment with the statutory baseline. **TRANSACTION COST CATEGORY:** Documentation Inflation + Procedural Duplication

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REQUIREMENT ID: § 43 / PROC-REQ-43.7 **PROVISION TEXT:** No more information than necessary shall be gathered. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 43 does not contain an explicit data minimization provision. The principle derives from general privacy law (including GDPR) and proportionality norms, not from the text of § 43. (Process Inflation Finding: "The law itself does not contain an explicit data minimization requirement.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this is a ceiling on demands, not a burden. It reduces rather than creates transaction cost. **PURPOSE:** USER NEED — data minimization directly protects user privacy and prevents over-collection. **BURDEN DESCRIPTION:** No transaction cost burden identified. This requirement reduces the burden on users and caseworkers. **KILL LIST CLASSIFICATION:**

Category C — Clarification: The circular should make explicit that this requirement derives from general privacy law principles (and GDPR as applicable) rather than from § 43 per se, to prevent misapplication or misidentification of the legal basis for challenges.
TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 43 / PROC-REQ-43.8 **PROVISION TEXT:** Bank statements cannot be demanded as a routine matter. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — the Act authorizes requesting information but contains no specific restriction on the routine demand for bank statements. The restriction derives from privacy principles elaborated in the circular without textual anchor in § 43. (Process Inflation Finding: "The law authorizes requesting information but contains no specific restriction on demanding routine bank statements.") **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this is a user-protective ceiling on demands. **PURPOSE:** USER NEED — the prohibition protects user privacy. Source framing: "store mengder personlig informasjon, og mye av dette er ikke relevant for Nav-kontorets behandling av saken." **BURDEN DESCRIPTION:** No transaction cost burden identified. This requirement restricts administrative demands on users. **KILL LIST CLASSIFICATION:** Category C — Clarification: Given the absence of direct statutory authority, the circular should make explicit that this restriction derives from general privacy principles and personal data protection law, and that the scope of the restriction is calibrated to proportionality rather than a categorical statutory prohibition. This prevents the restriction from being challenged as without authority while preserving its user-protective function. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.9 **PROVISION TEXT:** The user shall be given the opportunity to redact unnecessary information from bank statements before submitting them to the NAV office. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — the Act establishes a general collaborative approach but contains no authorization for a specific pre-submission document redaction right. (Process Inflation Finding: "The law establishes a general collaborative approach but contains no authorization for, or reference to, a specific pre-submission document redaction right.") **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — a specific procedural sub-step (the offer of redaction opportunity) must be reliably executed before any bank statement is submitted. This is an encounter-frequency dependent procedure that may be inconsistently applied in small offices. **PURPOSE:** USER NEED — the redaction right directly serves user data protection and privacy. Source framing explicitly identifies the user's privacy interest as the rationale. **BURDEN DESCRIPTION:** No transaction cost burden identified from the perspective of the authority — the obligation is to offer the user an opportunity, not to perform an additional documentation act. **KILL LIST CLASSIFICATION:** Category B — Status Change: The absolute "shall be given" formulation, without statutory anchor, uses imperative language that cannot be grounded in § 43. Reformulation to permissive language ("should be given the opportunity, unless the user explicitly waives

this") would restore appropriate discretion while preserving the user-protective norm. Alternatively, the circular should identify the privacy law basis for this specific right. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.10 **PROVISION TEXT:** Information in the case file shall exist in written form, whether as collected documents or as recorded notes in the application or other case documents. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the Act regulates the collection process but not the written form of case file documentation. The skriftlighet requirement is a circular specification. Forvaltningsloven's general archiving principles provide partial support but do not independently mandate this specific form for § 43 case files. (Process Inflation Finding: "The law explicitly regulates the collection process itself, but not the physical or written form of the resulting case file documentation.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — directly linked to the [D] Documentation Apparatus as the dominant empirical mechanism in the Anchor Document (~65 findings). The Anchor Document confirms: "the obligation to translate informal, conversational, and often highly effective social work into a formal bureaucratic paper trail" is the most frequently sanctioned requirement across all social service domains. The pattern "caseworkers knew more about the users' situations than the journals reflected" appears in findings from Nordreisa, Nannestad, Giske, Nav Numedal, Senja, Hjelmeland, Karlsøy, Årdal, Salangen, Vennesla, and Målselv-Bardu. This § 43 requirement is the foundational specification that creates this structural pattern. **PURPOSE:** MIXED — written documentation serves user legal security by enabling review and appeal (primary, explicitly stated in source: "sikrer tjenestemottakers rettsikkerhet og muliggjør at behovsvurderingen i saken kan overprøves og kontrolleres"). The overprøving og kontrollfunksjon is simultaneously an internal control function (secondary). **BURDEN DESCRIPTION:** Caseworker must ensure all case information — including information received verbally, informally, or through personal knowledge — exists in a written case record. In small offices where caseworkers know users personally, this transforms implicit knowledge into an explicit documentation obligation across every case interaction. The Anchor Document's dominant [D] findings confirm this is the structural source of the majority of municipal non-compliance across the dataset. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular should clarify that "skriftlig" includes digital case notes of proportional depth, not a requirement for a distinct documentation act separate from the case processing record, and should make explicit that the standard is functional adequacy for legal review rather than maximum formalization. This would reduce shadow binding without compromising the user-protective core. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 43 / PROC-REQ-43.11 **PROVISION TEXT:** If the user fails to provide the requested documentation, the NAV office shall nonetheless assess the user's needs based on the probability of the information provided. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — the probability assessment correctly operationalizes the mandatory investigation duty. No gap identified. (Process Inflation Finding: "No gap is established; the requirement

correctly specifies a probability assessment methodology that operationalizes the mandatory investigation duty.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — directly protects users who cannot provide requested documentation from having their application dismissed on documentary grounds. **BURDEN DESCRIPTION:** No transaction cost burden identified. This requirement reduces administrative rigidity in the user's favour. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.12 **PROVISION TEXT:** Oral information gathered by the NAV office, for example from cooperative partners, shall be documented by way of recording in the case file. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the Act authorizes gathering information but provides nothing explicitly regarding the format or written documentation of oral information obtained from third parties. (Process Inflation Finding: "The law authorizes gathering information but provides nothing explicitly regarding how to format or record oral information.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — the Anchor Document explicitly identifies "separately journaling all oral applications" and documentation of all oral contact as a dominant [D] mechanism. The structural pattern confirms that this type of micro-documentation obligation compounds across high caseload environments and is a primary source of compliance failures in small offices. **PURPOSE:** INTERNAL CONTROL — the obligation to record oral third-party information in a formal case entry primarily serves the audit trail and administrative accountability, not any direct user interest. No user-benefit rationale is provided in the source instrument. **BURDEN DESCRIPTION:** Caseworker must create a formal written case note after every instance of oral information received from third parties (employers, landlords, medical providers, other agencies). This is a micro-documentation step for each information-gathering interaction, creating cumulative transaction cost across a high-caseload environment. The circular provides the framework for this obligation, but the statute provides only partial support. **KILL LIST CLASSIFICATION:** Category B — Status Change: The mandatory "skal" formulation imposes an absolute documentation obligation for oral third-party information that exceeds the statutory basis. Reformulation to permissive language ("bør dokumenteres, med mindre dette er uforholdsmessig") would restore proportionality and align with the statutory baseline while preserving the record-keeping purpose. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 43 / PROC-REQ-43.13 **PROVISION TEXT:** The user shall be informed about, and shall have understood, what information is necessary to decide the case. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the Act requires that the user have "kjennskap til innhentingen" (awareness). The circular escalates this to active informing ("informert om") and verified comprehension ("ha forstått"), which goes materially beyond the statutory passive-awareness standard. (Process Inflation Finding: "The law only requires passive 'awareness' of gathering, whereas the circular escalates this by mandating active informing and verified user comprehension.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY**

ERROR: NO **SCALE FLAG:** PARTIAL — verified comprehension creates a per-case interaction and documentation standard that presupposes time and caseworker capacity. The Anchor Document's [K] findings indicate this standard is difficult to maintain in high-volume, generalist environments. **PURPOSE:** MIXED — informing users of information requirements serves user participation (primary). The verified comprehension element creates an audit obligation: the authority must be able to demonstrate it verified the user's understanding, not merely provided information (secondary). **BURDEN DESCRIPTION:** Caseworker must ensure and document that the user not only received but understood information about what is needed. In practice this requires a communication record demonstrating confirmed comprehension, adding a verification layer to the standard user communication obligation. **KILL LIST CLASSIFICATION:** Category B — Status Change: The "ha forstått" (has understood) element goes beyond the statutory basis and imposes a verification obligation that transforms a user communication duty into a demonstrated-comprehension obligation. The formulation should be revised to reflect the statutory standard of ensuring the user is adequately informed, with "ha forstått" recast as an aspiration ("bør ha forstått") rather than a mandatory threshold. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 43 / PROC-REQ-43.14 **PROVISION TEXT:** The NAV office does not have the authority to set conditions or in any other way apply pressure for the user to sign a consent declaration. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.6 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the voluntary-consent framework implies a prohibition on coercion, but the specific prohibition on conditions and pressure is not textually grounded in § 43 or any adjacent provision. (Process Inflation Finding: "The law implies voluntary consent through its framework, but the specific prohibition on applying pressure or conditions is not textually grounded in the statute.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — the prohibition on coercion directly protects user autonomy and the voluntary character of consent. **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a prohibition on an authority action, not a documentation or procedural obligation on the caseworker. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular should identify the implied statutory basis (the voluntary-consent framework) and, if relevant, reference the forvaltningsloven provisions on coercion and unlawful pressure, to ensure the prohibition rests on identified legal foundations rather than circular specification alone. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.15 **PROVISION TEXT:** Information shall never be gathered from private institutions or persons who do not perform tasks for the public sector without the user's consent. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.7 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — purely private parties are entirely excluded from the scope of the statutory permissive authority for information gathering. No gap identified. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — absolute protection of user privacy against unauthorized third-party information gathering. **BURDEN DESCRIPTION:** No transaction

cost burden identified. This is a prohibition that restricts authority actions. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.16 **PROVISION TEXT:** The NAV office must be active in the mapping process in order to uncover what the user needs. **SOURCE INSTRUMENT:** Veileder om økonomisk stønad **CIRCULAR AUTHORITY:** ABSENT — FIRST-ORDER AUTHORITY GAP. This requirement operates entirely outside the circular framework governing § 43. **LEGAL AUTHORITY:** YES — the directive to be active in the kartleggingsprosessen correctly operationalizes the mandatory administrative investigation duty under forvaltningsloven § 17. Despite operating outside the circular, the statutory basis is sound. **DOUBLE AUTHORITY GAP:** NO (statutory authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — analogous to the active outreach / oppsøkende virksomhet driver classified as a latent volume driver in the Anchor Document. Active mapping is inherently a higher-capacity function than passive intake; in small generalist offices, proactive mapping competes with reactive case processing for limited caseworker time. **PURPOSE:** USER NEED — active engagement in mapping directly serves the user's interest in having their needs identified and addressed comprehensively. **BURDEN DESCRIPTION:** No transaction cost burden identified in terms of internal control. However, the absence of circular guidance means caseworkers must fulfil an active mapping obligation that the primary normative instrument governing their § 43 practice does not address, provide guidance on, or delimit in scope. The room for maneuver in this obligation is entirely invisible from the circular. **KILL LIST CLASSIFICATION:** Category C — Clarification: This requirement should be integrated into the circular framework for § 43, or the circular should cross-reference the veileder explicitly, to prevent caseworkers from operating under an obligation without regulatory guidance on its scope and limits. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / PROC-REQ-43.17 **PROVISION TEXT:** The NAV office should (bør) initially in the mapping phase seek to clarify how long the user will need assistance from NAV. **SOURCE INSTRUMENT:** Veileder om økonomisk stønad **CIRCULAR AUTHORITY:** ABSENT — FIRST-ORDER AUTHORITY GAP. **LEGAL AUTHORITY:** NO — the Act does not specify the sequence or content of the mapping process. No provision requires early clarification of expected duration of need. (Process Inflation Finding: "The law does not specify the sequence or content of the mapping process, nor does it require early clarification of need duration.") **DOUBLE AUTHORITY GAP:** YES — no circular authority AND no statutory authority. **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — sequence-mandating obligations that must be executed early in the case process create procedural continuity burdens ([P]) when triggered rarely. The Anchor Document's [P] findings confirm that procedural pipeline requirements fail when encounter frequency is too low. **PURPOSE:** MIXED — early duration clarification may inform case planning (internal management, primary) and user expectations (secondary). **BURDEN DESCRIPTION:** Caseworker must conduct a specific early-phase conversation and notation regarding anticipated duration of need, as an additional structured element of the mapping process.

Because this obligation has no circular authority, caseworkers must comply with a planning requirement that the primary normative instrument governing their § 43 work does not address, without guidance on what "avklare" requires or how to handle cases where duration is indeterminate. The transaction cost falls entirely outside any framework the circular provides. **KILL LIST CLASSIFICATION:** Category A — Removal: Double authority gap. The requirement lacks both circular authority and statutory authority in the Social Services Act. Its primary function (case planning and resource forecasting) serves internal management rather than the user's immediate need for assistance. As a planning instrument, it belongs in a case management guideline rather than in the normative framework governing information gathering under § 43. **TRANSACTION COST CATEGORY:** Procedural Duplication + Documentation Inflation

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REQUIREMENT ID: § 43 / PROC-REQ-43.18 **PROVISION TEXT:** If the inquiry concerns help in an emergency situation, the application must be assessed quickly, preferably on the same day. **SOURCE INSTRUMENT:** Veileder om økonomisk stønad **CIRCULAR AUTHORITY:** ABSENT — FIRST-ORDER AUTHORITY GAP. **LEGAL AUTHORITY:** NO — the Act contains no emergency clause, processing timeline, or special procedural rule for acute situations. (Process Inflation Finding: "The law contains no emergency clause, processing timeline, or special procedural rule for acute situations.") **DOUBLE AUTHORITY GAP:** YES — no circular authority AND no statutory authority in § 43. **CATEGORY ERROR:** NO **SCALE FLAG:** YES — emergency processing capacity is structurally impossible to guarantee in small offices during absences. The Anchor Document's single-specialist bottleneck findings confirm that processing-speed obligations collapse when coverage is thin. A "same day" norm presupposes staffing availability that micro-offices cannot guarantee structurally. **PURPOSE:** USER NEED — the same-day norm directly serves users in acute need. The rationale is entirely user-protective and substantively sound. **BURDEN DESCRIPTION:** Despite being a user-protective obligation, the absence of circular authority means this critical procedural norm operates without regulatory framework. NAV offices cannot locate the obligation in their primary normative instrument and have no guidance on what constitutes an "emergency situation" within the § 43 context. The scale burden — inability to guarantee same-day processing in small offices with thin coverage — is imposed by a veileder without the circular providing any framework for compliance, prioritization, or exceptions. **KILL LIST CLASSIFICATION:** Category B — Status Change: The substantive norm (emergency situations require rapid processing) is sound and user-protective. However, given that the Act provides no emergency clause, the imperative formulation ("must be assessed... preferably same day") should be repositioned within the circular framework itself, with reformulation to reflect the obligation's character as a strong professional standard rather than an absolute legally-binding procedural rule whose non-compliance carries supervisory consequences. Critically, the scope of what constitutes "nødsituasjon" within the § 43 context must be defined. **TRANSACTION COST CATEGORY:** Structural Disproportionality

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REQUIREMENT ID: § 43 / PROC-REQ-43.19 **PROVISION TEXT:** For others to be able to see what assessments have been made and to have the opportunity to review them, the

barnets beste-vurderingene must be documented. **SOURCE INSTRUMENT:** Barnets beste — veileder **CIRCULAR AUTHORITY:** ABSENT — FIRST-ORDER AUTHORITY GAP. **LEGAL AUTHORITY:** NO — § 43 contains no provision authorizing or requiring documentation of barnets beste-vurderinger. While barnekonvensjonen Article 3 and Grunnloven § 104 establish the substantive principle, neither creates a documentation obligation of this specific character in the § 43 context. (Process Inflation Finding: "The law explicitly lacks any provision authorizing or requiring documentation of the 'best interests of the child' assessment.") **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** YES — directly confirmed by the Anchor Document's Child Perspective Documentation Cluster (Cluster 3). The obligation to systematically document barnets beste assessments in writing appears in findings from more than 15 municipalities, with consistent pattern: "caseworkers verbally conducted the assessments while failing to document them." The Anchor Document confirms this is a high-scale-impact driver combining [D] + [K] + [S] mechanisms. **PURPOSE:** MIXED — documentation of barnets beste-vurderinger may support the child's legal security (user-adjacent, secondary). The framing of the source instrument ("for at andre skal kunne se... ha mulighet for å etterprøve") is explicitly audit and oversight oriented: the primary purpose is enabling external review of whether the assessment was conducted, not directly serving the child. Internal control is primary. **BURDEN DESCRIPTION:** Caseworker must produce, in each case involving children, a written documentation of barnets beste-vurderingen in a form sufficient to enable external review and verification. This requires a structured written section — separate from the general case assessment — demonstrating what factors were considered and how they were weighted for the child's interests. Because this obligation has no circular authority under § 43, caseworkers must comply with a documentation mandate that the primary normative instrument governing their work does not address, leaving no regulatory framework specifying scope, form, or sufficiency standard. The Anchor Document confirms this is a dominant source of compliance failures in small offices. Combined [D] + [K] mechanism burden. **KILL LIST CLASSIFICATION:** Category B — Status Change: The mandatory documentation obligation for barnets beste-vurderinger belongs in a normative instrument with clear statutory anchoring or should be reformulated to reflect the permissive "bør" register, restoring local discretion on documentation format and depth while acknowledging that the substantive assessment obligation derives from constitutional and convention sources. As a "shall" obligation in a veileder without circular or statutory authority, this requirement constitutes shadow binding at its most structurally consequential. **TRANSACTION COST CATEGORY:** Documentation Inflation + Structural Disproportionality

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REQUIREMENT ID: § 43 / PROC-REQ-43.20 **PROVISION TEXT:** The Directorate therefore encourages municipalities to work on clarifying how barnets beste-assessments should be used in case processing. **SOURCE INSTRUMENT:** Kommunebrev 2025 **CIRCULAR AUTHORITY:** ABSENT — FIRST-ORDER AUTHORITY GAP. **LEGAL AUTHORITY:** NO — the Act provides no textual basis for an institutional development recommendation addressed to municipalities regarding their internal practice for barnets beste-vurderinger in saksbehandling. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** YES — the Anchor Document's internal control apparatus findings (Cluster 2) confirm that institutional development obligations presuppose organizational differentiation — a quality-assurance tier separate from frontline casework — that small NAV offices structurally

cannot support. The Kommunebrev instruction to develop explicit internal guidelines falls on municipalities where the NAV leader is simultaneously caseworker, approver, and quality controller. No circular framework exists for this obligation within § 43. **PURPOSE:** INTERNAL CONTROL — entirely an institutional development and internal governance obligation. Creates no direct benefit for individual users. Source framing ("oppfordrer kommunen til å arbeide med å tydeliggjøre") is directed at organizational process development, not user outcomes. **BURDEN DESCRIPTION:** Municipal NAV leaders must invest management capacity in developing documented institutional guidelines for how barnets beste-vurderinger are used in saksbehandling routines. In small offices, this obligation competes directly with frontline service delivery for the limited management time available. The obligation to demonstrate institutional progress creates a reporting overhead to the Directorate. Because this obligation operates entirely outside the circular framework for § 43, NAV leaders must respond to a Kommunebrev directive without any regulatory guidance from the normative instrument that governs their daily work. **KILL LIST CLASSIFICATION:** Category A — Removal: Double authority gap. The requirement lacks both circular authority and statutory authority in the Social Services Act. As an institutional development instruction, it derives its operative force from a Kommunebrev — a soft-law instrument issued at the Directorate's discretion — without statutory mandate. The obligation should be removed from the social services normative framework under § 43 and, if the institutional development intent is to be preserved, addressed through a separate, appropriately grounded capacity-building mechanism with proportionate expectations for small offices. **TRANSACTION COST CATEGORY:** Reporting Overhead + Structural Disproportionality

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REQUIREMENT ID: § 43 / DOC-REQ-43.4 **PROVISION TEXT:** The main rule is that information necessary for the case shall be in written form, consisting of collected documents such as payslips, lease agreements, balance statements, and tax assessments. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the Act authorizes requesting information but does not specify the required physical form or enumerate recognized document types. (Process Inflation Finding: "The law authorizes requesting information but fails to specify the required form of that information or enumerate specifically named document types.") **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the enumeration of specific document types functions as a de facto checklist in practice, regardless of the circular's caveat about individual assessment. The Anchor Document confirms that standardized documentation checklists produce compliance failures in small offices that process diverse cases too rarely to maintain the full pipeline. **PURPOSE:** MIXED — written documentation in standard form serves user legal security (primary) and internal audit (secondary). The document-type enumeration serves administrative consistency rather than individual user circumstances. **BURDEN DESCRIPTION:** Caseworker must ensure that the case file contains the specified document types as a baseline standard, and must individually justify why a deviation from the list is appropriate in a given case. The enumeration creates an implied checklist burden even where the circular states the assessment is individual. **KILL LIST CLASSIFICATION:** Category B — Status Change: The enumeration of specific document types (lønnsslipp, husleiekontrakt, saldoutskrift, likning) in conjunction with a "main rule" formulation creates a de facto mandatory checklist effect

beyond what the statute supports. The formulation should be revised to present these as *examples* of the kind of documentation that may be relevant, without creating a default checklist that caseworkers must justify deviating from in each case. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 43 / DOC-REQ-43.5 **PROVISION TEXT:** Some information provided by users does not require further documentation beyond recording in the case documents, because it should simply be accepted as correct. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the Act does not explicitly establish differentiated evidentiary thresholds by information type. The classification of certain information as requiring only file notation derives from the circular's interpretation of the assessment duty. However, the underlying principle (certain personal information should not require independent verification) is consistent with the statutory framework's general trust-based approach. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this provision reduces documentation demands. It is a relief provision. **PURPOSE:** USER NEED — directly serves user dignity by permitting personal information to be accepted without extensive documentation demands. Source framing explicitly references "fornærmende å skulle dokumentere" as the rationale. **BURDEN DESCRIPTION:** No transaction cost burden identified. This requirement reduces documentation obligations for both users and caseworkers. **KILL LIST CLASSIFICATION:** No Kill List Action — the provision serves users and reduces burden. The partial statutory basis is adequate for a protective provision. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / DOC-REQ-43.6 **PROVISION TEXT:** It is also sufficient that information that is impossible or unreasonably difficult to obtain documentation for is recorded in the case documents. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — the provision directly applies the Act's own "så langt som mulig" qualifier to documentation realities. No gap identified. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — a relief provision. **PURPOSE:** USER NEED — directly serves users who cannot obtain formal documentation (inaccessible public documents, refusals by third parties). Prevents denial on documentary grounds where documentation is structurally unavailable. **BURDEN DESCRIPTION:** No transaction cost burden identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / DOC-REQ-43.8 **PROVISION TEXT:** Users who are able to manage their own interests shall, as a main rule, themselves obtain and document the information necessary for the NAV office to assess their needs. **SOURCE INSTRUMENT:** Circular R-35, § 43, section 5.43.2.5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — this allocation of responsibility is directly rooted in the statutory preparatory works and the general structure of the Act. **DOUBLE AUTHORITY GAP:** NO

CATEGORY ERROR: NO **SCALE FLAG:** NO — allocates primary responsibility to the user, reducing rather than creating institutional burden. **PURPOSE:** USER NEED — supports user agency and the right to control one's own case preparation. **BURDEN DESCRIPTION:** No transaction cost burden identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 43 / DOC-REQ-43.10 **PROVISION TEXT:** What is written about the child in the case should (bør) be neutrally descriptive and limited to what is strictly necessary to demonstrate that sufficient consideration has been given to the child's best interests. **SOURCE INSTRUMENT:** Barnets beste — veileder **CIRCULAR AUTHORITY:** ABSENT — FIRST-ORDER AUTHORITY GAP. **LEGAL AUTHORITY:** NO — § 43 contains no provision governing the form, tone, or content restrictions for child-related file recordings. (Process Inflation Finding: "The law entirely fails to address the form or content restrictions of how child-related information must be documented.") **DOUBLE AUTHORITY GAP:** YES — no circular authority AND no statutory authority in § 43. **CATEGORY ERROR:** NO **SCALE FLAG:** YES — directly linked to the Anchor Document's Child Perspective Documentation Cluster. The obligation to maintain specific tone and scope in child-related file notes goes beyond what generalist caseworkers in small offices can reliably achieve without specialized training. The Anchor Document confirms this is a high-frequency compliance failure domain. **PURPOSE:** MIXED — the neutrality and minimality requirements ostensibly protect the child's data rights (user-adjacent, secondary). The framing "for å vise at vi har tatt tilstrekkelig hensyn" is explicitly about demonstrating compliance to external reviewers (primary). Internal control is primary; child data protection is secondary. **BURDEN DESCRIPTION:** Caseworker must review and ensure that all written references to children in the case file satisfy tone (neutral-descriptive) and scope (strictly necessary) requirements. In practice, this requires reviewing child-related notations for compliance with a standard derived from a veileder that the § 43 circular does not mention. Because this obligation has no circular authority, caseworkers must apply a standard that their primary normative instrument does not address. The transaction cost includes both the writing obligation and the self-review obligation before filing. **KILL LIST CLASSIFICATION:** Category B — Status Change: The "bør" (should) formulation in the veileder itself signals non-binding status, but its operational application in supervision and institutional practice converts it to a compliance expectation. Given the double authority gap, the requirement should be reformulated or repositioned to reflect its advisory character and moved into a context where its legal basis (child data protection law, barnekonvensjonen) can be explicitly identified. Its current operation as shadow binding without circular authority is analytically indefensible. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 43 / DOC-REQ-43.11 **PROVISION TEXT:** The NAV office must (må) make a concrete and individual assessment of how the information shall be documented. **SOURCE INSTRUMENT:** Veileder om økonomisk stønad **CIRCULAR AUTHORITY:** ABSENT — FIRST-ORDER AUTHORITY GAP. **LEGAL AUTHORITY:** PARTIAL — the Act provides no methodology for deciding how information should be documented. The obligation to conduct a specific individualized assessment of documentation method is a

veileder construction. (Process Inflation Finding: "The law provides no methodology for documenting gathered information, yet the circular escalates by mandating an individualized assessment of the documentation method itself.") **DOUBLE AUTHORITY GAP:** YES — no circular authority AND only partial statutory authority. **CATEGORY ERROR:** NO **SCALE FLAG:** YES — the Anchor Document confirms that individualized methodology assessment requirements are among the most frequently failed in the dataset. The [D] mechanism is confirmed as dominant precisely in the type of per-case documentation decision-making this requirement mandates. No circular framework exists for this obligation. **PURPOSE:** INTERNAL CONTROL — a specific mandatory assessment of *how* information will be documented is a meta-documentation obligation: documentation about documentation decisions. Its primary function is to produce an auditable methodology trail. No direct user-benefit rationale is identified in the source instrument. **BURDEN DESCRIPTION:** Caseworker must conduct, and be able to demonstrate, a specific individualized assessment of the documentation method for information in each case, as a procedural step separate from the documentation act itself. This creates a meta-documentation obligation — a decision about how to document, documented — whose transaction cost the Anchor Document confirms is significant. Because this obligation has no circular authority, caseworkers must comply with an obligation that the circular governing their § 43 work does not address, without any regulatory guidance on scope, sufficiency, or proportionality. **KILL LIST CLASSIFICATION:** Category A — Removal: Double authority gap. The requirement — a mandatory assessment of documentation methodology, articulated in a veileder using imperative language ("må") without circular or full statutory authority — exceeds what can be grounded in the legal framework. As a pure methodology-audit obligation, it serves internal control without direct user benefit and imposes transaction cost that falls entirely outside any framework the primary normative instrument provides. It should be removed from the operative normative framework for § 43. **TRANSACTION COST CATEGORY:** Documentation Inflation + Procedural Duplication

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REQUIREMENT ID: § 43 / DOC-REQ-43.12 **PROVISION TEXT:** The NAV office has a duty to record oral applications. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 (applied in § 43 context) **CIRCULAR AUTHORITY:** ABSENT — FIRST-ORDER AUTHORITY GAP. **LEGAL AUTHORITY:** NO — § 43 does not address or mandate the recording of oral applications. This requirement derives from a veileder for a different statutory provision (§ 17) and is applied in the § 43 context without any normative instrument for § 43 providing a basis for it. (Process Inflation Finding: "The specific law in question does not address or mandate the recording of oral applications.") **DOUBLE AUTHORITY GAP:** YES — no circular authority AND no statutory authority in § 43. **CATEGORY ERROR:** YES — the source instrument (Veileder til sosialtjenesteloven § 17) is a guidance document attached to a different statutory provision. Its application in the § 43 context constitutes a cross-provision normative error: the instrument governs § 17, not § 43. Caseworkers operating under § 43 are being held to obligations derived from a normative framework for a different provision, neither visible in their circular nor anchored in their statutory authority. **SCALE FLAG:** YES — directly and extensively confirmed in the Anchor Document as one of the most frequently sanctioned procedural requirements across the dataset ([P] Procedural Continuity). Specifically: "the registration of oral applications as formal applications in the case system" is identified as a dominant failure mode in Skaun, Høyanger, Verdal, Sogndal,

and others. As a category error, this burden falls not only outside the § 43 circular framework but outside any normative instrument that governs the § 43 context. **PURPOSE:** INTERNAL CONTROL — recording oral applications in the formal case management system serves administrative tracking and audit purposes. The user's interest is in having the application processed; the recording obligation serves the authority's ability to demonstrate that processing occurred. **BURDEN DESCRIPTION:** Caseworker must evaluate whether any oral inquiry constitutes an application requiring formal case-system registration, and must execute that registration as a distinct procedural step. This creates a procedural trigger and documentation requirement for every qualifying oral interaction. Because the source instrument is a veileder for § 17, not § 43, caseworkers must comply with an obligation that both their circular and their statutory provision fail to address. The category error means there is no normative instrument governing this obligation in the § 43 context that provides scope, proportionality, or exception guidance. The Anchor Document confirms this as a high-frequency compliance driver. **KILL LIST CLASSIFICATION:** Category A — Removal: Double authority gap + category error. The requirement derives from a normative instrument for a different statutory provision, has no circular authority under § 43, and lacks direct statutory authority in § 43. As applied in the § 43 context, it is a category error: caseworkers are being held to obligations from the § 17 normative framework without any instrument within the § 43 framework supporting this. The oral application recording obligation should be removed from the § 43 normative context. If an equivalent obligation is warranted under § 43, it should be articulated in the § 43 circular with a proper statutory anchor.
TRANSACTION COST CATEGORY: Documentation Inflation + Procedural Duplication + Structural Disproportionality

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CLOSING COMPARATIVE NOTE

Total requirements identified from the Process Inflation Findings: 27

Requirements visible from the circular paragraph alone: 19

Requirements invisible from the circular alone (requiring the Process Inflation Findings to identify): 8

Double authority gaps identified (requirement absent from circular AND statutory authority NO or PARTIAL):

- PROC-REQ-43.17 (Veileder, NO statutory)
- PROC-REQ-43.18 (Veileder, NO statutory)
- PROC-REQ-43.19 (Barnets beste veileder, NO statutory)
- PROC-REQ-43.20 (Kommunebrev, NO statutory)
- DOC-REQ-43.10 (Barnets beste veileder, NO statutory)
- DOC-REQ-43.11 (Veileder, PARTIAL statutory)
- DOC-REQ-43.12 (§ 17 Veileder, NO statutory)

Total double authority gaps: 7

Category errors (requirement derives from a different statutory provision's normative instrument):

- DOC-REQ-43.12 (Veileder til sosialtjenesteloven § 17, applied in § 43 context)

Total category errors: 1

Kill List breakdown:

Category	Requirements	IDs
Category A — Removal	4	PROC-REQ-43.17, PROC-REQ-43.20, DOC-REQ-43.11, DOC-REQ-43.12
Category B — Status Change	9	PROC-REQ-43.6, PROC-REQ-43.9, PROC-REQ-43.12, PROC-REQ-43.13, PROC-REQ-43.18, PROC-REQ-43.19, DOC-REQ-43.4, DOC-REQ-43.10, DOC-REQ-43.12 (also Cat. A)
Category C — Clarification	7	PROC-REQ-43.3, PROC-REQ-43.4, PROC-REQ-43.7, PROC-REQ-43.8, PROC-REQ-43.10, PROC-REQ-43.14, PROC-REQ-43.16
No Kill List Action	7	PROC-REQ-43.1, PROC-REQ-43.2, PROC-REQ-43.5, PROC-REQ-43.11, PROC-REQ-43.15, DOC-REQ-43.6, DOC-REQ-43.8

Note: DOC-REQ-43.12 appears in both Category A (removal for category error) and meets Category B criteria (imperative language without authority). Category A takes precedence.

Transaction cost categories by frequency:

Category	Frequency (no. of requirements)
Documentation Inflation	13
Structural Disproportionality	5
Procedural Duplication	4
Reporting Overhead	1

No Transaction Cost Identified 14

Note: Several requirements carry combined burdens; each applicable category is counted. Requirements 43.19, 43.20, DOC-43.12 carry multiple concurrent transaction cost categories.

Analytical synthesis for main report:

The § 43 audit reveals a normative architecture where the circular paragraph itself contains only 19 of the 27 operative requirements caseworkers face in practice — a 30% invisibility rate from the primary instrument alone. More critically, all 8 invisible requirements derive from sub-legal instruments (veileders and a Kommunebrev), and 7 of these 8 constitute double authority gaps: they impose obligations that neither the circular nor the statute directly supports.

The dominant transaction cost driver is **Documentation Inflation**, appearing in 13 of 27 requirements. This pattern is structurally confirmed by the Anchor Document as the single most consequential empirical mechanism across all social service domains — present in approximately 65 supervision findings and accounting for roughly 42% of all mechanism activations. The § 43 audit establishes the normative preconditions for this empirical pattern: the circular and sub-legal instruments collectively construct a documentation apparatus (PROC-REQ-43.3, 43.4, 43.10, 43.12, 43.13, 43.19, DOC-REQ-43.4, 43.10, 43.11, 43.12) that presupposes back-office capacity absent in most Norwegian municipalities.

Four requirements are candidates for complete removal from the § 43 normative framework (Category A). Nine represent imperative formulations whose binding character is unsupported by their legal basis and should be converted to permissive or advisory register (Category B). Seven represent areas where the circular's silence on scope creates shadow binding that structured clarification would resolve (Category C). Only seven of the 27 requirements currently assessed carry unambiguous authority and proportionate purpose with no Kill List action warranted.

SLUDGE AUDIT — § 43 a (Behandling av personopplysninger)

Session Reference: SAR-43a *Working document — Manual legal verification required for all authority determinations*

PRELIMINARY METHODOLOGICAL NOTE

Visibility comparison: Starting from the circular paragraph (§ 43a and 5.43a.1 in the CONTEXT DOCUMENT) alone, **3 requirements** are visible: the general authority to process personal data when necessary (Requirement 1), the GDPR legal basis rule (Requirement 2), and the supplementary national law requirement under Article 6 nr. 3 (Requirement 3).

Starting from the Process Inflation Findings in the REFERENCE DOCUMENT, **15 requirements** are visible — a ratio of 5:1. The circular paragraph accounts for 20% of the operative normative content that caseworkers and NAV leaders are expected to comply with in connection with this provision.

Requirements with no textual presence in the circular (12 of 15):

Req.	Source instrument	Instrument type
4	Barnets beste — veileder	(b) veileder
5	Barnets beste — veileder	(b) veileder
6	Barnets beste — veileder	(b) veileder
7	Samarbeid kriminalomsorgen — NAV	(d) guidance document attached to inter-agency cooperation framework
9	Samarbeid barnevern — NAV	(d) guidance document attached to inter-agency cooperation framework
10	Veileder sosialtjenesteloven § 17	(b) veileder
11	Samarbeid kriminalomsorgen — NAV	(d) guidance document attached to inter-agency cooperation framework
12	Veileder partnerskapsavtalen	(b) veileder (partnership governance domain)
13	Veileder om økonomisk stønad	(b) veileder

14	Veileder til sosialtjenesteloven § 17	(b) veileder
15	Veileder til sosialtjenesteloven § 17	(b) veileder

Requirement 8 (Samarbeid barnevern — NAV) has partial textual alignment with the circular's necessity standard but is sourced from a cooperation guidance document, not the circular itself, and will be treated accordingly.

Structural observation: Every requirement that generates a procedural or documentation obligation in connection with § 43 a originates in a sub-legal instrument — predominantly veilederes — with no anchoring language in the circular. A practitioner reading only the circular would encounter a provision that is almost entirely permissive in structure ("*kan behandle*", "*nødvendig*") and would have no basis for inferring twelve of the fifteen operative requirements identified here. The audit value of the Process Inflation Findings as the reference document rather than the circular is therefore maximal for this paragraph.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 43a-1

Obligation: The municipality, Statsforvalteren, Statens helsetilsyn and Arbeids- og velferdsdirektoratet may process personal data, including special categories under GDPR Articles 9 and 10, when necessary for performance of tasks under the Act. **Source instrument:** Circular R-35, para 5.43a.1 (statutory provision restated) **Explicit/Implicit:** Explicit **Textual presence in circular:** YES

Requirement 43a-2

Obligation: All processing of personal data must have a legal basis to be lawful under the GDPR. **Source instrument:** Circular R-35, para 5.43a.1 (explanatory commentary on GDPR Article 6) **Explicit/Implicit:** Explicit **Textual presence in circular:** YES

Requirement 43a-3

Obligation: Processing under Article 6 nr. 1 (e) requires a supplementary legal basis in national law (Article 6 nr. 3). **Source instrument:** Circular R-35, para 5.43a.1 (explanatory commentary) **Explicit/Implicit:** Explicit **Textual presence in circular:** YES

Requirement 43a-4

Obligation: Caseworkers must apply a special, heightened focus on limiting the volume and scope of information stored in records about individual children. **Source instrument:** Barnets beste — veileder (PROC-REQ 43a.4) **Explicit/Implicit:** Explicit (stated as

bør-language in the veileder, operationally functions as mandatory) **Textual presence in circular:** NO

Requirement 43a-5

Obligation: Written information about children in a case file must be neutrally descriptive in tone and limited to what is strictly necessary to demonstrate that the child's best interests have been adequately considered. **Source instrument:** Barnets beste — veileder (PROC-REQ 43a.5 / DOC-REQ 5.43a.2) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-6

Obligation: Professional IT systems (fagsystemer) must be used in a specific manner that safeguards children's right to privacy during case documentation. **Source instrument:** Barnets beste — veileder (DOC-REQ 5.43a.1) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-7

Obligation: A consent must be voluntary, specific, informed, given unequivocally through active action, and should preferably be in written form. **Source instrument:** Samarbeid kriminalomsorgen — NAV (PROC-REQ 43a.6) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-8

Obligation: Before confidential information may be disclosed, a legal basis or a consent authorizing the disclosure must exist. **Source instrument:** Samarbeid barnevern — NAV (PROC-REQ 43a.7) **Explicit/Implicit:** Explicit **Textual presence in circular:** PARTIAL (the circular's *nødvendig* standard is related but does not directly state the confidentiality disclosure rule)

Requirement 43a-9

Obligation: Even when a legal basis for information exchange exists, caseworkers must systematically attempt to obtain consent first before invoking that legal basis. **Source instrument:** Samarbeid barnevern — NAV (PROC-REQ 43a.8) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-10

Obligation: If the NAV office is to gather information on behalf of a user, the user's consent must be in place before the gathering commences. **Source instrument:** Veileder sosialtjenesteloven § 17 (PROC-REQ 43a.9) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-11

Obligation: Before disclosing information to other public bodies, a concrete, formal assessment of whether disclosure is appropriate must be conducted. **Source instrument:** Samarbeid kriminalomsorgen — NAV (PROC-REQ 43a.10) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-12

Obligation: If one of the two partnership owners imposes stricter security requirements, the NAV leader must ensure those requirements are accommodated in the office's operations. **Source instrument:** Veileder partnerskapsavtalen (PROC-REQ 43a.11) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-13

Obligation: The case file must contain information documenting whether the applicant has a need for assistance. The NAV office must also conduct a concrete individual assessment of how that documentation should be structured. **Source instrument:** Veileder om økonomisk stønad (DOC-REQ 5.43a.5) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-14

Obligation: Oral applications must be recorded in writing. The application date — whether at submission of a written application or when the need was first communicated — must appear in the case file. **Source instrument:** Veileder til sosialtjenesteloven § 17 (DOC-REQ 5.43a.6) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

Requirement 43a-15

Obligation: When a minor seeks the advisory and guidance service, the NAV office must obtain consent from the holder(s) of parental responsibility before the application is processed. That consent should preferably be in written form. **Source instrument:** Veileder til sosialtjenesteloven § 17 (DOC-REQ 5.43a.7) **Explicit/Implicit:** Explicit **Textual presence in circular:** NO

STEP 2 — LEGAL AUTHORITY CHECK

43a-1

Direction 1 — Circular authority: YES. The provision is the statutory text restated in the circular. **Direction 2 — Statutory authority:** YES. Rooted directly in § 43a of sosialtjenesteloven. **Double authority gap:** NO. **Category error:** NO.

43a-2

Direction 1 — Circular authority: YES. Explicitly explained in 5.43a.1. **Direction 2 — Statutory authority:** YES. Derives from GDPR Article 6, which has direct effect in Norwegian law. **Double authority gap:** NO. **Category error:** NO.

43a-3

Direction 1 — Circular authority: YES. Explicitly stated in 5.43a.1 as the applicable GDPR article. **Direction 2 — Statutory authority:** YES. GDPR Article 6 nr. 3 has direct legal effect; § 43a supplies the required supplementary national basis. **Double authority gap:** NO. **Category error:** NO.

43a-4

Direction 1 — Circular authority: NO. The circular contains no child-specific data minimization obligation. First-order authority gap. **Direction 2 — Statutory authority:** PARTIAL. § 43a authorizes data processing generally but does not create a child-specific limiting obligation. The GDPR's general data minimization principle (Article 5(1)(c)) provides partial support, but the specific operational duty stated in the veileder — a heightened case-by-case focus on volume limitation for child records — is not derived from the statute. Process Inflation Finding: "§ 43 a contains no child-specific provision and no explicit data minimization rule; the circular restricts open assessment without textual grounding in the law." **Double authority gap:** YES (circular ABSENT + statutory PARTIAL). **Category error:** NO, but the source is a veileder with no anchoring circular text.

43a-5

Direction 1 — Circular authority: NO. The circular prescribes no content standards for written case records. First-order authority gap. **Direction 2 — Statutory authority:** NO. § 43a "confers general processing authority but does not prescribe content standards or neutrality requirements for written case records regarding children" (Process Inflation Finding). The GDPR's accuracy principle (Article 5(1)(d)) is related but does not dictate tone. **Double authority gap:** YES (circular ABSENT + statutory NO). **Category error:** NO.

43a-6

Direction 1 — Circular authority: NO. The circular says nothing about IT system usage methods. First-order authority gap. **Direction 2 — Statutory authority:** NO. "The statute leaves the method of processing open" (Process Inflation Finding). § 43a establishes a lawfulness condition but does not mandate how IT systems are operated. No statutory anchor identified for this requirement. **Double authority gap:** YES (circular ABSENT + statutory NO). **Category error:** NO in domain terms, but the prescription derives entirely from a veileder without circular backing.

43a-7

Direction 1 — Circular authority: NO. The circular contains no consent validity checklist. First-order authority gap. **Direction 2 — Statutory authority:** PARTIAL. GDPR Article 7 and Recital 32 establish the legal conditions for valid consent, which broadly align with this

requirement. However, the specific exhaustive checklist form and the *preferably written* standard exceed what the statute directly prescribes for this context. Process Inflation Finding: "§ 43 a leaves judgments on processing open ('nødvendig'), while the circular illegally replaces this discretion with a fixed, exhaustive checklist of consent conditions not found in the provision." **Double authority gap:** YES (circular ABSENT + statutory PARTIAL — GDPR provides a framework but the operationalized checklist in a cooperation guidance document exceeds it). **Category error:** NO.

43a-8

Direction 1 — Circular authority: PARTIAL. The circular's *nødvendig* standard implicitly encompasses lawfulness conditions, but the specific confidentiality disclosure rule is not stated. **Direction 2 — Statutory authority:** YES. The duty to have legal basis before disclosing confidential information derives from multiple statutory sources: sosialtjenesteloven's taushetsplikt provisions (§§ 44 ff.), forvaltningsloven §§ 13 ff., and GDPR Article 6. The underlying rule is firmly grounded in law. **Double authority gap:** NO (statutory YES). **Category error:** NO.

43a-9

Direction 1 — Circular authority: NO. The circular creates no procedural sequencing requirement. First-order authority gap. **Direction 2 — Statutory authority:** NO. "§ 43 a creates no procedural preference for consent over statutory authority; the circular eliminates the entity's discretion over sequencing by demanding a mandatory procedural priority" (Process Inflation Finding). The GDPR explicitly treats the various legal bases as alternatives, not a hierarchy requiring consent to be attempted first. **Double authority gap:** YES (circular ABSENT + statutory NO). **Category error:** NO.

43a-10

Direction 1 — Circular authority: NO. The circular contains no prior-consent sequencing rule. First-order authority gap. **Direction 2 — Statutory authority:** NO. "§ 43 a uses an open necessity standard ('nødvendig'), which the circular illegally replaces with an absolute procedural precondition demanding consent before gathering takes place" (Process Inflation Finding). No statutory provision mandates prior consent as an absolute gate for information gathering on behalf of a user. **Double authority gap:** YES (circular ABSENT + statutory NO). **Category error:** NO.

43a-11

Direction 1 — Circular authority: NO. The circular mandates no separate assessment procedure prior to disclosure. First-order authority gap. **Direction 2 — Statutory authority:** NO. "§ 43 a does not mandate any separate assessment procedure before disclosure; the circular shadow-binds the open evaluation of necessity by mandating a specific, formal procedural step" (Process Inflation Finding). The GDPR's necessity standard already requires an implicit proportionality assessment, but this does not translate into a mandatory formal pre-disclosure assessment procedure. **Double authority gap:** YES (circular ABSENT + statutory NO). **Category error:** NO.

43a-12

Direction 1 — Circular authority: NO. The circular contains no partnership governance provisions. First-order authority gap. **Direction 2 — Statutory authority:** NO. "§ 43 a contains no provision regarding internal governance or owner relations" (Process Inflation Finding). This requirement derives entirely from the partnership agreement framework between the state and the municipality, which is governed by communal and labor law domains, not sosialtjenesteloven. **Double authority gap:** YES (circular ABSENT + statutory NO). **Category error:** YES. This requirement belongs to the partnership governance / communal law domain, not the social services legal framework. Its presence in the § 43a normative cluster constitutes a category error.

43a-13

Direction 1 — Circular authority: NO. The circular does not prescribe documentation of need assessments for § 43a purposes. First-order authority gap. **Direction 2 — Statutory authority:** PARTIAL. The obligation to assess needs before granting assistance has roots in sosialtjenesteloven §§ 18–19 and forvaltningsloven's general case processing requirements. However, "§ 43 a does not prescribe mandatory documentation of need assessments or specify any method for documentation decisions" (Process Inflation Finding). The double-layered obligation — documenting the need AND documenting the decision about how to document it — exceeds any statutory anchor. **Double authority gap:** YES (circular ABSENT + statutory PARTIAL). **Category error:** NO.

43a-14

Direction 1 — Circular authority: NO. The circular (5.43a) provides no duty to record oral applications or preserve timestamps in the case file. First-order authority gap. **Direction 2 — Statutory authority:** NO. "§ 43 a provides no duty to record oral applications or note timestamps; the circular unlawfully eliminates record-keeping discretion by mandating this specific file content" (Process Inflation Finding). Note: forvaltningsloven § 11a creates a general processing duty but does not specifically mandate the timestamp documentation form prescribed here. **Double authority gap:** YES (circular ABSENT + statutory NO). **Category error:** NO.

43a-15

Direction 1 — Circular authority: NO. The circular creates no minor-specific consent preconditions. First-order authority gap. **Direction 2 — Statutory authority:** PARTIAL. General parental responsibility law and GDPR Article 8 (consent conditions for children in information society services) provide partial support, but "§ 43 a provides no specific consent preconditions when a service-seeker is a minor; the circular replaces the general permissive authority with a strict prior-consent gate" (Process Inflation Finding). The mandatory prior-consent sequencing and the written-form preference exceed any clear statutory mandate in this context. **Double authority gap:** YES (circular ABSENT + statutory PARTIAL). **Category error:** NO.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Cross-referenced against the ANCHOR DOCUMENT (Volume Driver Findings).

43a-1, 43a-2, 43a-3

Scale flag: NO. These are substantive legal obligations that apply uniformly regardless of organizational scale. They impose no documentation or procedural overhead.

43a-4

Scale flag: YES. The Anchor Document's Cluster 3 (Child Perspective Documentation, §§ 18–19) is directly on point. The pattern across more than 15 municipalities is that "caseworkers verbally know what they should do but fail to document it" — precisely the dynamic that a heightened child data minimization focus would intensify. Mechanism [D] (Documentation Apparatus, ~65 findings, ~42% of all Set B findings) is directly applicable: this requirement adds a monitoring layer that presupposes back-office capacity small offices do not have. The requirement lacks circular authority, meaning any scale-related burden it imposes is unsupported by the circular framework and therefore constitutes disproportionate burden without regulatory foundation.

43a-5

Scale flag: YES. Anchor Cluster 3 confirms that the documentation obligation for child-related records is a structural problem in small offices: "the documentation requirement presupposes a procedural fluency that cannot be achieved without sufficient case volume." The content-neutrality standard requires a documentation review step calibrated for organizations with quality assurance capacity. Without circular authority, this burden is groundless within the normative framework.

43a-6

Scale flag: PARTIAL. The Anchor Document's IT system fragmentation findings are directly relevant: municipalities in Set B are repeatedly sanctioned for failures with Compilo, ASYS, QM+, and Socio precisely because small offices lack IT governance capacity to manage complex system requirements. The specific requirement to use IT systems in a defined privacy-protective manner adds governance overhead to offices where access rights, training, and system maintenance are already structurally stressed. The Track C1/IT intersection (Averøy, Giske, Båtsfjord findings) confirms this as a structural rather than behavioral problem. Without circular authority, this burden has no normative foundation.

43a-7

Scale flag: PARTIAL. The Anchor Document's [D] mechanism is relevant: consent documentation procedures add to the caseworker's administrative pipeline. In small offices where caseworkers manage broad generalist portfolios, an exhaustive consent-verification checklist creates overhead beyond what a uniform necessity-based assessment would

require. However, because consent validity conditions are partly rooted in GDPR, the scale concern is more moderate than for purely sub-legal requirements.

43a-8

Scale flag: NO. This is a substantive legal obligation (the confidentiality disclosure rule). Its application is legally uniform and does not presuppose organizational capacity beyond a single caseworker's legal knowledge.

43a-9

Scale flag: YES. The Anchor Document's [P] (Procedural Continuity) mechanism is directly applicable. Mandatory sequencing requirements — the requirement to attempt consent first regardless of available legal basis — create a procedural step that must be triggered, documented, and resolved before the substantive work can proceed. For small offices with limited caseworker time, mandatory procedural sequencing without circular authority imposes a compliance overhead that multiplies with caseload. The finding from Cluster 1 that "each failure compounds the others" (low volume degrades competence → incorrect procedures → inadequate documentation) applies here.

43a-10

Scale flag: YES. Anchor [P] (Procedural Continuity) is directly applicable. The prior-consent-gathering requirement creates a mandatory access gate that delays information gathering. For small offices, any mandatory pre-clearance step adds disproportionate overhead to every interaction in which information is gathered on behalf of a user. This burden has no circular authority foundation.

43a-11

Scale flag: PARTIAL. Anchor [D] is applicable: a formal pre-disclosure assessment procedure is precisely the kind of back-office documentation obligation that small generalist offices systematically fail to execute — not from negligence but because every interaction requires formal documentation steps that presuppose specialized capacity. Without circular authority, this procedural burden has no normative grounding.

43a-12

Scale flag: YES. Anchor Cluster 2 (Internal Control Apparatus) is directly on point: the cumulative burden of owner-governance compliance, security monitoring, and compliance documentation falls on the NAV leader who is simultaneously caseworker, approver, system administrator, and quality controller. The Compilo/ASYS inaccessibility pattern (Track C1 intersection) maps directly onto the structural impossibility of accommodating owner-specific security requirements in a small office without dedicated IT governance capacity. This burden is amplified by the absence of circular authority and the category error (partnership law, not social services law).

43a-13

Scale flag: YES. Anchor Cluster 3 and [D] mechanism confirmed at very high strength. The requirement to document need determination AND to separately assess how that documentation should be structured creates a double-layer documentation obligation of precisely the kind that generates the highest density of supervision sanctions. The Anchor Document's finding — "caseworkers knew more about the users' situations than the journals reflected" (Nordreisa, Nannestad, Skaun, etc.) — maps exactly onto what this requirement demands. Without circular authority, the disproportionate burden is entirely without regulatory foundation.

43a-14

Scale flag: YES. Anchor Cluster 1 (§ 17 Documentation and Formalization Stack) and [P] (Procedural Continuity) are directly applicable. "The requirement that oral inquiries be recognized and registered as formal applications fails systematically when caseload is below 10 per year" (Anchor Document, Tier 3, Driver — Procedural Continuity). The oral application timestamp requirement is specifically cited in the Anchor Document as one of the most frequent sanction triggers (Skaun, Midtre Gauldal, Verdal, Høyanger). Without circular authority in § 43a, this burden has no normative anchor in the provision under analysis.

43a-15

Scale flag: PARTIAL. Anchor [P] (Procedural Continuity) is applicable. A mandatory prior-consent gate before a minor can access an advisory service creates a sequencing requirement that may delay service delivery in exactly the small-office setting where immediate, low-threshold assistance is most necessary. The Track C1 finding that small offices substitute personal knowledge for bureaucratic record-keeping is directly relevant: a written parental consent requirement imposes formalism on what is typically a relational, trust-based initial contact. Without circular authority, this additional formalism is unsupported.

STEP 4 — PURPOSE CLASSIFICATION

43a-1

Classification: [USER NEED] The permission to process personal data establishes the legal foundation for delivering assistance. Without it, the statutory service cannot be provided. The primary beneficiary is the user who needs the service to function. Language: "*nødvendig for utførelsen av oppgaver etter loven*" — necessity condition directly tied to task performance for the user's benefit.

43a-2

Classification: [USER NEED] The requirement that processing have a legal basis protects the user's fundamental right to privacy under GDPR. The legal basis requirement serves the user's data protection rights, not an internal administrative function.

43a-3

Classification: [USER NEED] The supplementary national law requirement operationalizes the GDPR's protection of the user's data processing rights in the national legal framework. No independent administrative benefit.

43a-4

Classification: [MIXED] *Primary: USER NEED (child privacy protection)* — the underlying objective of limiting stored information about children is rooted in children's data protection rights under GDPR Article 5(1)(c) (data minimization). This is a genuine user protection concern. *Secondary: INTERNAL CONTROL* — the veileder operationalizes this objective as a documentation monitoring obligation, requiring caseworkers to actively police their own recording behavior. The monitoring function serves the office's compliance posture rather than the child's case outcome. The language ("*bør ha et særlig fokus på å begrense opplysninger*") uses advisory register but is applied by the veileder as a compliance standard.

43a-5

Classification: [MIXED] *Primary: USER NEED (child privacy protection)* — neutrally descriptive, minimal case records protect the child's dignity and data rights. This directly bears on the legal quality of the case file. *Secondary: INTERNAL CONTROL* — prescribing tone and content standards for written records is an administrative standardization that serves documentation consistency and supervision compliance. The specific formulation ("*begrense seg til det som er strengt nødvendig for å vise at vi har tatt tilstrekkelig hensyn til barnets beste*") reveals a dual function: protecting the child AND documenting that protection was considered — the latter is an audit function.

43a-6

Classification: [INTERNAL CONTROL] The requirement prescribes a specific method for using IT systems, not a substantive outcome for users. The child's case outcome is not affected by whether IT systems are used in a particular way; what matters is whether information is accurately held and appropriately protected. The IT system usage mandate serves the office's compliance with data governance standards — an internal administrative function. The source language ("*brukes på en måte som ivaretar barnets rett til personvern*") frames a compliance obligation, not a service quality outcome.

43a-7

Classification: [MIXED] *Primary: USER NEED (consent validity protects user autonomy)* — the conditions for valid consent are substantively rooted in the user's right to meaningful, freely given consent under GDPR Article 7. This directly bears on whether a consent is legally effective and therefore whether processing is lawful. *Secondary: INTERNAL CONTROL* — the exhaustive checklist form and the written-form preference function as a documentation/compliance standard. The *preferably written* requirement primarily serves evidentiary and audit purposes. The guidance document language ("*Et samtykke skal være*

frivillig, spesifikt, informert, gitt utvetydig gjennom aktiv handling og bør være skriftlig") imposes a compliance template that goes beyond protecting the user's consent rights.

43a-8

Classification: [USER NEED] The confidentiality disclosure rule directly protects the user's legal right to privacy. Disclosure without legal basis or consent is a violation of the user's protected interests. The primary (and sole identified) beneficiary of this requirement is the individual whose information would be disclosed.

43a-9

Classification: [INTERNAL CONTROL] The mandatory consent-first sequencing rule serves no user protection function that is not already provided by Requirement 43a-8 (which requires a legal basis or consent to exist). The additional procedural step — always attempting consent before invoking a legal basis — does not improve the user's data protection position, since processing remains lawful when a legal basis exists regardless of whether consent was sought. The sequencing obligation serves a compliance audit function: it creates a documented procedural trace that demonstrates that consent was considered first, for supervisory purposes. The source language ("*bør det alltid først bes om samtykke*") uses advisory register but is applied as a mandatory procedural sequence in the guidance document context. This requirement, classified in the Process Inflation Findings under [SEQUENCE], is purely an internal procedural control mechanism.

43a-10

Classification: [MIXED] *Primary: USER NEED (user autonomy in controlling their own data)* — requiring consent before gathering information on behalf of a user protects the user's right to control how their data is used. This is a genuine user protection concern. *Secondary: INTERNAL CONTROL* — the absolute pre-clearance framing ("*må det foreligge et samtykke fra vedkommende før innhentingen*") eliminates the caseworker's discretionary necessity assessment and replaces it with a fixed compliance gate, which primarily serves administrative documentation of consent.

43a-11

Classification: [INTERNAL CONTROL] The formal assessment procedure before inter-agency disclosure serves no function beyond what the underlying necessity assessment already mandates. The disclosure decision is already required to be lawful (Requirement 43a-8). The additional formal pre-disclosure assessment creates a documented procedural artifact primarily for audit purposes — to demonstrate that the decision was formally deliberated. This is the same pattern identified across the Anchor Document as [D] Documentation Apparatus: the requirement to translate a decision that has already been made into an additional formal administrative record. The Process Inflation Finding notes: "the circular shadow-binds the open evaluation of necessity by mandating a specific, formal procedural step" — the procedural step serves documentation, not user protection.

43a-12

Classification: [INTERNAL CONTROL] This requirement belongs to the partnership governance domain. Relative to social services users, it has no direct bearing on case outcomes, service quality, or legal protection. The security requirement serves the organizational relationship between the two owners, not any individual user's interests. Classified as [INTERNAL CONTROL] in the social services context. In its home domain (partnership/communal law), it may have governance functions, but those are irrelevant here.

43a-13

Classification: [MIXED] *Primary: INTERNAL CONTROL* — the requirement to conduct and document a meta-assessment of *how* to document the primary need assessment is a documentation overhead function. It generates an administrative artifact (the documentation decision record) primarily for audit compliance. *Secondary: USER NEED* — the underlying obligation to document whether the applicant has a need is connected to the user's right to have their case properly assessed and to the right of appeal (an inadequately documented decision cannot be appealed effectively). However, this secondary user benefit does not require the specific double-layer documentation obligation imposed here.

43a-14

Classification: [MIXED] *Primary: INTERNAL CONTROL* — the timestamp documentation and oral application recording requirements serve administrative case management and audit functions. They enable supervisors to verify procedural compliance with application registration obligations. *Secondary: USER NEED* — the application timestamp protects the user's procedural rights (establishing when rights accrued, for appeal and legal security purposes). However, the specific requirement that this appear in the case file in a documented form goes beyond what user protection requires and enters the audit compliance domain.

43a-15

Classification: [MIXED] *Primary: USER NEED (child protection / parental responsibility)* — the requirement to involve parental responsibility holders before a minor accesses services has substantive grounding in the child's legal interests and the parents' rights. *Secondary: INTERNAL CONTROL* — the written-form preference and the operationalization as a mandatory access gate (rather than a best-efforts obligation) serve documentation and compliance audit purposes. The prior-consent-gate structure imposes an administrative sequencing obligation that may in practice delay or prevent a minor in need from accessing help.

STEP 5 — TRANSACTION COST CHARACTERIZATION

43a-1 [USER NEED]

No transaction cost burden identified. The permission to process data enables the service; it creates no documentation or procedural obligation beyond what the law itself requires.

43a-2 [USER NEED]

No transaction cost burden identified.

43a-3 [USER NEED]

No transaction cost burden identified.

43a-4 [MIXED — secondary: INTERNAL CONTROL]

Administrative demand: The caseworker must apply a continuous, active self-monitoring obligation to all case records involving children, evaluating whether each item recorded is truly necessary and whether the volume of child-related data is proportionate. This requires a secondary review step (or a habituated internal check) applied to all documentation in child-involved cases. For a generalist caseworker handling a large mixed portfolio, this is a diffuse but persistent overhead obligation — it cannot be satisfied by a single template but demands ongoing attentiveness to record content. NAV leaders may be expected to monitor compliance with this obligation through internal quality checks. **Absence of circular guidance:** This obligation has no anchor in the circular. Caseworkers must comply with a data minimization attention standard that the primary normative instrument governing their work does not address, provide standards for, or even mention.

43a-5 [MIXED — secondary: INTERNAL CONTROL]

Administrative demand: The caseworker must draft and review all written records relating to children against a two-part standard: (a) tone must be neutral and descriptive, and (b) content must be limited to what is strictly necessary to demonstrate consideration of the child's best interests. This creates an editing and quality-checking obligation beyond initial documentation: records may need to be revised for tone or volume before filing. In offices where caseloads are high and time is scarce, the editing requirement is a non-trivial overhead. There is no guidance in the circular on what "strictly necessary" means in practice, what constitutes neutral tone, or how compliance is assessed. **Absence of circular guidance:** The obligation operates entirely outside the circular framework. No normative guidance exists in the primary instrument to support caseworker judgment on these content standards.

43a-6 [INTERNAL CONTROL]

Administrative demand: NAV leaders must ensure that all professional IT systems used in case documentation are configured and operated in a specific privacy-protective manner for child records. In practice, this means: (a) understanding the privacy implications of the IT system's configuration options, (b) instructing caseworkers on specific usage practices, (c) monitoring compliance with those practices, and (d) potentially liaising with IT system

providers or municipal IT governance structures to implement privacy settings. In small offices where IT governance is shared with the municipality and where system access rights are already a documented source of structural dysfunction (Anchor Document: Averøy, Giske, Båtsfjord, Àvjovàrri), this obligation imposes a governance overhead that cannot be met without dedicated IT capacity. **Absence of circular guidance:** The circular provides no framework for what privacy-protective IT usage means for child records, what specific configurations or practices are required, or how compliance should be documented or monitored. Caseworkers and NAV leaders must meet an obligation that the primary normative instrument governing their work entirely ignores.

43a-7 [MIXED — secondary: INTERNAL CONTROL]

Administrative demand: In every interaction involving consent (information exchange, cooperation with criminal justice, etc.), the caseworker must verify against a multi-criteria checklist: (1) was the consent freely given? (2) is it sufficiently specific? (3) was the person adequately informed? (4) was it given through an unequivocal active action? (5) is it in written form? This checklist verification adds a structured assessment step to what would otherwise be a unitary necessity judgment. It also creates documentation obligation: the written-form preference implies that compliance with the checklist should be recorded. The overhead is moderate for individual cases but accumulates across a caseworker's full portfolio. **Absence of circular guidance:** The checklist derives from a cooperation guidance document rather than the circular. No standards for checklist compliance, documentation method, or supervisory expectations are provided in the primary normative instrument.

43a-8 [USER NEED]

No transaction cost burden identified. The requirement to have a legal basis or consent before disclosure is a substantive legal precondition, not a documentation or procedural overhead.

43a-9 [INTERNAL CONTROL]

Administrative demand: The caseworker must, in every information exchange situation, execute an additional procedural step — seeking consent — before invoking a statutory legal basis, even when the legal basis is clearly established. This creates a mandatory two-phase pipeline: (Phase 1) identify legal basis and prepare to invoke it; (Phase 2) attempt to obtain consent; (Phase 3) if consent is refused or unavailable, revert to the legal basis. Each phase requires a documented action. The processing overhead is compounded by the documentation burden: in order to demonstrate compliance with the consent-first rule, the caseworker must record that consent was sought and the outcome of that attempt, before the underlying information exchange can proceed. **Absence of circular guidance:** The circular provides no guidance on this mandatory sequencing rule. Caseworkers must comply with a procedural obligation that the primary normative instrument governing their work does not address, define, or explain. The transaction cost imposed has no regulatory foundation within the circular framework.

43a-10 [MIXED — secondary: INTERNAL CONTROL]

Administrative demand: Before gathering any information on behalf of a user, the caseworker must: (a) determine that information gathering is needed, (b) identify what information, (c) explain this to the user, (d) obtain the user's consent, (e) preferably document that consent, and only then (f) proceed with gathering. This adds multiple preparatory steps to what, under the open necessity standard, would be a single assessment step. The consent documentation requirement implies a written record of the consent, creating additional file entries. For offices with high contact volume, this pre-clearance pipeline adds non-trivial overhead to routine interactions. **Absence of circular guidance:** No guidance in the circular addresses this pre-consent requirement. The caseworker operates under an obligation invisible in the primary normative instrument.

43a-11 [INTERNAL CONTROL]

Administrative demand: Before any disclosure to another public body, the caseworker must conduct and document a formal assessment: Is disclosure appropriate in this concrete case? The assessment must be individualized (not a standing authorization). The documentation of the assessment — demonstrating that it was conducted — creates a file entry for every inter-agency information exchange. In offices that routinely coordinate with child welfare services, substance abuse services, housing services, and others, this generates a high frequency of mandatory assessment records. The Anchor Document's finding that small offices are sanctioned for failing to replace effective informal coordination with formal documented procedures ([C] Coordination Infrastructure, ~25 findings) directly maps onto this requirement. **Absence of circular guidance:** The circular provides no framework for what this assessment must contain, how it should be documented, or what threshold triggers it. The transaction cost has no normative foundation in the primary instrument.

43a-12 [INTERNAL CONTROL — CATEGORY ERROR]

Administrative demand: The NAV leader must: (a) monitor both owners' security requirements on an ongoing basis, (b) identify when those requirements differ from the baseline standard, (c) assess the implications for the office's IT and administrative practices, (d) implement the stricter standard, and (e) document compliance. This is a governance monitoring obligation with both a technical dimension (IT security settings, access controls) and an organizational dimension (staff instruction, compliance verification). In small offices where the NAV leader is simultaneously the primary caseworker, quality controller, and administrative manager, this obligation adds a governance monitoring function that presupposes dedicated capacity. **Absence of circular guidance:** Not only does the circular not address this requirement — it belongs to a different legal domain entirely (partnership governance law). The social services normative framework provides no guidance whatsoever for compliance. Caseworkers and NAV leaders must discharge an obligation that has no home in the regulatory framework governing social services delivery.

43a-13 [MIXED — primary: INTERNAL CONTROL]

Administrative demand: The caseworker must: (a) assess whether the applicant has a need (substantive task — already required), (b) document that assessment in the case file (first documentation layer), and (c) conduct and record a separate, concrete individual

assessment of *how* the need documentation should be structured (second documentation layer — a meta-assessment of documentation method). This double-layer documentation obligation is uniquely burdensome: it requires the caseworker to document not only the substantive outcome but the decision-making process about documentation format. The second layer has no direct user benefit and serves purely audit and compliance functions. For offices processing significant volumes of economic assistance cases, this meta-documentation step multiplies cumulatively across caseloads. **Absence of circular guidance:** The circular for § 43a provides no framework for either layer of this documentation requirement. The caseworker operates entirely outside normative guidance from the primary instrument.

43a-14 [MIXED — primary: INTERNAL CONTROL]

Administrative demand: At every point of first contact involving an oral application or a communicated need, the caseworker must: (a) recognize the contact as an application, (b) register it formally in the case system, (c) note the specific timestamp, and (d) ensure the timestamp is visible in the case file. This creates an administrative intake obligation that must be triggered and completed at the moment of contact, without delay. For offices with high contact volume — telephone, in-person, SMS, walk-in — the constant pipeline maintenance obligation is exactly the type of repetitive overhead identified in the Anchor Document's Cluster 1. The timestamp documentation requirement specifically requires an administrative action (recording the precise date and time) that adds a processing step to every initial contact. **Absence of circular guidance:** The circular for § 43a has no intake documentation framework. Caseworkers must comply with a timestamped registration requirement that the primary normative instrument for this provision does not address.

43a-15 [MIXED — secondary: INTERNAL CONTROL]

Administrative demand: When a minor seeks the advisory and guidance service, the caseworker must: (a) identify the person as a minor, (b) halt the application intake, (c) contact the parental responsibility holder(s), (d) explain the service, (e) obtain consent, (f) preferably document that consent in writing, and only then (g) proceed with the application. This creates a multi-step access gate that delays service delivery and requires case management across multiple parties before a single advisory interaction can occur. The written-form preference implies a documentation step. For offices serving vulnerable youth, a mandatory parental consent gate may in practice prevent access precisely for the minors most in need of low-threshold assistance. **Absence of circular guidance:** The circular for § 43a provides no framework for this access-gating procedure. The transaction cost — including the potential service delay and the documentation burden — has no normative foundation in the primary instrument.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: SAR-43a-1 **PROVISION TEXT:** The municipality and specified state bodies may process personal data, including special categories, when necessary for statutory task performance. **SOURCE INSTRUMENT:** Circular R-35, para 5.43a.1 (statutory provision) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — § 43a sosialtjenesteloven; GDPR Article 6(1)(e) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. The permission enables service delivery and imposes no documentation or procedural obligation on caseworkers beyond what the statute requires. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SAR-43a-2 **PROVISION TEXT:** All personal data processing must have a legal basis under GDPR Article 6 to be lawful. **SOURCE INSTRUMENT:** Circular R-35, para 5.43a.1 (explanatory commentary on GDPR Article 6) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — GDPR Article 6 (direct effect) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. The legal basis requirement is a general substantive precondition for lawful processing, not an administrative procedure. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SAR-43a-3 **PROVISION TEXT:** Processing under Article 6(1)(e) requires a supplementary legal basis in national law per Article 6 nr. 3; § 43a constitutes that supplementary basis. **SOURCE INSTRUMENT:** Circular R-35, para 5.43a.1 (explanatory commentary) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — GDPR Article 6 nr. 3; § 43a sosialtjenesteloven **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. This is a legal architecture clarification, not an operative procedural obligation. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SAR-43a-4 **PROVISION TEXT:** Caseworkers must apply a heightened, special focus on limiting the volume and scope of information recorded about individual children in case files. **SOURCE INSTRUMENT:** Barnets beste — veileder (PROC-REQ 43a.4) — type (b) veileder **CIRCULAR AUTHORITY:** ABSENT. No child-specific data minimization obligation exists in the circular. The requirement operates entirely outside the circular framework. Consequence: any compliance burden imposed by this obligation falls on caseworkers without guidance from the primary normative instrument governing their work. **LEGAL AUTHORITY:** PARTIAL — GDPR Article 5(1)(c) (data minimization principle) provides partial support, but § 43a contains no child-specific provision. The specific operational standard (heightened focus, special attention, volume limitation for child records) is a sub-legal construction without statutory anchoring. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** YES — Anchor Document Cluster 3 (Child

Perspective Documentation) and [D] mechanism confirm that documentation obligations for child-related records are a structural problem in small offices. The pattern of caseworkers knowing more than journals reflect maps directly onto this self-monitoring obligation. **PURPOSE:** MIXED (primary: USER NEED — child privacy; secondary: INTERNAL CONTROL — compliance monitoring of record volume) **BURDEN DESCRIPTION:** Caseworkers must apply a continuous active monitoring function to all records involving children, evaluating volume and proportionality at the point of documentation. This is a diffuse, non-template-based overhead that requires ongoing attentiveness across a generalist portfolio. NAV leaders may carry a secondary quality-checking obligation. No circular guidance exists to define what "special focus" requires in practice, what threshold triggers a volume concern, or how compliance is assessed. Caseworkers must meet an obligation invisible in the primary normative instrument. **KILL LIST CLASSIFICATION:** Category B — Status Change. The *bør*-language in the source instrument suggests advisory register; the veileder's application of this language as an operative compliance standard without circular anchoring constitutes shadow-binding. Reformulation to explicitly permissive language is required to restore local discretion. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality

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REQUIREMENT ID: SAR-43a-5 **PROVISION TEXT:** Written information about children in a case file must be neutrally descriptive in tone and limited to what is strictly necessary to demonstrate that the child's best interests have been adequately considered. **SOURCE INSTRUMENT:** Barnets beste — veileder (PROC-REQ 43a.5 / DOC-REQ 5.43a.2) — type (b) veileder **CIRCULAR AUTHORITY:** ABSENT. The circular prescribes no content standards or tone requirements for case records. Consequence: caseworkers must comply with a documentation content standard that the primary normative instrument governing their work does not address, define, or calibrate. **LEGAL AUTHORITY:** NO — § 43a "confers general processing authority but does not prescribe content standards or neutrality requirements for written case records regarding children" (Process Inflation Finding). GDPR accuracy principle (Article 5(1)(d)) is proximate but does not dictate tone or impose a strict necessity content filter. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** YES — Anchor Cluster 3 confirmed across 15+ municipalities. The specific finding that "caseworkers verbally know what they should do but fail to document it" directly maps onto the compliance failure this requirement would generate: editing records for neutrality and strict necessity requires a review step that presupposes back-office capacity unavailable in small offices. **PURPOSE:** MIXED (primary: USER NEED — child privacy protection and dignity; secondary: INTERNAL CONTROL — documentation compliance and audit standard) **BURDEN DESCRIPTION:** Caseworkers must draft and review all child-related records against a dual content standard: neutral tone and strict necessity. This creates an editing and quality-checking obligation beyond initial documentation, requiring records to be assessed before filing. No guidance exists in the circular on what constitutes neutral description, where the strict necessity threshold falls, or how deviation from this standard is assessed. The entire compliance burden falls on individual caseworkers without normative support from the primary instrument. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement lacks both circular authority and statutory basis. It imposes a specific documentation content standard on the social services normative framework without legislative grounding. The child privacy objective it serves can be addressed through the

existing GDPR data minimization principle without a separate sub-legal operative rule. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: SAR-43a-6 **PROVISION TEXT:** Professional IT systems must be used in a specific, defined manner that safeguards children's right to privacy during case documentation. **SOURCE INSTRUMENT:** Barnets beste — veileder (DOC-REQ 5.43a.1) — type (b) veileder **CIRCULAR AUTHORITY:** ABSENT. The circular contains no IT system usage mandate. Consequence: caseworkers and NAV leaders must comply with a technical operational obligation that the primary normative instrument governing their work entirely ignores, without any guidance on what compliance requires. **LEGAL AUTHORITY:** NO — "The statute leaves the method of processing open" (Process Inflation Finding). § 43a establishes lawfulness conditions for processing but says nothing about how IT systems must be configured or operated. No statutory anchor for this requirement has been identified. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO (in domain terms), but the prescription derives from a veileder without any circular or statutory basis. **SCALE FLAG:** PARTIAL — Anchor Document IT system fragmentation findings (Averøy, Giske, Båtsfjord, Àvjovàrri: Compilo/ASYS/QM+ inaccessibility) directly confirm that small offices structurally cannot meet complex IT governance requirements. The requirement presupposes IT governance capacity that the organizational scale of most small NAV offices does not support. Burden imposed without circular authority constitutes disproportionate burden without regulatory foundation. **PURPOSE:** INTERNAL CONTROL — prescribes a specific IT method rather than a substantive outcome for users. The child's case outcome is not directly affected by how IT systems are configured; the requirement serves compliance and governance documentation functions. **BURDEN DESCRIPTION:** NAV leaders must ensure IT systems are configured and operated in a privacy-protective manner for child records. This means: understanding system privacy settings, instructing caseworkers, monitoring usage, and potentially liaising with IT providers or municipal IT governance structures. In small offices where system access is already a documented structural problem (Track C1 intersection), this obligation adds a governance monitoring function requiring dedicated IT capacity. The entire obligation falls outside the circular framework, without any normative guidance from the primary instrument governing social services administration. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement has no circular authority and no statutory basis. It belongs to the IT governance domain and imposes an administrative obligation on social services delivery without legal grounding in the social services framework. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality

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REQUIREMENT ID: SAR-43a-7 **PROVISION TEXT:** A consent must be voluntary, specific, informed, given unequivocally through active action, and should preferably be in written form. **SOURCE INSTRUMENT:** Samarbeid kriminalomsorgen — NAV (PROC-REQ 43a.6) — type (d) guidance document attached to inter-agency cooperation framework **CIRCULAR AUTHORITY:** ABSENT. The circular contains no consent validity checklist. Consequence: the exhaustive consent validation checklist operates outside the circular framework without guidance from the primary normative instrument. **LEGAL AUTHORITY:** PARTIAL — GDPR

Article 7 and Recital 32 establish conditions for valid consent at the statutory level. However, the specific exhaustive checklist form and the written-form preference, as articulated in an inter-agency cooperation guidance document, exceed what the statute directly prescribes. The Process Inflation Finding notes that the "circular illegally replaces [the open necessity standard] with a fixed, exhaustive checklist of consent conditions not found in the provision." **DOUBLE AUTHORITY GAP:** YES (circular ABSENT + statutory PARTIAL — GDPR provides framework but the specific checklist form in a cooperation guidance document exceeds it) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor [D] Documentation Apparatus is applicable. Checklist-based consent verification adds structured assessment overhead to every consent interaction, with documentation implications for the written-form preference. **PURPOSE:** MIXED (primary: USER NEED — consent validity protects user autonomy; secondary: INTERNAL CONTROL — checklist and written form serve audit and evidentiary functions) **BURDEN DESCRIPTION:** In every consent-involving interaction, caseworkers must verify against a multi-criteria checklist and preferably document the consent in written form. This creates a verification step and a documentation obligation for every such interaction. The written-form preference implies file entries beyond what a unitary necessity judgment would require. No guidance in the circular defines what each checklist criterion requires in practice. **KILL LIST CLASSIFICATION:** Category B — Status Change. The *preferably written* element uses permissive register. The mandatory checklist operates with imperative force ("*skal*") in a guidance document without circular anchoring. Reformulation to permissive language, clarifying that the GDPR consent conditions are the operative standard, is required to restore local discretion on how to meet them. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication

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REQUIREMENT ID: SAR-43a-8 **PROVISION TEXT:** Before confidential information may be disclosed, a legal basis or a consent authorizing the disclosure must exist. **SOURCE INSTRUMENT:** Samarbeid barnevern — NAV (PROC-REQ 43a.7) — type (d) guidance document **CIRCULAR AUTHORITY:** PARTIAL. The circular's *nødvendig* standard implicitly encompasses lawfulness conditions, but the specific confidentiality disclosure rule is not directly stated. **LEGAL AUTHORITY:** YES — sosialtjenesteloven taushetsplikt provisions (§§ 44 ff.), forvaltningsloven §§ 13 ff., and GDPR Article 6 all require a legal basis before confidential information can be processed or disclosed. This requirement reflects settled Norwegian administrative law. **DOUBLE AUTHORITY GAP:** NO (statutory YES) **CATEGORY ERROR:** NO **SCALE FLAG:** NO — substantive legal obligation, uniform application. **PURPOSE:** USER NEED — directly protects the user's confidentiality rights under multiple statutory frameworks. **BURDEN DESCRIPTION:** No transaction cost identified. This is a substantive legal precondition, not an administrative procedure or documentation obligation. **KILL LIST CLASSIFICATION:** Category C — Clarification. The partial circular authority leaves the scope and operationalization of the confidentiality disclosure rule unclear within the § 43a framework. The circular should make explicit that this rule derives from taushetsplikt and GDPR provisions, and should clarify the relationship between the *nødvendig* standard and the disclosure authorization requirement to reduce shadow binding. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SAR-43a-9 **PROVISION TEXT:** Even when a legal basis for information exchange exists, caseworkers must systematically attempt to obtain consent first, before invoking the legal basis. **SOURCE INSTRUMENT:** Samarbeid barnevern — NAV (PROC-REQ 43a.8) — type (d) guidance document **CIRCULAR AUTHORITY:** ABSENT. The circular creates no procedural sequencing requirement. Consequence: caseworkers must comply with a mandatory procedural priority that the primary normative instrument governing their work does not address and that has no regulatory foundation within the circular framework. **LEGAL AUTHORITY:** NO — "§ 43 a creates no procedural preference for consent over statutory authority; the circular eliminates the entity's discretion over sequencing by demanding a mandatory procedural priority" (Process Inflation Finding). GDPR explicitly treats legal bases as alternatives, not a hierarchy. No statutory provision requires consent to be sought before invoking an available legal basis. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** YES — Anchor [P] (Procedural Continuity) directly applicable. Mandatory sequencing requirements create procedural overhead that compounds with caseload volume. In small offices, every additional mandatory procedural step is disproportionately burdensome because it cannot be absorbed by specialized back-office capacity. **PURPOSE:** INTERNAL CONTROL — the mandatory consent-first sequence serves no user protection function beyond what the legal basis requirement (43a-8) already provides. The additional step generates a documented procedural trace for compliance audit purposes. **BURDEN DESCRIPTION:** Caseworkers must execute a two-phase pipeline for every information exchange: (1) seek consent; (2) if unavailable, invoke legal basis. Each phase requires a documented action — attempt to obtain consent, record outcome, proceed. This creates mandatory overhead for routine inter-agency exchanges that are otherwise lawful without the sequencing step. The transaction cost falls entirely outside the circular framework: caseworkers must comply with a procedural obligation that the primary normative instrument governing their work does not address. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement has no circular authority and no statutory basis. It eliminates legally permissible discretion over processing sequencing without legislative grounding. The user protection objective it serves is fully covered by the existing legal basis requirement (43a-8). **TRANSACTION COST CATEGORY:** Procedural Duplication; Documentation Inflation

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REQUIREMENT ID: SAR-43a-10 **PROVISION TEXT:** Before gathering information on behalf of a user, the user's consent must be obtained. **SOURCE INSTRUMENT:** Veileder sosialtjenesteloven § 17 (PROC-REQ 43a.9) — type (b) veileder **CIRCULAR AUTHORITY:** ABSENT. The circular contains no prior-consent sequencing rule for information gathering. Consequence: the mandatory consent pre-clearance gate operates without guidance from or anchoring in the primary normative instrument. **LEGAL AUTHORITY:** NO — "§ 43 a uses an open necessity standard ('nødvendig'), which the circular illegally replaces with an absolute procedural precondition demanding consent before gathering takes place" (Process Inflation Finding). No statutory provision creates a mandatory prior-consent gate for information gathering on behalf of a user when a legal basis for processing exists. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** YES — Anchor [P] (Procedural Continuity) is directly applicable. Prior-consent access gates create mandatory multi-step pipelines that fail to become habitual in small offices with low case volume. The Anchor Document's finding that procedural pipelines fail "when triggered fewer than 10–15

times per year" is directly relevant. **PURPOSE:** MIXED (primary: USER NEED — user autonomy in data control; secondary: INTERNAL CONTROL — consent as compliance documentation) **BURDEN DESCRIPTION:** Before any information gathering on behalf of a user, caseworkers must: (1) determine information is needed, (2) explain to user, (3) obtain consent, (4) preferably document consent, (5) proceed with gathering. This pre-clearance pipeline adds multiple steps to routine information gathering. In offices with high interaction volume, the overhead is material. The obligation falls entirely outside the circular framework, without normative guidance from the primary instrument. **KILL LIST CLASSIFICATION:** Category B — Status Change. The requirement uses imperative language ("*må det foreligge et samtykke*") without binding statutory authority. Reformulation to permissive language — making prior consent a best-practice standard rather than an absolute precondition — would restore the caseworker's lawful discretion under the open necessity standard. **TRANSACTION COST CATEGORY:** Procedural Duplication; Documentation Inflation

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REQUIREMENT ID: SAR-43a-11 **PROVISION TEXT:** A concrete, formal assessment of whether disclosure is appropriate must be conducted before information is disclosed to other public bodies. **SOURCE INSTRUMENT:** Samarbeid kriminalomsorgen — NAV (PROC-REQ 43a.10) — type (d) guidance document **CIRCULAR AUTHORITY:** ABSENT. The circular mandates no separate pre-disclosure assessment procedure. Consequence: the formal assessment obligation operates outside any framework the circular provides guidance for. **LEGAL AUTHORITY:** NO — "§ 43 a does not mandate any separate assessment procedure before disclosure; the circular shadow-binds the open evaluation of necessity by mandating a specific, formal procedural step" (Process Inflation Finding). The underlying necessity assessment is already legally required by GDPR and taushetsplikt provisions; this requirement adds a formalized documentation layer without statutory anchoring. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor [D] (Documentation Apparatus) and [C] (Coordination Infrastructure) both applicable. The Anchor Document's finding that small offices are sanctioned for failing to replace functional informal coordination with formal documented procedures maps directly onto this requirement. The pre-disclosure formal assessment is exactly the type of documented procedural artifact that the supervision apparatus expects but that small offices structurally cannot produce at the required frequency. **PURPOSE:** INTERNAL CONTROL — the formal assessment creates a documented procedural artifact for audit purposes. The underlying disclosure decision is already required to be lawful; the formal assessment step adds a documentation layer with no direct bearing on the outcome. **BURDEN DESCRIPTION:** Before every inter-agency information disclosure, caseworkers must conduct and document a formal individualized assessment of disclosure appropriateness. For offices that routinely coordinate with child welfare, substance abuse, and housing services, this creates a high-frequency documentation obligation. Each assessment generates a case file entry that must be distinguishable from the substantive disclosure decision itself. The transaction cost falls entirely outside the circular framework, without any normative guidance from the primary instrument governing social services administration. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement has no circular authority and no statutory basis. It imposes a mandatory formal assessment procedure that duplicates the legal basis assessment already required by law, without legal grounding in the social services normative framework. The underlying substantive obligation (disclosure must have a legal basis) is fully

addressed by SAR-43a-8. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication

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REQUIREMENT ID: SAR-43a-12 **PROVISION TEXT:** If one of the two partnership owners imposes stricter security requirements, the NAV leader must ensure those requirements are accommodated in the office's operations. **SOURCE INSTRUMENT:** Veileder partnerskapsavtalen (PROC-REQ 43a.11) — type (b) veileder (partnership governance domain) **CIRCULAR AUTHORITY:** ABSENT. The circular contains no partnership governance provisions. Consequence: the compliance obligation operates in a legal domain entirely foreign to the circular framework. **LEGAL AUTHORITY:** NO — "§ 43 a contains no provision regarding internal governance or owner relations" (Process Inflation Finding). This requirement derives from the NAV partnership agreement framework, which is governed by communal and administrative law, not sosialtjenesteloven. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES. This requirement belongs to the partnership governance / communal law domain. Its presence in the § 43a normative cluster constitutes a category error: it imposes a labor/governance compliance obligation on the social services framework without basis in sosialtjenesteloven or its implementing circulars. **SCALE FLAG:** YES — Anchor Document Cluster 2 (Internal Control Apparatus) and the Track C1 IT system fragmentation findings are directly applicable. NAV leaders in small offices are already overwhelmed by the cumulative governance obligations of the internal control apparatus (Compilo, ROS, stikkprøver, portfolio reviews). An additional owner-security monitoring obligation compounds this burden without any regulatory grounding in the social services framework. **PURPOSE:** INTERNAL CONTROL — serves partnership governance between the two owners; has no direct bearing on the social services user's case outcome or legal protection. **BURDEN DESCRIPTION:** NAV leaders must: (1) monitor both owners' security requirements on an ongoing basis, (2) identify deviations from baseline, (3) assess implications for IT and administrative practices, (4) implement the stricter standard, and (5) document compliance. This is a governance monitoring obligation with both technical and organizational dimensions. In small offices where the NAV leader is simultaneously caseworker, approver, and quality controller, this obligation presupposes a dedicated governance capacity that does not exist. The entire burden falls outside the social services normative framework and derives from a different legal domain without any circular guidance for its operationalization. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement has no circular authority, no statutory basis in sosialtjenesteloven, and constitutes a category error. It belongs to the partnership/communal law domain and should be removed from the § 43a social services normative cluster. **TRANSACTION COST CATEGORY:** Reporting Overhead; Structural Disproportionality; Combined Burden

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REQUIREMENT ID: SAR-43a-13 **PROVISION TEXT:** The case file must document whether the applicant has a need for help. The NAV office must also conduct a concrete individual assessment of how that documentation should be structured. **SOURCE INSTRUMENT:** Veileder om økonomisk stønad (DOC-REQ 5.43a.5) — type (b) veileder **CIRCULAR AUTHORITY:** ABSENT. The circular for § 43a prescribes no need-assessment documentation requirements and no meta-assessment of documentation method.

Consequence: a double-layer documentation obligation operates without any normative guidance from the primary instrument. **LEGAL AUTHORITY:** PARTIAL — the obligation to assess needs derives from sosialtjenesteloven §§ 18–19 and forvaltningsloven's general case processing requirements. However, "§ 43 a does not prescribe mandatory documentation of need assessments or specify any method for documentation decisions" (Process Inflation Finding). The second layer — the meta-assessment of how to document — has no statutory anchor whatsoever. **DOUBLE AUTHORITY GAP:** YES (circular ABSENT + statutory PARTIAL on the first layer, NO on the second layer) **CATEGORY ERROR:** NO **SCALE FLAG:** YES — Anchor Document Cluster 3 and [D] mechanism (very strong confirmation, 65+ findings) directly applicable. The finding that "caseworkers knew more about the users' situations than the journals reflected" (Nordreisa, Nannestad, Skaun, Salangen, Målselv, etc.) maps exactly onto this requirement. The double-layer documentation obligation presupposes back-office capacity that small offices structurally lack. **PURPOSE:** MIXED (primary: INTERNAL CONTROL — double-layer documentation primarily serves audit and compliance; secondary: USER NEED — need documentation supports user's right to fair assessment and effective appeal) **BURDEN DESCRIPTION:** Caseworkers must: (1) assess need (substantive task, already required), (2) document that assessment in the case file (first documentation layer), and (3) conduct and record a separate concrete individual assessment of how the need documentation should be structured (second documentation layer — meta-assessment). The second layer is uniquely burdensome: it requires documentation of a decision about documentation, generating file entries for an administrative process that has no direct user benefit. For offices processing large volumes of economic assistance cases, this meta-layer multiplies cumulatively. The entire double-layer obligation falls outside the circular framework for § 43a without any normative guidance from the primary instrument. **KILL LIST CLASSIFICATION:** Category A — Removal (of the second layer — meta-documentation of documentation method). The first layer (documenting the need assessment) may have statutory support through §§ 18–19 and forvaltningsloven but should be reviewed. The meta-documentation requirement (assessment of how to document) has no circular authority, no statutory basis, and serves purely internal control functions. Category B — Status Change for the first layer, given the absence of circular authority in § 43a. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden

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REQUIREMENT ID: SAR-43a-14 **PROVISION TEXT:** Oral applications must be recorded in writing. The specific application date — whether at submission of a written application or when the need was first communicated — must be documented in the case file. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 (DOC-REQ 5.43a.6) — type (b) veileder **CIRCULAR AUTHORITY:** ABSENT. The circular for § 43a provides no oral application recording or timestamp documentation requirement. Consequence: a specific intake documentation obligation operates entirely outside the normative framework the circular provides. **LEGAL AUTHORITY:** NO — "§ 43 a provides no duty to record oral applications or note timestamps; the circular unlawfully eliminates record-keeping discretion by mandating this specific file content" (Process Inflation Finding). Note: forvaltningsloven § 11a imposes a general processing duty but does not specifically mandate the timestamp documentation form or the oral application registration requirement as prescribed here. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** YES —

Anchor Document Cluster 1 (§ 17 Documentation and Formalization Stack) and [P] (Procedural Continuity) directly confirmed at high strength. The specific oral application registration requirement is identified in the Anchor Document as "one of the most frequent triggers for sanctions" (Skaun, Midtre Gauldal, Verdal, Høyanger). The finding that "a pipeline cannot become habitual when triggered fewer than 10–15 times per year" applies directly: in small offices processing few formal applications, the intake documentation pipeline fails to routinize. Without circular authority in § 43a, the disproportionate burden has no normative foundation within this provision. **PURPOSE:** MIXED (primary: INTERNAL CONTROL — intake documentation and timestamp recording serve administrative case management and supervision compliance; secondary: USER NEED — application timestamp protects user's procedural rights and right of appeal) **BURDEN DESCRIPTION:** At every point of first contact involving an oral application or communicated need, caseworkers must: (1) recognize the contact as an application, (2) register it formally, (3) record the specific timestamp, and (4) ensure the timestamp is visible in the case file. This creates a mandatory intake processing obligation triggered at the moment of contact. For offices with high contact volume (telephone, in-person, SMS, walk-in), the constant pipeline maintenance obligation generates persistent overhead. The entire obligation falls outside the circular framework for § 43a, without normative guidance from the primary instrument. **KILL LIST CLASSIFICATION:** Category B — Status Change. The requirement uses imperative language ("*Nav-kontoret har plikt til å nedtegne*") in a veileder without clear circular authority in § 43a. Reformulation should clarify the statutory basis (if any, in forvaltningsloven § 11a), distinguish the statutory component from the sub-legal specification, and reduce the obligation to what the statute actually mandates. The timestamp specificity, in particular, should be reformulated to permissive guidance. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication

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REQUIREMENT ID: SAR-43a-15 **PROVISION TEXT:** When a minor seeks the advisory and guidance service, the NAV office must obtain consent from the holder(s) of parental responsibility before the application is processed. That consent should preferably be in written form. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 (DOC-REQ 5.43a.7) — type (b) veileder **CIRCULAR AUTHORITY:** ABSENT. The circular creates no minor-specific consent preconditions or access gates. Consequence: a mandatory service access gate for minors operates entirely outside the circular framework without normative guidance from the primary instrument. **LEGAL AUTHORITY:** PARTIAL — general parental responsibility law and GDPR Article 8 (consent conditions for children in information society services) provide partial support. However, "§ 43 a provides no specific consent preconditions when a service-seeker is a minor; the circular replaces the general permissive authority with a strict prior-consent gate" (Process Inflation Finding). The mandatory prior-consent sequencing and the written-form preference exceed any identified statutory mandate in the social services context for this specific service type. **DOUBLE AUTHORITY GAP:** YES (circular ABSENT + statutory PARTIAL) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor [P] (Procedural Continuity) applicable. Mandatory prior-consent gates delay service delivery in exactly the small-office setting where immediate, low-threshold assistance is most necessary. Track C1 finding that small offices substitute personal relational knowledge for formal documentation is directly relevant: a written parental consent requirement imposes formalism on relational advisory contact. **PURPOSE:**

MIXED (primary: USER NEED — parental involvement protects minor's interests; secondary: INTERNAL CONTROL — written consent and prior-consent gate serve documentation and compliance functions, and may in practice function as a barrier to access for vulnerable minors) **BURDEN DESCRIPTION:** When a minor presents, caseworkers must: (1) identify the person as a minor, (2) halt intake, (3) contact parental responsibility holder(s), (4) explain the service, (5) obtain consent, (6) preferably document consent in writing, (7) then proceed. This is a multi-step, multi-party access gate that delays service delivery. The written-form preference implies documentation. For offices serving vulnerable youth, this prior-consent gate may structurally prevent timely access for precisely the minors most in need of low-threshold support. The entire access-gating procedure falls outside the circular framework, without normative guidance from the primary instrument. **KILL LIST CLASSIFICATION:** Category B — Status Change. The *preferably written* element is already advisory. The mandatory prior-consent gate structure requires reformulation: the requirement should be expressed as a best-practice standard (ensuring parental involvement where appropriate and compatible with the minor's interests) rather than as an absolute access precondition. The current framing uses imperative language ("*må Nav-kontoret innhente samtykke*") without sufficient statutory anchoring for a blanket prior-consent rule. **TRANSACTION COST CATEGORY:** Procedural Duplication; Combined Burden

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CLOSING COMPARATIVE NOTE

Quantitative Summary

Metric	Count
Requirements identified from Process Inflation Findings	15
Requirements visible from circular alone	3
Requirements invisible from circular alone	12
Double authority gaps (circular ABSENT + statutory NO or PARTIAL)	11
Category errors (different legal domain)	1

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	5	43a-5, 43a-6, 43a-9, 43a-11, 43a-12
Category B — Status Change	5	43a-4, 43a-7, 43a-10, 43a-14, 43a-15
Category C — Clarification	1	43a-8
No Kill List Action	3	43a-1, 43a-2, 43a-3

Complex (partial A + partial B)	1	43a-13

Transaction cost categories by frequency:

Transaction Cost Category	Requirements
Documentation Inflation	43a-4, 43a-5, 43a-6, 43a-7, 43a-9, 43a-10, 43a-11, 43a-13, 43a-14 (9 requirements)
Procedural Duplication	43a-7, 43a-9, 43a-10, 43a-11, 43a-14, 43a-15 (6 requirements)
Structural Disproportionality	43a-6, 43a-12 (2 requirements)
Reporting Overhead	43a-12 (1 requirement)
Combined Burden	43a-12, 43a-13, 43a-15 (3 requirements)
No Transaction Cost Identified	43a-1, 43a-2, 43a-3, 43a-8 (4 requirements)

Analytical Synthesis

The 5:1 visibility ratio is the central finding of this audit. The circular paragraph for § 43a is almost entirely permissive in structure — it authorizes processing when necessary and explains the GDPR framework. A practitioner reading only the circular would encounter no documentation obligations, no procedural sequencing requirements, no IT governance mandates, no consent validation checklists, and no access gates for minors. All of these obligations enter the normative environment through veileders and inter-agency cooperation guidance documents, operating without circular anchoring.

The double authority gap rate is high. 11 of 15 requirements (73%) have neither circular authority nor clear statutory authority in § 43a. These requirements are effectively invisible from both ends of the normative hierarchy — they are not in the statute that created the provision, and they are not in the circular that implements it. They exist exclusively in sub-legal instruments, imposing compliance obligations that caseworkers and NAV leaders must meet without guidance from either the law or the circular.

The category error (SAR-43a-12) is analytically significant. The partnership governance obligation has been inserted into the § 43a normative cluster through a veileder, despite belonging to an entirely different legal domain. This is a textbook example of normative sprawl: a governance obligation from communal/partnership law has been operationalized as a data protection compliance requirement, without legal grounding in sosialtjenesteloven.

The dominant transaction cost pattern is Documentation Inflation, appearing in nine of the eleven procedurally burdensome requirements. This aligns precisely with the Anchor Document's finding that [D] Documentation Apparatus is the single most pervasive

volume driver, appearing in approximately 65 Set B supervision findings. The pattern is structurally identical: sub-legal instruments impose documentation layers on top of substantive legal obligations that are already met, generating compliance overhead that falls disproportionately on small generalist offices.

For the Kill List: The 5 Category A candidates are all requirements that either lack any legal authority or belong to a different legal domain. Their removal from the § 43a normative cluster would reduce the documentation and procedural burden without impairing any user protection function — the substantive legal obligations they duplicate (legal basis requirement, taushetsplikt, GDPR data minimization) remain in full force. The 5 Category B candidates each use or imply imperative language without binding authority; their reformulation to permissive register would restore caseworker and NAV leader discretion that sub-legal instruments have eliminated without statutory mandate.

SLUDGE AUDIT — § 44 TAUSHETSPLIKT

Norwegian Social Services Administrative Circular R-35

PRELIMINARY METHODOLOGICAL NOTE

Requirement count differential: The Process Inflation Findings (Reference Document) identify **17 requirements** for § 44. From the circular paragraph in the Context Document alone, a direct reading would surface **11 requirements** — those contained in sections 5.44.2.2, 5.44.2.6.2 through 5.44.2.6.8. The delta is **6 requirements** (REQ-44-12 through REQ-44-17) that are entirely invisible from the circular alone.

Requirements with no textual presence in the circular, by source instrument:

Requirement	Source instrument	Instrument type
REQ-44-12	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) veileder
REQ-44-13	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) veileder
REQ-44-14	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(d) guidance document
REQ-44-15	Veileder til sosialtjenesteloven § 17	(b) veileder — cross-domain transplant
REQ-44-16	Barnets beste — veileder	(b) veileder
REQ-44-17	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) veileder

Structural significance: All six invisible requirements derive from veilederes or guidance documents that operate in partnership-specific or cross-domain normative spaces. None derives directly from the statute. Four of the six originate in a single instrument — the national cooperation veileder with the correctional services — meaning that a policy relationship with one external agency has generated a four-requirement normative overlay on a statutory provision whose confidentiality framework is already fully operationalized by the circular. This source concentration is carried through Steps 2 to 6 below.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

REQ-44-01

- **Obligation:** Confidential documents and materials must be stored securely.
- **Source:** R-35 circular, §5.44.2.2
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-02

- **Obligation:** Physical documents must be stored in locked drawers or cabinets; electronic documents must be accessible only to those who need them for their work.
- **Source:** R-35 circular, §5.44.2.2
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-03

- **Obligation:** Where no statutory exception applies, the NAV worker must obtain the user's consent before disclosing confidential information.
- **Source:** R-35 circular, §5.44.2.6.2
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-04

- **Obligation:** Even where a statutory exception applies, the worker should first seek the user's consent in the interest of maximum openness and cooperation.
- **Source:** R-35 circular, §5.44.2.6.2
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-05

- **Obligation:** Consent shall, as a starting point, be given in written form.
- **Source:** R-35 circular, §5.44.2.6.2
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-06

- **Obligation:** Anonymization must be used in case presentations, discussions, and similar situations where persons not party to the case are present or have access to documents.
- **Source:** R-35 circular, §5.44.2.6.3
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-07

- **Obligation:** The NAV office must conduct a concrete assessment before disclosing information; this assessment must take into account the nature of the case and the user's holistic situation.
- **Source:** R-35 circular, §5.44.2.6.4 (related to fvl. §13a nr. 3)
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-08

- **Obligation:** Information must never be gathered from private institutions or individuals without the user's consent.
- **Source:** R-35 circular, §5.44.2.6.5
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-09

- **Obligation:** What information is necessary in each case must be assessed individually based on the user's situation and specifically in relation to the service applied for.
- **Source:** R-35 circular, §5.44.2.6.5 (citing fvl. §13b)
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-10

- **Obligation:** A concrete assessment of whether to disclose information must be made, with particular regard to whether disclosure will damage the trust relationship between the user and NAV.
- **Source:** R-35 circular, §5.44.2.6.7 (citing fvl. §13b nr. 5)
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-11

- **Obligation:** Where information is disclosed to the police or correctional services, the municipality must ensure that the disclosure is registered satisfactorily.
- **Source:** R-35 circular, §5.44.2.6.8 (citing §44 fjerde ledd)
- **Explicit/Implicit:** Explicit
- **Circular presence:** PRESENT

REQ-44-12

- **Obligation:** Both the correctional services and the welfare services are responsible for obtaining consent, and for archiving and journaling that consent in their own journal systems.
- **Source:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav
- **Explicit/Implicit:** Explicit
- **Circular presence:** ABSENT

REQ-44-13

- **Obligation:** Consent must be voluntary, specific, informed, and given unambiguously through active action; it should be in writing.
- **Source:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav
- **Explicit/Implicit:** Explicit
- **Circular presence:** ABSENT

REQ-44-14

- **Obligation:** Explicit consent requires that the person has taken an active step to give consent; it should be given in writing.
- **Source:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret
- **Explicit/Implicit:** Explicit
- **Circular presence:** ABSENT

REQ-44-15

- **Obligation:** If the NAV office is to gather information on behalf of the user, consent must exist before the gathering takes place.
- **Source:** Veileder til sosialtjenesteloven §17 (applied in §44 context)
- **Explicit/Implicit:** Explicit
- **Circular presence:** ABSENT

REQ-44-16

- **Obligation:** What is written about a child in a case must be neutrally descriptive and limited strictly to what is necessary to show that sufficient regard has been paid to the child's best interests.
- **Source:** Barnets beste — veileder
- **Explicit/Implicit:** Explicit
- **Circular presence:** ABSENT

REQ-44-17

- **Obligation:** Where an incarcerated or convicted person has been appointed a guardian, NAV and correctional services must be aware of this and ensure dialogue with the guardian when collecting consent.
- **Source:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav
- **Explicit/Implicit:** Explicit
- **Circular presence:** ABSENT

STEP 2 — LEGAL AUTHORITY CHECK

REQ-44-01

- Direction 1 — Circular authority: YES

- Direction 2 — Statutory authority: PARTIAL. The statute imposes an absolute confidentiality duty but contains no explicit authorization for the circular to mandate physical storage standards. The Process Inflation Finding (Req. 1, Step 3) confirms: "The statute implies a mandatory confidentiality duty but contains no explicit authorization for the circular to mandate physical storage standards."
- Double authority gap: NO (circular authority present)

REQ-44-02

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: NO. The Process Inflation Finding (Req. 2, Step 3) states: "The circular dictates concrete physical and digital access controls, whereas the statute is entirely silent on the specifics of storage methods."
- Double authority gap: NO (circular authority present)
- Note: Circular uses imperative ("skal") without statutory foundation for the specific methods; shadow-binding.

REQ-44-03

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: YES. Classified as a substantive legal obligation in the Process Inflation Finding (Req. 3, Step 2). Rooted in the consent exception framework of fvl. §§13 et seq. and the structure of §44 itself.
- Double authority gap: NO

REQ-44-04

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: NO. The Process Inflation Finding (Req. 4, Step 3) states: "The statute grants permissive discretion ('kan') to disclose without placing any procedural pre-condition (such as attempting to obtain consent first) on its exercise." The circular adds a procedural sequencing obligation the statute does not impose.
- Double authority gap: NO (circular authority present)

REQ-44-05

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: NO. The Process Inflation Finding (Req. 5, Step 3) states: "The statute leaves the form of consent entirely open, but the circular escalates this by establishing written form as the mandatory default, resulting in shadow-binding."
- Double authority gap: NO (circular authority present)

REQ-44-06

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: YES. The Process Inflation Finding (Req. 6, Step 3) confirms: "this requirement is a fully authorized and natural implementation of the

mandatory confidentiality duty established in the incorporated provision fvl. §13a nr. 2."
- Double authority gap: NO

REQ-44-07

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: PARTIAL. The Process Inflation Finding (Req. 7, Step 3) states: "The statute grants fully open judgment on whether to disclose, but the circular mandates the format of the assessment and prescribes two specific factors that must be evaluated, eliminating the authority's freedom (shadow-binding)." The two prescribed factors — case nature and holistic situation — are circular additions to what fvl. §13a nr. 3 merely frames as open judgment.
- Double authority gap: NO (circular authority present)

REQ-44-08

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: YES. Classified as a substantive legal obligation in the Process Inflation Finding (Req. 8, Step 2). The absolute prohibition is consistent with the necessity principle in the incorporated fvl. provisions.
- Double authority gap: NO

REQ-44-09

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: YES. The Process Inflation Finding (Req. 9, Step 3) confirms: "the circular correctly implements the statute's open normative term ('nødvendig') using natural contextual factors without artificially constraining discretion."
- Double authority gap: NO

REQ-44-10

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: YES. The Process Inflation Finding (Req. 10, Step 3) confirms: "assessing potential trust damage is an explicitly mandated statutory condition in §44 that the circular accurately applies." Trust-damage assessment is referenced explicitly in §44 fjerde ledd (oppholdssted exception) and embedded in §44 tredje ledd's necessity condition.
- Double authority gap: NO

REQ-44-11

- Direction 1 — Circular authority: YES
- Direction 2 — Statutory authority: YES. The Process Inflation Finding (Req. 11, Step 3) confirms: "the mandatory post-disclosure registration is explicitly authorized as a procedural safeguard by the legislative preparatory works (Prop. 108 L)."
- Double authority gap: NO

REQ-44-12

- Direction 1 — Circular authority: NO — this requirement exists only in the kriminalomsorgen cooperation veileder; the circular paragraph governing disclosures to police and correctional services (§5.44.2.6.8) does not address how consent must be archived within specific IT journal systems.
- Consequence of absence: The requirement operates entirely outside the circular framework. Caseworkers facing this obligation cannot locate any guidance on it within the primary normative instrument governing their work.
- Direction 2 — Statutory authority: NO. The Process Inflation Finding (Req. 12, Step 3) states: "The statute is entirely silent regarding the archiving and journaling of consent documents within specific operational systems, making this an unsupported system-level requirement."
- **DOUBLE AUTHORITY GAP: YES**
- Category error: NO (the requirement is social services-adjacent, not from a wholly different legal domain)

REQ-44-13

- Direction 1 — Circular authority: NO — the circular does not define consent validity criteria in GDPR terms.
- Consequence of absence: This requirement introduces a validity framework (voluntary, specific, informed, active action, written) that has no anchor in the circular and therefore no internal circular guidance against which caseworkers can calibrate their conduct.
- Direction 2 — Statutory authority: NO. The Process Inflation Finding (Req. 13, Step 3) states: "The veileder dictates mandatory consent validity criteria mirroring GDPR, for which §44 itself provides absolutely no textual authority or definition."
- **DOUBLE AUTHORITY GAP: YES**
- **Category error: YES** — the validity criteria (voluntary, specific, informed, unambiguous active action) are lifted directly from the General Data Protection Regulation / personvernforordningen art. 4(11) and art. 7. GDPR is data protection law, not social services law. Importing its consent architecture into §44 is a category displacement: the requirement now belongs to a different legal domain (personvernrett), and the obligation caseworkers face is not derivable from any provision of sosialtjenesteloven or the incorporated forvaltningsloven provisions.

REQ-44-14

- Direction 1 — Circular authority: NO — this requirement derives from the barnevern cooperation guidelines, not the circular.
- Consequence of absence: Caseworkers must comply with a definition of "explicit consent" that the circular governing their work does not address, recognize, or provide guidance on.
- Direction 2 — Statutory authority: NO. The Process Inflation Finding (Req. 14, Step 3) states: "The definition requiring active action for explicit consent and the written form recommendation possess no textual basis within §44."
- **DOUBLE AUTHORITY GAP: YES**

- Category error: PARTIAL — the "active action" requirement parallels GDPR explicit consent (art. 9), transplanting data protection law terminology into a social services procedural obligation. The source instrument (barnevern cooperation guidelines) is social services-adjacent, but the legal concept being applied derives from a different domain.

REQ-44-15

- Direction 1 — Circular authority: NO — this requirement originates in the §17 veileder and is transplanted into the §44 context.
- Consequence of absence: Caseworkers must locate the operative scope of this consent obligation in a veileder belonging to an entirely different statutory provision (§17), with no connection point to the circular's treatment of §44.
- Direction 2 — Statutory authority: PARTIAL. The consent principle for gathering information exists in the §44 framework (and in the incorporated fvl. provisions), but the specific framing here — gathering information *on behalf of the user* — is a §17 operational concept that has been normatively cross-applied. The circular's §44 provisions do not address this scenario directly.
- Double authority gap: BORDERLINE — circular authority is absent; statutory authority is partial. Treated as a double authority gap for Kill List purposes.
- Category error: NO — the consent principle is integral to sosialtjenesteloven, but the cross-instrument transplantation from a §17 veileder into §44 practice creates an internal coherence gap.

REQ-44-16

- Direction 1 — Circular authority: NO — the circular contains no documentation standards for how case notes about children should be written.
- Consequence of absence: The documentation quality standard caseworkers are expected to apply has no home in the circular framework; it is sourced from a stand-alone barnets beste veileder with no direct anchoring point in §44 or its circular commentary.
- Direction 2 — Statutory authority: NO. The Process Inflation Finding (Req. 16, Step 3) states: "The statute is entirely silent on documentation standards; the circular imposes a data minimization standard on case documents lacking any textual authorization in §44."
- **DOUBLE AUTHORITY GAP: YES**
- Category error: NO — the child's best interest principle has a statutory anchor (UN Convention on the Rights of the Child / Grunnloven §104), but the specific documentation standard (neutral, minimized) is a sub-legal editorial obligation with no statutory home.

REQ-44-17

- Direction 1 — Circular authority: NO — the circular's treatment of disclosures to police and correctional services (§5.44.2.6.8) contains no provisions on guardianship, legal capacity, or guardian dialogue requirements.
- Consequence of absence: Caseworkers facing a situation involving an incarcerated person with a guardian must meet an obligation that the circular — the primary

normative instrument for their work — does not acknowledge, define, or provide procedural guidance on.
- Direction 2 — Statutory authority: NO. The Process Inflation Finding (Req. 17, Step 3) states: "The statute contains zero provisions addressing legal capacity and guardianship situations, offering no textual basis for the procedural dialogue requirement."
- **DOUBLE AUTHORITY GAP: YES**
- **Category error: YES** — guardianship and legal capacity are governed by vergemålsloven (the Guardianship Act), a distinct legal domain entirely separate from sosialtjenesteloven. The obligation to "ensure dialogue with the guardian" is a legal capacity obligation transposed into a social services procedural context by a cooperation veileder, without any statutory authorization in §44. The requirement does not belong in the social services normative framework; it belongs in the vergemålsloven operational domain.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Note: The Anchor Document focuses on §§17–20a. No §44-specific volume driver findings exist. The following cross-references assess structural connections to the documented mechanisms, particularly the dominant [D] Documentation Apparatus mechanism which accounts for approximately 42–65% of all Set B findings.

REQ-44-01: PARTIAL. The [D] Documentation Apparatus mechanism is the dominant empirical driver across all social services domains. Secure storage requirements add to the physical infrastructure and system administration overhead that the Anchor Document identifies as disproportionate in micro-offices. No §44-specific finding, but structural connection to the general documentation overhead burden is clear.

REQ-44-02: PARTIAL. Specific physical and digital security infrastructure requirements presuppose dedicated facilities management capacity. The Anchor Document's Cluster 2 (Internal Control Apparatus) documents that small offices frequently fail precisely on infrastructure-adjacent compliance requirements because they lack back-office capacity. The Compilo/ASYS inaccessibility pattern (Averøy, Giske, Båtsfjord) is structurally analogous: technical compliance requirements that assume administrative capacity small offices do not have.

REQ-44-03: NO. This is a substantive legal obligation. The consent requirement does not presuppose a case volume or organizational capacity that small municipalities lack; it is a binary threshold condition applicable to every individual case.

REQ-44-04: PARTIAL. Adding a procedural consent-seeking step before every statutory-basis disclosure imposes recurring decision overhead. In offices where caseworkers handle the full spectrum of cases, this sequential obligation compounds the existing documentation apparatus burden documented in the Anchor Document. No circular guidance exists for managing this overhead efficiently.

REQ-44-05: YES. The written consent default imposes a documentation obligation that the Anchor Document's [D] mechanism directly confirms as structurally disproportionate in small offices. The Anchor Document's key finding that "caseworkers knew more about users' situations than the journals reflected" applies analogously here: the written form default assumes back-office capacity to systematically archive consent documents that micro-offices structurally lack. This requirement also has no circular authority, meaning its documentation burden falls entirely outside any framework the circular provides guidance for.

REQ-44-06: NO. Anonymization in meetings is a substantive user protection measure applicable equally to all offices and requiring no organizational capacity threshold. No scale flag applies.

REQ-44-07: PARTIAL. The prescription of two specific assessment factors creates a structured documentation requirement. In small offices already sanctioned for failing to document assessments that caseworkers verbally performed, adding prescribed assessment formats compounds the [D] burden. The Anchor Document's pattern — "caseworkers knew more about the users' situations than the journals reflected" — applies directly.

REQ-44-08: NO. Absolute prohibition on gathering information without consent. No scale-dependent burden; applies identically regardless of office size.

REQ-44-09: NO. The individual necessity assessment is an inherent feature of the substantive evaluation; it produces no standalone documentation overhead beyond the normal case assessment record.

REQ-44-10: NO. The trust-damage factor is part of the normal §44 assessment. The Anchor Document identifies no volume-specific pressure on this requirement.

REQ-44-11: PARTIAL. Post-disclosure registration creates a recurring documentation obligation for a relatively rare event. In small offices, every additional documentation obligation adds disproportionately to the administrative burden relative to the frequency of the underlying event. However, because this requirement has clear statutory authorization (Prop. 108 L), the burden is proportionate to the legal mandate.

REQ-44-12: YES. The Anchor Document documents the [D] mechanism as generating failures specifically around system-specific documentation requirements (Compilo, ASYS, QM+). The requirement to archive and journal consent within a specific journal system presupposes that both NAV and correctional services have compatible, accessible, and operationally familiar systems — an assumption the Anchor Document systematically dismantles. The IT system fragmentation documented in Averøy, Giske, and Båtsfjord (where NAV caseworkers lack access credentials to the municipal system) is directly analogous. Because this requirement lacks circular authority, the scale-related burden it imposes is entirely unsupported by the circular framework.

REQ-44-13: PARTIAL. GDPR consent validity criteria require caseworkers to conduct a structured legal validity check before accepting any consent. In small offices without legal support staff, maintaining active knowledge of GDPR art. 4 and art. 7 consent requirements — in addition to the sosialtjenesteloven and forvaltningsloven framework — constitutes a [K] Competence Sustainability burden. Because this requirement has no circular authority, the

competence demand it imposes falls outside any guidance the primary normative instrument provides.

REQ-44-14: PARTIAL. The "active action" requirement adds a verification step to the consent intake process. Structurally analogous to REQ-44-13; imposes a legal-domain competence demand (interpreting "explicit consent" in GDPR terms) on generalist caseworkers with no circular guidance available.

REQ-44-15: NO. The consent-before-gathering principle is a substantive legal obligation whose application does not presuppose any particular organizational capacity. The cross-instrument source creates coherence problems but not scale-specific burdens.

REQ-44-16: PARTIAL. The Anchor Document's Cluster 3 (Child Perspective Documentation) directly confirms that documentation quality standards for information about children are a significant [D]+[K] volume driver. The Anchor Document identifies more than 25 findings where caseworkers verbally conducted child assessments but failed to produce documentation meeting the expected standard. Applying a neutrality and data minimization editorial standard to case notes about children imposes an additional layer of documentation oversight that the Anchor Document confirms is disproportionate in small offices. Because this requirement has no circular authority, the burden is structurally disproportionate without regulatory foundation.

REQ-44-17: PARTIAL. Knowledge of guardianship structures (vergemålsloven) presupposes legal competence in a domain outside sosialtjenesteloven. In small offices where generalists cover the full spectrum of social services, maintaining operational knowledge of guardianship law sufficient to recognize appointments and structure intake accordingly represents a [K] burden. The Anchor Document consistently documents that competence in sub-specialized legal domains decays rapidly without regular case encounters. Because this requirement has no circular authority and belongs to a different legal domain entirely, the scale-related burden it imposes is both unsupported by the circular framework and constitutes disproportionate burden without regulatory foundation.

STEP 4 — PURPOSE CLASSIFICATION

REQ-44-01: [MIXED] — Primary: user protection (confidentiality obligations exist to protect users' personal integrity and trust in the administration; secure storage is the material expression of that protection). Secondary: internal control (verifiable storage standards serve audit functions and management oversight). The language — "på forsvarlig måte" — is user-oriented in its framing.

REQ-44-02: [MIXED] — Primary: user protection (locked storage and access restriction protect the confidentiality of individual users' information). Secondary: internal control (the specific standards — locked drawers, electronic access restrictions — are administratively operationalized in terms that primarily enable compliance verification rather than directly serving the user). The specificity of the physical and digital standards tips the secondary purpose toward audit documentation.

REQ-44-03: [USER NEED] — The requirement establishes the legal prerequisite for the sole valid exception pathway when no statutory basis exists. This directly determines whether user data may or may not be disclosed; it is a binary gatekeeper serving the user's fundamental right to confidentiality.

REQ-44-04: [INTERNAL CONTROL] — The outcome of this procedure is identical regardless of compliance: if a statutory basis exists, disclosure may proceed whether or not consent was sought first. The "bør" language signals the circular's own recognition that this is a guidance orientation rather than a condition on the legal outcome. The purpose — "størst mulig grad av åpenhet og samarbeid alltid bør tilstrebes" — is framed as an administrative relationship-management objective, not a user rights protection mechanism. The user's case outcome is unaffected.

REQ-44-05: [INTERNAL CONTROL] — Written form serves documentation and verifiability for the administration; it does not protect the user's confidentiality rights more effectively than oral consent. The statute leaves form entirely open; the circular's "skal"-language imposition of written form as a default transforms a form-neutral right into an administrative compliance artifact. The purpose served is internal audit capacity, not user protection.

REQ-44-06: [USER NEED] — Anonymization in meetings and presentations directly prevents unauthorized persons from accessing user-specific confidential information. This is a concrete confidentiality protection measure with immediate user rights significance; its purpose is entirely user-oriented.

REQ-44-07: [MIXED] — Primary: user need (the assessment exists to protect the user's interest in having their trust relationship with NAV preserved; fvl. §13a nr. 3 assigns this as a user-protective judgment). Secondary: internal control (the prescription of two specific factors — case nature and holistic situation — creates a structured decision trail that primarily serves documentation and consistency management within the administration; an unconstrained assessment would serve the user equally well).

REQ-44-08: [USER NEED] — The absolute prohibition on gathering information from private parties without consent is a direct user autonomy protection. The user's right to control information flows about themselves is the sole purpose of this provision; it has no internal control dimension.

REQ-44-09: [USER NEED] — Individual necessity assessment ensures that information sharing is proportional to the user's specific situation and service need. This directly serves the user's interest in having only necessary, relevant information disclosed; it is a substantive proportionality protection.

REQ-44-10: [USER NEED] — The trust-damage factor is explicitly a user-protective assessment dimension. The statute's reference to preserving the trust relationship between user and NAV confirms that this assessment exists to protect the user's ongoing relationship with the service, not to serve administrative purposes.

REQ-44-11: [INTERNAL CONTROL] — Post-disclosure registration to police or correctional services is a record-keeping obligation. It does not affect the user's case outcome, does not give the user rights of review, and is not directed at the user. The "tilfredsstillende"

registration standard is framed in administrative accountability language. The purpose served is internal accountability and audit capacity for the administration.

REQ-44-12: [INTERNAL CONTROL] — Archiving and journaling consent in the respective agency's own journal system is a pure administrative record-keeping requirement. The source instrument (kriminalomsorgen cooperation veileder) frames this in terms of inter-agency coordination and accountability. No user protection function is identified; the user's rights are unaffected by whether consent is archived in one system or another.

REQ-44-13: [MIXED] — Primary: partially user need (the substantive validity criteria — voluntary, specific, informed — protect the user's autonomy in the consent process). Secondary: internal control (the written form recommendation and the "active action" formalization mirror GDPR documentation requirements, serving compliance verification rather than user protection). The mixture is weighted toward user protection for the validity criteria and toward internal control for the documentation form recommendation. The overall framing of the provision in GDPR terms — a regulatory compliance register rather than a social services user protection register — shifts the dominant orientation toward administrative conformity.

REQ-44-14: [INTERNAL CONTROL] — Defining "explicit consent" as requiring an active action and recommending written form primarily serves the administration's ability to document, verify, and defend its consent intake process. The user's actual consent decision is unaffected by whether the active action takes a written or oral form; the documentation standard serves audit purposes. The source instrument (barnevern cooperation guidelines) frames this in terms of administrative coordination compliance rather than user rights.

REQ-44-15: [USER NEED] — The requirement that consent must precede information gathering on the user's behalf is a direct user autonomy protection. Whatever the source instrument, the operative content protects the user from having their information gathered without their knowledge or agreement.

REQ-44-16: [MIXED] — Primary: user need (data minimization and neutral documentation about a child in a case protects the child's privacy and prevents over-documentation of sensitive family information). Secondary: internal control (the specific standards — "nøytralt beskrivende," "strengt nødvendig" — impose an editorial documentation discipline that primarily serves quality assurance and supervision compliance functions; the circular's source is a veileder focused on demonstrating compliance with barnets beste assessment obligations). The framing — "for å vise at vi har tatt tilstrekkelig hensyn" — explicitly reveals an internal demonstration purpose alongside the user protection purpose.

REQ-44-17: [USER NEED] — in its operative content, the requirement to involve a guardian in the consent process protects the legally incapacitated user from having consent obtained in a way that bypasses their representative. However, because the legal framework for this obligation derives from vergemålsloven (a different domain) rather than §44, classifying its purpose *in relation to social services users* does not alter the category error finding from Step 2. The user need served is real; the instrument and domain through which it is imposed are wrong.

STEP 5 — TRANSACTION COST CHARACTERIZATION

REQ-44-01 [MIXED]: Caseworkers and NAV leaders must ensure ongoing compliant storage of all confidential documents, in both physical and digital formats. This requires active management of physical storage facilities (identification of compliant containers, regular checks on access), IT system access management (reviewing who has access to which cases), and oversight capacity to maintain compliance over time. The demand is continuous rather than event-triggered. For user-protective purposes, no separate burden identification is required; the internal control dimension adds an administrative overhead layer.

REQ-44-02 [MIXED]: Caseworkers and leaders must implement and maintain specific physical security infrastructure (locked drawers, locked cabinets) and IT access restriction protocols. This involves initial procurement, ongoing maintenance, and periodic compliance verification. The Anchor Document's documentation of IT system inaccessibility as a structural failure pattern (Averøy, Giske, Båtsfjord) suggests that access control requirements frequently exceed the technical administrative capacity of small offices. Because this requirement has PARTIAL statutory authority, the specific infrastructure demands imposed by the circular represent an administrative elaboration beyond the statutory mandate — caseworkers must meet a compliance standard that the primary normative instrument has not fully grounded in law.

REQ-44-03 [USER NEED]: No transaction cost burden is identified for this requirement. The consent prerequisite is a substantive legal gate that directly determines whether disclosure may occur. Any administrative effort involved in obtaining consent is inherent to the user protection function of the requirement.

REQ-44-04 [INTERNAL CONTROL]: Caseworkers must, in every situation where a statutory exception basis exists and disclosure is contemplated, add a prior consent-seeking step: contacting the user, explaining the intended disclosure, requesting consent, waiting for a response, and — if consent is given — documenting that a consent attempt was made before the statutory basis was invoked. If consent is not given, the statutory basis may still be used, meaning the entire consent-seeking step produces no change in the legal outcome. The transaction cost is therefore a procedural overhead with no legal consequence for the case decision. The circular provides this requirement in "bør" language, but the Process Inflation Finding identifies it as creating shadow-binding in practice. Because the requirement has NO statutory authority for the sequencing obligation, the transaction cost it imposes falls outside any framework the statute provides guidance for.

REQ-44-05 [INTERNAL CONTROL]: Caseworkers must obtain written consent as a default standard. This requires: maintaining consent forms or equivalent written instruments; securing the user's written signature or digital equivalent; filing and archiving the written consent document; retrieving the archived document if consent is later contested; and managing the practical logistics of written documentation in cases where users are not physically present. Because the statute leaves consent form entirely open, the written form default adds documentation overhead that is not necessary to protect the user's rights and serves primarily the administration's audit and verification capacity. This burden falls entirely within the circular's framework but lacks statutory foundation for the form requirement itself.

REQ-44-07 [MIXED]: Caseworkers must structure their assessment before any disclosure decision under fvl. §13a nr. 3 using the two prescribed factors — case nature and holistic situation. In practice, this means that the decision record must reflect engagement with both factors explicitly, which requires writing that goes beyond the organic reasoning a caseworker would naturally apply. The documentation overhead is modest per case but cumulative given that the §44 assessment framework applies across all case types. The constraint on free judgment introduced by the prescribed factors creates a compliance verification dimension that did not exist before the circular's elaboration; caseworkers must now demonstrate two-factor compliance rather than exercising open judgment.

REQ-44-11 [INTERNAL CONTROL]: After any disclosure to police or correctional services, caseworkers must make a formal, satisfactory registration entry documenting what was shared, with whom, and under what authority. This is a low-frequency but non-trivial documentation obligation: the entry must be sufficient to satisfy audit and potential legal review. Because the requirement has statutory authorization, the burden is proportionate. However, the open standard — "tilfredsstillende" — creates uncertainty about what suffices, which may generate compliance anxiety disproportionate to the administrative demand.

REQ-44-12 [INTERNAL CONTROL]: Caseworkers in both NAV and correctional services must maintain an archiving and journaling protocol specifically for consent documents, stored in their respective agency's own journal system. This requires: system-specific documentation procedures; awareness of and access to the relevant journal system; consistent entry discipline; and cross-agency coordination to ensure that each agency's system contains its own consent record. The Anchor Document's finding that IT system access fragmentation between state and municipal NAV systems produces systematic compliance failures (Averøy, Giske, Båtsfjord) applies directly: small NAV offices may not have consistent access to or familiarity with the specific journal systems assumed by this veileder obligation. *Because this requirement has no circular authority, caseworkers must comply with an obligation that the primary normative instrument governing their work does not address, define, or provide guidance on — the transaction cost is structurally invisible within the circular framework.*

REQ-44-13 [MIXED]: Caseworkers must conduct a structured validity check on every consent received, verifying that it is voluntary, specific, informed, unambiguously expressed through active action, and — as a default — in writing. This requires: operational knowledge of GDPR consent validity criteria; a mental or documented checklist applied at each consent intake; and a decision about whether to proceed or re-solicit if criteria are not clearly met. For workers whose legal training is in sosialtjenesteloven and forvaltningsloven, this imposes a cross-domain competence demand with no guidance available in the circular. *Because this requirement has no circular authority and belongs to a different legal domain, caseworkers are expected to satisfy a GDPR compliance standard in a social services context without any circular guidance to inform how that standard applies.*

REQ-44-14 [INTERNAL CONTROL]: Caseworkers must verify and document that consent was obtained through an active action by the user. This requires: awareness of the "active action" definition and its source in the barnevern cooperation guidelines; application of that definition as an intake screening criterion; and documentation of the verification. Because this obligation derives from a guidance document governing a specific partnership

relationship (barnevern cooperation), it may not be operationally familiar to all caseworkers. *Because this requirement has no circular authority, caseworkers who encounter this obligation must look outside the circular framework for operative guidance — which is not provided.*

REQ-44-15 [USER NEED]: No transaction cost burden is identified for this requirement. The consent prerequisite for gathering information on the user's behalf is a substantive user autonomy protection whose administrative demands are inherent to the user protection function.

REQ-44-16 [MIXED]: Caseworkers must review and edit documentation about children in their cases to ensure it meets a neutrality standard and a strict necessity threshold. This adds an editorial review step to standard case documentation: the writer must evaluate tone (is it neutral?), scope (is only strictly necessary content included?), and framing (does it demonstrate engagement with barnets beste without over-documenting?). The Anchor Document's Cluster 3 confirms that child-perspective documentation obligations are a significant burden across more than 25 municipal offices; the editorial standard imposed by this veileder adds a documentation quality assurance layer on top of the existing child-mapping obligations. *Because this requirement has no circular authority, caseworkers applying this standard do so under an obligation that the primary normative instrument for §44 does not recognize or address.*

REQ-44-17 [USER NEED — with category error note]: Although the operative purpose of this requirement is user-protective, the transaction cost is real and worthy of identification given the category error. Caseworkers must: identify whether a guardianship appointment exists; locate the guardian's contact information; structure the consent intake process to include guardian dialogue; and document that this occurred. The administrative infrastructure for this — cross-referencing vergemålsloven registries, coordinating with guardians who may be legally trained representatives — is a cross-domain competence demand with no guidance available in the circular or in the statute. *Because this requirement has no circular authority and derives from a different legal domain, caseworkers cannot find operative guidance for managing this obligation within the sosialtjenesteloven normative framework.*

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §44-REQ-01 **PROVISION TEXT:** Confidential documents and materials must be stored securely. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute imposes the confidentiality duty; it does not authorize the circular to specify storage standards. Process Inflation Finding, Req. 1, Step 3: "The statute implies a mandatory confidentiality duty but contains no explicit authorization for the circular to mandate physical storage standards." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — connects to [D] Documentation Apparatus and general documentation overhead

documented across Anchor Document Set B, particularly in smaller offices lacking back-office administrative capacity. **PURPOSE:** MIXED — Primary: user protection (physical expression of confidentiality duty). Secondary: internal control (verifiable compliance standard). **BURDEN DESCRIPTION:** Caseworkers and NAV leaders must maintain continuously compliant storage arrangements, covering both physical infrastructure and digital access management, as an ongoing organizational duty. **KILL LIST CLASSIFICATION:** Category C — Clarification. The general principle has sufficient authority; the specific operationalization of what constitutes "forsvarlig" storage needs to be made explicit as guidance-level elaboration rather than binding standard, to prevent shadow-binding of municipalities' choice of security methods. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor, ongoing)

REQUIREMENT ID: §44-REQ-02 **PROVISION TEXT:** Physical documents must be stored in locked drawers or cabinets; electronic documents must be accessible only to those who need them for their work. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — the statute is entirely silent on specific storage methods. Process Inflation Finding, Req. 2, Step 3: "The circular dictates concrete physical and digital access controls, whereas the statute is entirely silent on the specifics of storage methods." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the Anchor Document's documentation of IT system access failures (Averøy, Giske, Båtsfjord) is structurally analogous: infrastructure compliance requirements that assume administrative capacity small offices lack. The specific lock-and-restrict standard presupposes facilities management and IT administration that micro-offices do not have dedicated capacity for. **PURPOSE:** MIXED — Primary: user protection (access restriction directly serves confidentiality). Secondary: internal control (specific prescriptive standards — locked drawers, IT access controls — are audit-verifiable administrative specifications with no direct impact beyond what any reasonable security measure would achieve). **BURDEN DESCRIPTION:** Caseworkers must maintain locked physical storage containers and ensure IT access lists are calibrated to operational need. In small offices without IT support, access management becomes a line-management burden. Because the statute provides no basis for the specific storage method requirements, this obligation represents a circular elaboration beyond the statutory mandate — caseworkers must meet a compliance standard the statute does not require. **KILL LIST CLASSIFICATION:** Category B — Status Change. The "skal"-language imperative for specific storage methods (locked drawers, electronic access restriction) lacks statutory foundation and should be reformulated to permissive language or expressed as non-exhaustive guidance, restoring municipalities' discretion to choose equivalent security measures appropriate to their circumstances. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality (for micro-offices without IT support)

REQUIREMENT ID: §44-REQ-03 **PROVISION TEXT:** Where no statutory exception applies, the NAV worker must obtain the user's consent before disclosing confidential information. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — classified as a substantive legal obligation in Process Inflation

Finding, Req. 3. Rooted in fvl. §§13 et seq. and the consent exception framework central to §44. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — This is the sole valid exception pathway when no statutory basis exists; compliance directly determines whether user data may or may not be disclosed. **BURDEN DESCRIPTION:** No transaction cost burden identified. The consent prerequisite is a substantive legal gate whose administrative demands are inherent to its user protection function. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority and proportionate. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: §44-REQ-04 **PROVISION TEXT:** Even where a statutory exception applies, the worker should first seek the user's consent in the interest of maximum openness and cooperation. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — the statute grants permissive discretion ("kan") to disclose without placing any procedural pre-condition on its exercise. Process Inflation Finding, Req. 4, Step 3: "The statute grants permissive discretion ('kan') to disclose without placing any procedural pre-condition (such as attempting to obtain consent first) on its exercise." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — adds a recurring procedural step to every statutory-basis disclosure decision; in small offices already under [D] documentation burden, sequential consent-seeking adds administrative overhead without changing the legal outcome. **PURPOSE:** INTERNAL CONTROL — The user's case outcome is legally unaffected by whether consent was sought before invoking a statutory basis. The purpose served — "størst mulig grad av åpenhet" — is an administrative relationship management and good practice orientation, not a user rights protection mechanism. **BURDEN DESCRIPTION:** Caseworkers must, whenever a statutory exception basis exists, add a preliminary consent-seeking step: contacting the user, explaining the intended disclosure, awaiting response, and documenting the attempt. If consent is not given, the statutory basis proceeds unchanged. The transaction cost is therefore a procedural overhead that produces no legal consequence for the case decision. Because the statute provides no authority for the sequencing obligation, this burden falls outside any statutory framework. **KILL LIST CLASSIFICATION:** Category C — Clarification. The "bør"-language itself signals advisory status, but the provision creates shadow-binding in practice. The room for maneuver — that seeking consent in this situation is a professional best practice orientation, not a binding procedural prerequisite — must be made explicit to prevent caseworkers from treating it as a mandatory sequential obligation. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: §44-REQ-05 **PROVISION TEXT:** Consent shall, as a starting point, be given in written form. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — the statute leaves consent form entirely open. Process Inflation Finding, Req. 5, Step 3: "The statute leaves the form of consent entirely open, but the circular escalates this by establishing written form as the mandatory default, resulting in shadow-binding." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** YES — the written consent

default is a direct [D] Documentation Apparatus burden. The Anchor Document identifies documentation requirements that generate compliance failures in small offices where administrative archiving capacity is limited. Written consent documentation requires form management, archiving, retrieval capacity, and digital or physical storage — all demands that compound the documentation overhead already disproportionate in micro-offices. **PURPOSE:** INTERNAL CONTROL — Written form serves the administration's audit and verification capacity. Oral consent is equally valid legally; the written form requirement primarily enables compliance demonstration rather than serving the user's rights. **BURDEN DESCRIPTION:** Caseworkers must obtain and archive written consent as a default. This requires consent form management, signature logistics (physical or digital), filing, and retrieval capacity. For users who are not physically present, written consent adds a communication overhead. Because the statute provides no basis for the form requirement, this documentation burden is a circular imposition — caseworkers must meet a compliance standard whose only authority is the circular itself. **KILL LIST CLASSIFICATION:** Category B — Status Change. The "skal"-language written form default operates as a binding requirement without statutory foundation. Should be reformulated to "bør" permissive language, restoring practitioners' discretion to use oral or written form based on the individual case circumstances, as the statute intends. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: §44-REQ-06 **PROVISION TEXT:** Anonymization must be used in case presentations, discussions, and similar situations where persons not party to the case are present or have access to documents. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fully authorized implementation of fvl. §13a nr. 2. Process Inflation Finding, Req. 6, Step 3: "fully authorized and natural implementation of the mandatory confidentiality duty established in the incorporated provision fvl. §13a nr. 2." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — applies equally to all offices; requires no case volume or organizational capacity threshold. **PURPOSE:** USER NEED — Anonymization in meetings directly prevents unauthorized persons from accessing user-specific confidential information; it is a concrete confidentiality protection measure with immediate user rights significance. **BURDEN DESCRIPTION:** No transaction cost burden identified. The anonymization requirement is a substantive confidentiality protection whose administrative demands are inherent to its user protection function. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority and proportionate. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: §44-REQ-07 **PROVISION TEXT:** The NAV office must conduct a concrete assessment before disclosing information; this assessment must take into account the nature of the case and the user's holistic situation. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.4 (related to fvl. §13a nr. 3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute grants fully open judgment; the circular prescribes two specific factors that must be evaluated. Process Inflation Finding, Req. 7, Step 3: "The statute grants fully open judgment on whether to disclose, but the circular mandates the

format of the assessment and prescribes two specific factors that must be evaluated, eliminating the authority's freedom (shadow-binding)." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the prescribed factor structure creates a documentation obligation beyond the organic assessment any practitioner would conduct; connects to [D] burden pattern in the Anchor Document. **PURPOSE:** MIXED — Primary: user need (the assessment protects the user's interest in trust relationship preservation). Secondary: internal control (the prescription of two specific factors creates a structured decision trail for administrative consistency and audit purposes). **BURDEN DESCRIPTION:** Caseworkers must structure their §13a nr. 3 assessment using two prescribed factors and presumably produce documentation that reflects engagement with both. This adds an editorial compliance layer to what would otherwise be a discretionary judgment. The shadow-binding risk is that caseworkers treat the two-factor format as exhaustive when the statute intends open judgment. **KILL LIST CLASSIFICATION:** Category C — Clarification. The prescribed factors are useful as guidance; the problem is that they are framed in a way that eliminates open judgment rather than structuring it. The room for maneuver — that the two factors are illustrative criteria rather than an exhaustive assessment checklist — must be made explicit. **TRANSACTION COST CATEGORY:** Procedural Duplication (minor)

REQUIREMENT ID: §44-REQ-08 **PROVISION TEXT:** Information must never be gathered from private institutions or individuals without the user's consent. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — classified as a substantive legal obligation in Process Inflation Finding, Req. 8. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — Absolute prohibition serving direct user autonomy protection; no internal control dimension. **BURDEN DESCRIPTION:** No transaction cost burden identified. The prohibition is a substantive user protection measure whose compliance demands are inherent to its function. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority and proportionate. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: §44-REQ-09 **PROVISION TEXT:** What information is necessary must be assessed individually based on the user's situation and specifically in relation to the service applied for. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.5 (citing fvl. §13b) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Process Inflation Finding, Req. 9, Step 3: "the circular correctly implements the statute's open normative term ('nødvendig') using natural contextual factors without artificially constraining discretion." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — Individual necessity assessment ensures proportional information sharing in direct service of the user's privacy rights. **BURDEN DESCRIPTION:** No transaction cost burden identified. Individual necessity assessment is inherent to the proportionality obligation; its demands are part of substantive case evaluation. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority and proportionate. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: §44-REQ-10 **PROVISION TEXT:** A concrete assessment of whether to disclose must be made, with particular regard to whether disclosure will damage the trust relationship between the user and NAV. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.7 (citing fvl. §13b nr. 5) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Process Inflation Finding, Req. 10, Step 3: "assessing potential trust damage is an explicitly mandated statutory condition in §44 that the circular accurately applies." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — Trust-damage assessment is a statutory user protection mechanism; its purpose is to protect the user's ongoing relationship with the service. **BURDEN DESCRIPTION:** No transaction cost burden identified. Trust-damage assessment is a substantive judgment inherent to the disclosure decision. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority and proportionate. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: §44-REQ-11 **PROVISION TEXT:** Where information is disclosed to the police or correctional services, the municipality must ensure the disclosure is registered satisfactorily. **SOURCE INSTRUMENT:** Circular R-35, §5.44.2.6.8 (citing §44 fjerde ledd and Prop. 108 L) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Process Inflation Finding, Req. 11, Step 3: "the mandatory post-disclosure registration is explicitly authorized as a procedural safeguard by the legislative preparatory works (Prop. 108 L)." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — low-frequency but non-trivial documentation obligation; connects to general [D] burden. The open standard ("tilfredsstillende") creates some compliance uncertainty. **PURPOSE:** INTERNAL CONTROL — Post-disclosure registration serves internal accountability and audit capacity. The user's rights are not directly affected by the registration; it does not give the user review rights and is not directed at the user. **BURDEN DESCRIPTION:** After each police or correctional services disclosure, caseworkers must make a formal registration entry that satisfies an open-ended "tilfredsstillende" standard. The uncertainty about what constitutes satisfactory registration may generate compliance anxiety disproportionate to the underlying administrative demand. **KILL LIST CLASSIFICATION:** Category C — Clarification. The requirement has sufficient authority, but the open standard ("tilfredsstillende") should be clarified with minimum content specifications to prevent both under-compliance and over-compliance through excessive documentation in a low-frequency context. **TRANSACTION COST CATEGORY:** Reporting Overhead (minor)

REQUIREMENT ID: §44-REQ-12 **PROVISION TEXT:** Both the correctional services and the welfare services are responsible for obtaining consent, and for archiving and journaling that consent in their own journal systems. **SOURCE INSTRUMENT:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav **CIRCULAR AUTHORITY:** ABSENT — the circular's treatment of disclosures to correctional services (§5.44.2.6.8) does not address system-specific consent archiving. Consequence: caseworkers must comply with this obligation without any guidance from the primary normative instrument governing their work.

LEGAL AUTHORITY: NO — Process Inflation Finding, Req. 12, Step 3: "The statute is entirely silent regarding the archiving and journaling of consent documents within specific operational systems, making this an unsupported system-level requirement." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO. **CATEGORY ERROR:** NO (social services-adjacent, but lacking both circular and statutory anchor) **SCALE FLAG:** YES — the Anchor Document documents systematic failures related to IT system access fragmentation between state and municipal NAV (Averøy, Giske, Båtsfjord). The requirement to archive in one's "own journal system" presupposes compatible, accessible systems; the [D] Documentation Apparatus mechanism confirms this assumption is structurally unreliable in small offices. Because this requirement lacks circular authority, the scale-related burden it imposes is entirely unsupported by the circular framework. **PURPOSE:** INTERNAL CONTROL — archiving consent in a specific system serves inter-agency coordination and audit functions; the user's rights are unaffected by where consent documentation is stored. **BURDEN DESCRIPTION:** Caseworkers must maintain a specific protocol for archiving and journaling consent documents within their agency's own journal system, requiring: system access, familiarity with the relevant journal module, and consistent entry discipline for a relatively infrequent event. Small offices may not have stable access to the systems assumed by this veileder. *Because this requirement has no circular authority, caseworkers must comply with an obligation that the primary normative instrument governing their work does not address — the transaction cost is structurally invisible within the circular framework.* **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement lacks both circular authority and statutory authority. As a system-specific archiving obligation imposed by a cooperation veileder without any normative basis in §44 or the incorporated fvl. provisions, it should be removed from the social services normative framework. Any system-specific archiving coordination between NAV and correctional services should be governed by the agreement framework between those agencies, not imposed as a blanket obligation on all NAV caseworkers through a sub-legal instrument. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

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REQUIREMENT ID: §44-REQ-13 **PROVISION TEXT:** Consent must be voluntary, specific, informed, and given unambiguously through active action; it should be in writing. **SOURCE INSTRUMENT:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav **CIRCULAR AUTHORITY:** ABSENT — the circular does not define consent validity criteria. Consequence: caseworkers must apply a consent validity framework that the primary normative instrument for §44 does not recognize, define, or address. **LEGAL AUTHORITY:** NO — Process Inflation Finding, Req. 13, Step 3: "The veileder dictates mandatory consent validity criteria mirroring GDPR, for which §44 itself provides absolutely no textual authority or definition." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO. **CATEGORY ERROR:** YES — the validity criteria (voluntary, specific, informed, unambiguous active action) are lifted directly from GDPR / personvernforordningen art. 4(11) and art. 7. GDPR is data protection law, not social services law. The consent architecture being imported into §44 belongs to a different legal domain; the obligation as framed is not derivable from sosialtjenesteloven or the incorporated forvaltningsloven provisions. **SCALE FLAG:** PARTIAL — GDPR consent validity verification requires cross-domain legal competence. The Anchor Document documents competence decay as a major [K]

mechanism; maintaining GDPR knowledge as a parallel competence framework in a social services office imposes an additional [K] burden. Because this requirement has no circular authority, no circular guidance is available to support caseworkers in applying the GDPR standard. **PURPOSE:** MIXED — Primary (partially): the substantive validity criteria (voluntary, specific, informed) serve user autonomy. Secondary: the written form recommendation and active-action formalization mirror GDPR compliance documentation, serving administrative conformity with a data protection regime rather than the user's social services rights. **BURDEN DESCRIPTION:** Caseworkers must conduct a structured GDPR-aligned validity check on every consent: verifying voluntariness, specificity, informedness, and expression through active action. This requires operational knowledge of GDPR art. 4 and 7 consent requirements — a cross-domain competence not supported by any circular guidance for §44. *Because this requirement has no circular authority and belongs to a different legal domain, caseworkers are expected to satisfy a GDPR compliance standard in a social services context without any circular guidance on how that standard applies or what it demands of them.* **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement lacks both circular authority and statutory authority and belongs to a different legal domain (GDPR / data protection law). Importing GDPR consent architecture into §44 via a cooperation veileder is a category displacement that should be removed from the social services normative framework. If GDPR consent requirements are relevant to NAV–correctional services data sharing, they should be addressed through the data protection framework, not through sosialtjenesteloven §44 obligations. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

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REQUIREMENT ID: §44-REQ-14 **PROVISION TEXT:** Explicit consent requires that the person has taken an active step to give consent; it should be given in writing. **SOURCE INSTRUMENT:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret **CIRCULAR AUTHORITY:** ABSENT — the circular does not define "explicit consent" or impose active action requirements. Consequence: caseworkers must apply a consent intake standard that the primary normative instrument for §44 does not address. **LEGAL AUTHORITY:** NO — Process Inflation Finding, Req. 14, Step 3: "The definition requiring active action for explicit consent and the written form recommendation possess no textual basis within §44." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO. **CATEGORY ERROR:** PARTIAL — the "active action" requirement parallels GDPR explicit consent (art. 9), transplanting data protection terminology into a social services procedural obligation. The source instrument (barnevern cooperation guidelines) is social services-adjacent, but the legal concept being applied derives from a different domain. **SCALE FLAG:** PARTIAL — active action verification adds a consent intake screening step with cross-domain legal definition; compounds [D] burden without circular guidance support. **PURPOSE:** INTERNAL CONTROL — the active action definition and written form recommendation primarily serve the administration's ability to document, verify, and defend its consent intake process; the user's actual consent decision is legally unaffected by whether the active action takes a written or oral form. **BURDEN DESCRIPTION:** Caseworkers must verify that consent was obtained through an active user action and document this verification. The "active action" concept has no definition in the §44 framework; caseworkers must import it from a partnership guideline with no circular anchor.

Because this requirement has no circular authority, caseworkers cannot find operative guidance for managing this obligation within the §44 normative framework. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement lacks both circular authority and statutory authority; it derives from a cross-domain legal concept (GDPR explicit consent) applied through a partnership cooperation guideline. Its removal from the social services normative framework would not affect users' substantive rights, which are fully protected by REQ-44-03 and the organic fvl. consent provisions. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication

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REQUIREMENT ID: §44-REQ-15 **PROVISION TEXT:** If the NAV office is to gather information on behalf of the user, consent must exist before the gathering takes place. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven §17 (applied in §44 context) **CIRCULAR AUTHORITY:** ABSENT — this requirement originates in a §17 veileder and is transplanted into the §44 context without circular authorization. **LEGAL AUTHORITY:** PARTIAL — the consent principle for information gathering exists within the §44 framework (and through the incorporated fvl. provisions), but the specific framing — gathering information *on the user's behalf* — is a §17 operational concept applied without formal §44 authorization. The underlying principle is legally sound; the source instrument and cross-provision transplantation are not. **DOUBLE AUTHORITY GAP:** YES (for Kill List purposes — circular authority ABSENT; statutory authority PARTIAL through transplantation from a different provision). **CATEGORY ERROR:** NO — the consent principle is integral to sosialtjenesteloven, but the cross-instrument transplantation creates an internal coherence problem rather than a domain error. **SCALE FLAG:** NO — substantive consent obligation; no scale-dependent burden. **PURPOSE:** USER NEED — the requirement directly protects the user from having their information gathered without their knowledge or agreement; its operative content is genuinely user-protective regardless of the source instrument problem. **BURDEN DESCRIPTION:** No transaction cost burden identified for the operative content. The circular authority absence creates a normative coherence problem: caseworkers must locate this obligation in a §17 veileder when working on a §44 case, which is an orientation obstacle rather than a transaction cost. **KILL LIST CLASSIFICATION:** Category B — Status Change. The substantive consent principle should be incorporated into the §44 circular framework directly, displacing the §17 veileder transplant. The current situation — where a user protection obligation with PARTIAL statutory authority operates through a cross-provision veileder without §44 circular authorization — should be resolved by making the circular's treatment of §44 explicit on this point, restoring normative coherence. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (normative coherence issue only)

REQUIREMENT ID: §44-REQ-16 **PROVISION TEXT:** What is written about a child in a case must be neutrally descriptive and limited strictly to what is necessary to demonstrate adequate regard for the child's best interests. **SOURCE INSTRUMENT:** Barnets beste — veileder **CIRCULAR AUTHORITY:** ABSENT — the §44 circular contains no documentation standards for case notes about children. Consequence: caseworkers must apply a documentation quality standard that the primary normative instrument for §44 does not

recognize or address. **LEGAL AUTHORITY:** NO — Process Inflation Finding, Req. 16, Step 3: "The statute is entirely silent on documentation standards; the circular imposes a data minimization standard on case documents lacking any textual authorization in §44." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO. **CATEGORY ERROR:** NO — child's best interest principles have statutory and constitutional anchor (Grunnloven §104; barnekonvensjon art. 3), but the specific documentation standard (neutral, minimized) is a sub-legal editorial obligation with no statutory home. **SCALE FLAG:** PARTIAL — the Anchor Document's Cluster 3 (Child Perspective Documentation) directly confirms this as a significant [D]+[K] volume driver: more than 25 municipal offices were found to have caseworkers who verbally conducted child assessments but failed to document them to the required standard. An editorial neutrality and minimization standard adds a further documentation quality layer to already-confirmed disproportionate burden. Because this requirement has no circular authority, the documentation burden it imposes is unsupported by the circular framework. **PURPOSE:** MIXED — Primary: user need (data minimization and neutral documentation protect the child's privacy rights and prevent over-documentation of sensitive family information). Secondary: internal control (the framing — "for å vise at vi har tatt tilstrekkelig hensyn" — explicitly reveals a compliance demonstration purpose alongside the user protection purpose; the standard primarily enables quality assurance and supervisory verification). **BURDEN DESCRIPTION:** Caseworkers must review and edit case documentation about children for neutral tone and strict necessity. This adds an editorial quality-assurance step to standard case note production. In small offices already sanctioned for failing to document child assessments, this additional editorial standard compounds the [D]+[K] burden identified in the Anchor Document. *Because this requirement has no circular authority, caseworkers applying this standard do so under an obligation the primary normative instrument for §44 does not recognize.* **KILL LIST CLASSIFICATION:** Category A — Removal from the §44 normative framework. The documentation standard has no statutory anchor in §44 and no circular authorization. If data minimization and neutrality standards for documentation about children are considered important, they belong in the barnets beste veileder framework attached to the relevant provisions (§§17–18) where child assessment obligations are affirmatively grounded — not imported into §44 as a sub-legal documentary requirement without any primary law support. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden

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REQUIREMENT ID: §44-REQ-17 **PROVISION TEXT:** Where an incarcerated or convicted person has been appointed a guardian, NAV and correctional services must be aware of this and ensure dialogue with the guardian when collecting consent. **SOURCE INSTRUMENT:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav **CIRCULAR AUTHORITY:** ABSENT — the circular's treatment of disclosures to correctional services (§5.44.2.6.8) contains no provisions on guardianship, legal capacity, or guardian dialogue. Consequence: caseworkers must manage a legally complex obligation that the primary normative instrument for their work does not acknowledge. **LEGAL AUTHORITY:** NO — Process Inflation Finding, Req. 17, Step 3: "The statute contains zero provisions addressing legal capacity and guardianship situations, offering no textual basis for the procedural dialogue requirement." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO. **CATEGORY ERROR:** YES — guardianship and legal capacity are

governed by vergemålsloven (the Guardianship Act), a distinct legal domain entirely separate from sosialtjenesteloven. The obligation to "ensure dialogue with the guardian" is a legal capacity obligation transposed into a social services procedural context by a cooperation veileder without statutory authorization in §44. This requirement belongs in the vergemålsloven operational domain, not in the social services normative framework. **SCALE FLAG:** PARTIAL — knowledge of guardianship structures (vergemålsloven) is a cross-domain [K] competence demand. The Anchor Document documents competence decay in sub-specialized legal domains as a major mechanism for small offices. Without circular guidance, managing this obligation requires legal knowledge that generalist social services workers cannot reasonably be expected to maintain operationally. **PURPOSE:** USER NEED — the operative content protects the legally incapacitated user's autonomy interests through representative participation. The category error finding does not alter the user protection purpose; it identifies the wrong instrument and domain as the vehicle for that protection. **BURDEN DESCRIPTION:** Caseworkers must identify whether a guardianship appointment exists, locate the guardian, structure consent intake to include guardian dialogue, and document that this occurred. This requires cross-referencing vergemålsloven registries and managing a legally complex intake process with no circular guidance available. *Because this requirement has no circular authority and derives from a different legal domain, caseworkers cannot locate operative guidance for this obligation within the sosialtjenesteloven normative framework — they must manage a vergemålsloven legal capacity obligation through a social services lens without any primary law support.* **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement lacks both circular authority and statutory authority and belongs to a different legal domain (vergemålsloven / legal capacity law). A cooperation veileder cannot create operative social services obligations through cross-domain transplantation. If guardian-dialogue requirements are necessary in the NAV–correctional services cooperation context, they should be addressed through vergemålsloven frameworks or through explicit statutory amendment to §44, not through sub-legal normative instruments. **TRANSACTION COST CATEGORY:** Structural Disproportionality; Combined Burden

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CLOSING COMPARATIVE NOTE

Quantitative Synthesis

Category	Count
Total requirements identified from Process Inflation Findings	**17**
Requirements visible from circular alone	**11**
Requirements invisible from circular alone	**6**
Double authority gaps	**6** (REQ-44-12, 13, 14, 15*, 16, 17)

Category errors (requirements from a different legal domain)	**3** (REQ-44-13: GDPR/data protection; REQ-44-17: vergemålsloven; REQ-44-14: partial GDPR transplant)

REQ-44-15 treated as double authority gap for Kill List purposes given cross-provision transplantation and absent circular authority, despite PARTIAL statutory content.

Kill List Breakdown

Category	Requirements	Count
Category A — Removal	REQ-44-12, REQ-44-13, REQ-44-14, REQ-44-16, REQ-44-17	**5**
Category B — Status Change	REQ-44-02, REQ-44-05, REQ-44-15	**3**
Category C — Clarification	REQ-44-01, REQ-44-04, REQ-44-07, REQ-44-11	**4**
No Kill List Action	REQ-44-03, REQ-44-06, REQ-44-08, REQ-44-09, REQ-44-10	**5**

Transaction Cost Categories by Frequency

Transaction cost category	Requirements
Documentation Inflation	REQ-44-02, 05, 12, 13, 14, 16 — **6 requirements**
Combined Burden	REQ-44-12, 13, 16, 17 — **4 requirements**
Structural Disproportionality	REQ-44-02, 12, 13, 17 — **4 requirements**
Procedural Duplication	REQ-44-04, 07, 14 — **3 requirements**
Reporting Overhead	REQ-44-11 — **1 requirement**
No Transaction Cost Identified	REQ-44-03, 06, 08, 09, 10, 15 — **6 requirements**

Analytical Synthesis

The §44 audit produces several findings of structural significance for the main report.

The sub-legal overlay problem is concentrated and source-specific. All six requirements invisible from the circular alone derive from veileders. Four of the six originate in a single instrument: the national cooperation veileder with correctional services. This source concentration means that a policy coordination document governing an inter-agency partnership has effectively extended the operative normative framework for §44 by

approximately 35% (6 of 17 requirements) — without any circular authorization and without any statutory basis. This is not an isolated drafting issue; it is a structural pattern of normative proliferation through partnership instruments.

Three requirements constitute category errors. REQ-44-13 imports GDPR consent validity architecture into a social services provision. REQ-44-17 imports a vergemålsloven legal capacity obligation. REQ-44-14 partially follows the same pattern. These represent a specific type of regulatory malfunction — not merely requirements lacking authority within their home domain, but requirements that have migrated from entirely different legal domains into social services through sub-legal instruments. The legal discipline this requires of generalist caseworkers (maintain operational knowledge of GDPR art. 4/7 and vergemålsloven guardianship structures, simultaneously, in a social services context) is structurally unreasonable and has no foundation in sosialtjenesteloven.

The five requirements assessed as having sufficient authority cluster entirely around established user-protection obligations. REQ-44-03, 06, 08, 09, and 10 — all "No Kill List Action" — are the core consent, anonymization, and necessity provisions that directly implement the statutory confidentiality framework. This finding validates the circular's core §44 provisions as legally sound while identifying the overlay structure as the source of excess burden.

The dominant transaction cost pattern is Documentation Inflation. This aligns exactly with the Anchor Document's finding that the [D] Documentation Apparatus mechanism is the empirically dominant volume driver across all social services domains, accounting for approximately 42–65% of all supervision findings. The §44 audit confirms that this mechanism operates at the level of specific sub-legal requirements — particularly written consent defaults, system-specific archiving obligations, and documentation quality standards — none of which have statutory authority and several of which have no circular authority either.

SLUDGE AUDIT — § 45 OPPLYSNINGSPLIKT TIL BARNEVERNSTJENESTEN

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison: The Process Inflation Findings (Reference Document) identify **20 distinct requirements** operative in the normative framework surrounding § 45. The circular paragraph in the Context Document (§§ 5.45.1–5.45.2.4) makes visible **12 of those 20 requirements**. Eight requirements — REQ 13 through REQ 20 — have **no textual presence in the circular at all**. They are operationally imposed on NAV offices by sub-legal instruments that exist entirely outside the circular framework.

Requirements invisible from the circular, with source mapping:

REQ	Source Instrument	Instrument Type
13	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(d) guidance document
14	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(d) guidance document
15	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) veileder
16	Kommunebrev 2025	(a) Kommunebrev
17	Barnets beste – veileder	(b) veileder
18	Barnets beste – veileder	(b) veileder
19	Barnets beste – veileder	(b) veileder
20	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(d) guidance document

Structural significance: A caseworker or NAV leader reading the circular — the primary normative instrument governing their work — would encounter obligations governing awareness, reporting thresholds, timing, attribution, the development of routines, and the conduct of anonymous consultations. They would have no basis from that circular alone to know that they are also obligated to: meet a decisive sufficiency standard in their mapping assessments (REQ 16); produce externally reviewable documentation of barnets beste assessments (REQ 17); apply specific drafting norms to case records concerning children

(REQ 18); govern their IT system usage according to child privacy standards (REQ 19); obtain and document written consent for voluntary contact assistance (REQ 20); or assess whether to notify police alongside child welfare services (REQ 15). These obligations are entirely invisible from the primary normative instrument. This is the core analytical value of using the Process Inflation Findings as the reference document.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

REQ-45.01

- *Obligation:* Every person performing service or work under this Act shall in their work be attentive to circumstances that may lead to measures from the child welfare service.
- *Source:* R-35, § 5.45 / § 5.45.2.1 (PROC-REQ-45.1)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.02

- *Obligation:* Shall, without being impeded by confidentiality, report to the child welfare service without unjustified delay when there is reason to believe a child is being or will be abused, subject to serious neglect, at risk from serious illness or injury, displaying serious behavioural difficulties, or at risk of human trafficking.
- *Source:* R-35, § 5.45 (PROC-REQ-45.2)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.03

- *Obligation:* Every person performing service or work under this Act is also obliged to provide information upon order pursuant to the Child Welfare Act § 6-4.
- *Source:* R-35, § 5.45 (PROC-REQ-45.3)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.04

- *Obligation:* If there is reason for concern about a child's or young person's life situation, this shall be investigated more closely through conversation with the parents.
- *Source:* R-35, § 5.45.2.1 (PROC-REQ-45.4)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.05

- *Obligation:* The NAV office shall contribute to finding solutions together with the parents.
- *Source:* R-35, § 5.45.2.1 (PROC-REQ-45.5)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.06

- *Obligation:* In order to fulfil the duty of attentiveness, the NAV office must be familiar with the child welfare service's general assistance measures (støttekontakt, besøkshjem, avlastningstiltak, etc.).
- *Source:* R-35, § 5.45.2.1 (PROC-REQ-45.6)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.07

- *Obligation:* It must be assessed concretely whether the information gives grounds for concern that a child is in a situation that triggers the duty to report.
- *Source:* R-35, § 5.45.2.2 (PROC-REQ-45.7)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.08

- *Obligation:* When the duty to report exists, the employee shall immediately report to the child welfare service.
- *Source:* R-35, § 5.45.2.2 (PROC-REQ-45.8)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.09

- *Obligation:* No further investigations shall be conducted to confirm or refute the concern.
- *Source:* R-35, § 5.45.2.2 (PROC-REQ-45.9)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.10

- *Obligation:* The report to the child welfare service shall be from a named employee, or that person's manager, so that the child welfare service can best assess the content and the need to obtain further information.
- *Source:* R-35, § 5.45.2.2 (PROC-REQ-45.10 / DOC-REQ-45.1)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.11

- *Obligation:* The NAV office should (bør) develop routines for how the duty to report is to be handled.
- *Source:* R-35, § 5.45.2.2 (PROC-REQ-45.11 / DOC-REQ-45.2)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.12

- *Obligation:* Preliminary consultations with the child welfare service shall be anonymous — no names, addresses, or identifying information may be used that could reveal the child's or parents' identity.
- *Source:* R-35, § 5.45.2.4 (PROC-REQ-45.12 / DOC-REQ-45.3)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* PRESENT

REQ-45.13

- *Obligation:* Where the service identifies a need that the child welfare service should assess, the service shall advise about the offer or assist the family in making contact.
- *Source:* Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (PROC-REQ-45.13)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* ABSENT

REQ-45.14

- *Obligation:* Where the service assists by making contact on behalf of the family, consent must be present.
- *Source:* Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (PROC-REQ-45.14)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* ABSENT

REQ-45.15

- *Obligation:* It must be concretely assessed whether it is sufficient to report only to the child welfare service, or whether the police must also be notified.
- *Source:* Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (PROC-REQ-45.15)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* ABSENT

REQ-45.16

- *Obligation:* For the NAV office to identify difficult life situations for children, the mapping assessment must be of sufficient quality — framed as "decisive" (avgjørende).
- *Source:* Kommunebrev 2025 (PROC-REQ-45.16)
- *Explicit/implicit:* Explicit

- *Textual presence in circular:* ABSENT

REQ-45.17

- *Obligation:* Assessments of the child's best interests must be documented so that others can review what evaluations were made and have the opportunity to verify them.
- *Source:* Barnets beste – veileder (DOC-REQ-45.4)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* ABSENT

REQ-45.18

- *Obligation:* What is written about the child in the case should be neutrally descriptive and limited strictly to what is necessary to show that sufficient consideration has been given to the child's best interests.
- *Source:* Barnets beste – veileder (DOC-REQ-45.5)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* ABSENT

REQ-45.19

- *Obligation:* When documenting individual cases, professional IT systems must be used in a manner that safeguards the child's right to privacy.
- *Source:* Barnets beste – veileder (DOC-REQ-45.6)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* ABSENT

REQ-45.20

- *Obligation:* Explicit consent requires that the person must have done something active to provide consent, and consent should (bør) be given in writing.
- *Source:* Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (DOC-REQ-45.7)
- *Explicit/implicit:* Explicit
- *Textual presence in circular:* ABSENT

STEP 2 — LEGAL AUTHORITY CHECK

REQ-45.01

- Direction 1 (circular authority): YES — § 45 statutory text and § 5.45.2.1 explicitly state the attentiveness duty.
- Direction 2 (statutory authority): YES — sosialtjenesteloven § 45, first paragraph.
- Double authority gap: NO. Category error: NO.

REQ-45.02

- Direction 1: YES — § 45 statutory text and § 5.45.2.2 state the reporting duty.
- Direction 2: YES — sosialtjenesteloven § 45, second paragraph; express statutory basis.
- Double authority gap: NO. Category error: NO.

REQ-45.03

- Direction 1: YES — § 45 statutory text and § 5.45.2.3.
- Direction 2: YES — sosialtjenesteloven § 45, third paragraph; directly incorporates barnevernloven § 6-4.
- Double authority gap: NO. Category error: NO.

REQ-45.04

- Direction 1: YES — present in § 5.45.2.1 of the circular.
- Direction 2: PARTIAL — the Process Inflation Finding notes that § 45 leaves the method of fulfilling the awareness duty entirely open to professional judgment; the circular converts this into a mandatory investigative step (conversation with parents) that § 45 arguably does not authorize as the exclusive method. The open normative standard does not prescribe this specific procedure.
- Double authority gap: NO (circular authority present). Single authority concern on Direction 2.

REQ-45.05

- Direction 1: YES — present in § 5.45.2.1.
- Direction 2: PARTIAL — classified in Process Inflation Findings as a substantive welfare-assistance obligation going beyond § 45's procedural framework. No specific statutory basis in § 45 for the obligation to find solutions jointly with parents; this draws on the general purpose provisions of the Act (§ 1) but not from § 45 itself.
- Double authority gap: NO.

REQ-45.06

- Direction 1: YES — present in § 5.45.2.1.
- Direction 2: PARTIAL — Process Inflation Finding flags this as an institutional competence prerequisite the circular imposes where § 45 leaves practical fulfilment of the awareness duty open. § 45 contains no requirement that the NAV office maintain specific knowledge of child welfare measures as a precondition.
- Double authority gap: NO.

REQ-45.07

- Direction 1: YES — present in § 5.45.2.2.
- Direction 2: YES — the Process Inflation Finding determines there is no legal gap here; the law's evidential condition ("grunn til å tro") inherently implies an individual factual assessment.
- Double authority gap: NO. Category error: NO.

REQ-45.08

- Direction 1: YES — present in § 5.45.2.2.
- Direction 2: PARTIAL — § 45 says "uten ugrunnet opphold" (without unjustified delay), which implicitly permits justified delay. The circular converts this into an absolute immediate obligation, eliminating the judgment margin the statutory text preserves.
- Double authority gap: NO.

REQ-45.09

- Direction 1: YES — present in § 5.45.2.2.
- Direction 2: PARTIAL — § 45 leaves evidence-gathering discretion open; the circular converts this into a strict prohibition removing legitimate professional assessment activity that the statutory text does not forbid.
- Double authority gap: NO.

REQ-45.10

- Direction 1: YES — present in § 5.45.2.2.
- Direction 2: PARTIAL — § 45 mandates reporting but contains no rules on form or authorship attribution. The named-attribution requirement lacks a specific statutory anchor. The Process Inflation Finding confirms: "§ 45 simply mandates reporting with no rules on form or authorship; the circular mandates concrete attribution requirements lacking statutory basis."
- Double authority gap: NO (circular authority is present, though statutory authority is partial).

REQ-45.11

- Direction 1: YES — present in § 5.45.2.2 (as bør).
- Direction 2: NO — § 45 creates individual reporting duties without referencing organizational systems. Process Inflation Finding: "there is no legal basis in § 45 for mandating the preparation of institutional routines." The bør formulation reduces the normative force, but the operational context and the standard of organizational compliance effectively shadow-bind this recommendation.
- Double authority gap: NO (circular authority present, even if partial). Statutory authority NO.

REQ-45.12

- Direction 1: YES — present in § 5.45.2.4.
- Direction 2: NO — § 45 governs formal mandatory reporting and is entirely silent on pre-reporting anonymous consultations. The Process Inflation Finding confirms this. The anonymization requirement derives from general privacy principles, not § 45.
- Double authority gap: NO (circular present). Statutory authority NO. The requirement's substantive content is grounded in privacy law, not social services law — partial category concern but not a full category error since the circular has adopted it.

REQ-45.13

- Direction 1: NO — ABSENT from circular. The circular governs reporting; this guidance-and-contact-assistance duty derives entirely from an external cooperation guideline.
- Direction 2: NO — § 45 does not impose a service duty to guide families toward child welfare services or to assist them in making contact. Process Inflation Finding confirms this is "entirely absent from § 45." This obligation operates wholly outside both the circular framework and § 45's statutory mandate.
- **DOUBLE AUTHORITY GAP: YES.**

REQ-45.14

- Direction 1: NO — ABSENT from circular.
- Direction 2: NO — § 45 addresses mandatory reporting that overrides confidentiality. It provides no authority for consent rules governing voluntary contact assistance. The governing legal domain for consent to information sharing is GDPR/personopplysningsloven, not sosialtjenesteloven § 45.
- **DOUBLE AUTHORITY GAP: YES.**
- **CATEGORY ERROR: YES** — the operative legal authority for this requirement is privacy law (GDPR / personopplysningsloven), not the Social Services Act.

REQ-45.15

- Direction 1: NO — ABSENT from circular.
- Direction 2: NO — § 45 addresses reporting to the child welfare service exclusively. Police notification procedures derive from straffeloven / straffeprosessloven, not from sosialtjenesteloven. The source instrument is a veileder for cooperation with the criminal justice system, not a social services instrument.
- **DOUBLE AUTHORITY GAP: YES.**
- **CATEGORY ERROR: YES** — the requirement belongs to the criminal procedural law domain; using § 45 as a statutory anchor is the Process Inflation Finding's confirmed "false statutory anchor."

REQ-45.16

- Direction 1: NO — ABSENT from circular.
- Direction 2: PARTIAL — § 45 leaves the depth and quality of awareness entirely open to professional judgment. The Kommunebrev's "decisive" (avgjørende) sufficiency standard imposes a concrete adequacy threshold for the mapping process that § 45 does not authorize. While mapping to identify concerns is consonant with the awareness duty, this specific quality threshold has no express statutory basis.
- **DOUBLE AUTHORITY GAP: YES** (circular authority ABSENT; statutory authority PARTIAL).

REQ-45.17

- Direction 1: NO — ABSENT from circular.

- Direction 2: NO — § 45 contains no documentation obligation. The obligation derives from the Convention on the Rights of the Child (barnekonvensjonen art. 3) and general forvaltningslov principles, not from § 45.
- **DOUBLE AUTHORITY GAP: YES.**
- **CATEGORY ERROR: PARTIAL** — derives partly from international human rights law and general administrative law principles rather than from sosialtjenesteloven § 45 specifically, though the Social Services Act context is not absent.

REQ-45.18

- Direction 1: NO — ABSENT from circular.
- Direction 2: NO — § 45 has no provisions governing how case records are styled, framed, or limited. These standards derive from arkivloven and personopplysningsloven.
- **DOUBLE AUTHORITY GAP: YES.**
- **CATEGORY ERROR: YES** — governing legal domain is privacy and archiving law, not sosialtjenesteloven § 45.

REQ-45.19

- Direction 1: NO — ABSENT from circular.
- Direction 2: NO — § 45 contains no rules on IT system use or data protection. This is entirely governed by GDPR and personopplysningsloven.
- **DOUBLE AUTHORITY GAP: YES.**
- **CATEGORY ERROR: YES** — governing legal domain is GDPR/personopplysningsloven.

REQ-45.20

- Direction 1: NO — ABSENT from circular.
- Direction 2: NO — § 45 addresses mandatory overrides of confidentiality; it lacks provisions on consent form or documentation. The requirement derives from GDPR art. 7 and personopplysningsloven, not sosialtjenesteloven.
- **DOUBLE AUTHORITY GAP: YES.**
- **CATEGORY ERROR: YES** — governing legal domain is GDPR/personopplysningsloven.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

For this paragraph, the Anchor Document does not contain §45-specific supervision findings. The relevant structural parallels are drawn from the Anchor Document's confirmed mechanisms: [D] Documentation Apparatus, [C] Coordination Infrastructure, [K] Competence Sustainability, and the child-perspective documentation cluster.

REQ-45.01 through REQ-45.03: Scale flag: NO. These are substantive legal duties activated by individual professional observation; their execution does not presuppose organizational capacity beyond that of any individual caseworker.

REQ-45.04: Scale flag: PARTIAL. The requirement to investigate through conversation presupposes availability of staff time and a face-to-face relationship format. In the smallest offices where a single caseworker carries hundreds of social assistance cases, the opportunity to conduct structured parental conversations when concerns arise is structurally compressed. Anchor Document parallel: the child-perspective documentation cluster (Cluster 3, §18 memo) confirms that generalists encounter child-welfare situations too infrequently to maintain habitual procedural responses. The structural parallel applies here.

REQ-45.05: Scale flag: NO. Solution-finding with parents is an individual professional activity requiring no specific organizational scale beyond the caseworker's capacity.

REQ-45.06: Scale flag: PARTIAL. The requirement that the NAV office maintain institutional knowledge of child welfare measures presupposes an organizational capacity for systematic knowledge management that very small offices (2–3 caseworkers) cannot guarantee. Anchor Document mechanism: [K] Competence Sustainability. Confirmed in general terms: caseworkers in small generalist offices cannot maintain specialized lateral knowledge of adjacent service systems when encounter frequency is low.

REQ-45.07: Scale flag: NO. Individual case-by-case assessment is inherent in any professional role regardless of office size.

REQ-45.08: Scale flag: NO. Immediate reporting is an individual obligation that does not presuppose organizational scale.

REQ-45.09: Scale flag: NO. The prohibition on further investigation is a conduct rule applicable regardless of office size.

REQ-45.10: Scale flag: PARTIAL. Named attribution in reports assumes the organizational clarity to know who has formal reporting authority and when a manager should sign rather than the caseworker — a role-clarity question that in very small offices (1–2 social services staff) may require explicit organizational protocols. Anchor Document mechanism: [C] Coordination Infrastructure; the maker/checker and role-separation findings are structurally analogous.

REQ-45.11: Scale flag: YES. The development of formal organizational routines for handling the reporting duty presupposes an organizational infrastructure capable of producing, maintaining, and updating such routines. Anchor Document: The internal control apparatus cluster (Cluster 2 in the §18 memo) directly confirms this. Findings from Nesna, Giske, Averøy, Sør-Varanger, and others show that formal routine development falls to the NAV leader, who in small offices is simultaneously the primary caseworker. The same mechanism applies: formal internal procedural routines assume back-office administrative capacity proportional to organizational size. Where REQ-45.11 lacks statutory authority (Step 2), any scale-related burden it imposes is unsupported by the circular's own regulatory framework.

REQ-45.12: Scale flag: NO. The anonymization rule for individual consultations is an individual conduct standard not dependent on organizational scale.

REQ-45.13: Scale flag: PARTIAL. Systematically advising families about child welfare service offers or assisting them in making contact — beyond the individual mandatory reporting duty — implies a service delivery function that assumes available caseworker capacity. In micro-offices, this proactive guidance function competes with reactive mandatory case processing. Anchor Document: Latent Driver 1 (oppsøkende virksomhet) is structurally analogous — proactive/guidance-oriented service cannot coexist with mandatory desk-bound processing in small offices without additional capacity. Since REQ-45.13 also lacks all circular authority, any scale burden it imposes is entirely unsupported by the primary normative instrument.

REQ-45.14: Scale flag: PARTIAL. Obtaining and managing consent as a procedural prerequisite for voluntary family contact-assistance imposes an administrative overhead that, while individually modest, accumulates with other consent and documentation demands. Anchor Document: the GDPR-related documentation findings are categorized under [D] Documentation Apparatus. Since this requirement has no circular authority, its transaction cost falls entirely outside the circular's guidance framework.

REQ-45.15: Scale flag: PARTIAL. A concrete inter-agency referral evaluation (whether to notify police) presupposes either specialist competence in criminal procedural matters or established inter-agency protocols with law enforcement — organizational infrastructure that small NAV offices do not routinely maintain. Anchor Document: [C] Coordination Infrastructure findings (systematic inter-agency agreements) are confirmed as volume drivers. Since this requirement also lacks circular authority and constitutes a category error, any scale burden it imposes is doubly unsupported.

REQ-45.16: Scale flag: YES. The Kommunebrev's "decisive" (avgjørende) sufficiency standard for mapping assessments presupposes that caseworkers can systematically and reliably conduct high-quality child situation mapping in every relevant case. Anchor Document: the child-perspective documentation cluster directly addresses this: "The requirement to individually map and formally document children's needs is consistently undermined in small offices where caseworkers know families personally but lack time or back-office capacity." This finding is confirmed across 15+ municipalities. The "decisive" sufficiency language adds a quality threshold on top of a documentation burden that the Anchor Document has already established as structurally disproportionate for small generalist offices. Since REQ-45.16 also lacks circular authority, this burden is entirely without regulatory foundation in the primary normative instrument.

REQ-45.17: Scale flag: YES. Documenting barnets beste assessments to a standard enabling external reviewability presupposes both the competence to produce reviewable reasoning and the administrative capacity to translate that reasoning into case records. Anchor Document: [D] Documentation Apparatus and the child-perspective cluster (Cluster 3) are confirmed. The specific finding — "caseworkers verbally know what they should do but fail to document it" — across 15+ municipalities directly confirms that documentation of welfare-related assessments is a scale-sensitive compliance burden regardless of

substantive service quality. Since REQ-45.17 also lacks circular and statutory authority, this burden falls entirely outside any framework the primary normative instrument addresses.

REQ-45.18: Scale flag: PARTIAL. Specific stylistic and content standards for case notes require drafting discipline and back-office review capacity. While individually modest, it interacts with the broader documentation burden confirmed in the Anchor Document. Since REQ-45.18 lacks all authority, any burden it creates is without regulatory foundation.

REQ-45.19: Scale flag: PARTIAL. Systematic IT system governance for child privacy assumes both IT support capacity and regular caseworker training — resources unavailable in very small offices. Anchor Document: the Compilo/ASYS IT fragmentation findings (Cluster 2) directly confirm that small offices lack the IT governance capacity to resolve access and compliance issues with specialized systems. Since REQ-45.19 lacks all authority, the burden is without regulatory foundation.

REQ-45.20: Scale flag: PARTIAL. Managing active, written consent documentation for information sharing adds to the overall documentation burden. Anchor Document: [D] Documentation Apparatus is confirmed as dominant. Since REQ-45.20 also lacks all circular and statutory authority, the burden is entirely unsupported.

STEP 4 — PURPOSE CLASSIFICATION

REQ-45.01: [USER NEED] — The attentiveness duty is the foundational legal mechanism protecting children from serious harm through NAV contact. Its entire purpose is to safeguard children's welfare, not to generate administrative records.

REQ-45.02: [USER NEED] — The reporting duty directly serves the legal protection of children in serious risk situations. The override of confidentiality is explicitly user-protective in design.

REQ-45.03: [USER NEED] — The obligation to provide information upon order serves external child welfare proceedings and the protection of specific children.

REQ-45.04: [MIXED] — Primary: user need (investigating concerns through parental conversation serves the child's welfare). Secondary: internal control (fixing a mandatory method imposes procedural accountability on caseworker conduct, enabling managerial oversight of whether the awareness duty was exercised). The user need element is primary; the procedural fixation introduces an internal control dimension by eliminating discretion in method.

REQ-45.05: [USER NEED] — Assistance in finding solutions is a service orientation directly benefiting the family and, by extension, the child. No administrative documentation or reporting function is served.

REQ-45.06: [MIXED] — Primary: user need (caseworker familiarity with available child welfare measures enables them to provide better guidance and referrals to families). Secondary: internal control (frames this as an institutional competence standard against

which the office can be assessed and held accountable by supervision). The user benefit is primary, but the framing as an office-level institutional prerequisite introduces accountability-to-supervisor logic.

REQ-45.07: [USER NEED] — The requirement for concrete individual assessment directly serves the child by ensuring reporting decisions are grounded in actual case-specific circumstances rather than routine triggering.

REQ-45.08: [MIXED] — Primary: user need (immediate reporting protects the child from ongoing risk). Secondary: internal control (eliminating judgment discretion on timing creates a bright-line compliance standard that simplifies audit verification). The user need element is primary.

REQ-45.09: [MIXED] — Primary: user need (preventing delay of child protection measures through investigation; protecting the child from exposure of the concern to the family prematurely). Secondary: internal control (creating a compliance bright line that removes caseworker discretion, simplifying supervisory enforcement). The user need rationale is primary in design but the absolute prohibition introduces internal control logic by eliminating professional judgment entirely.

REQ-45.10: [MIXED] — Primary: user need (named attribution enables the child welfare service to assess the report's credibility and seek follow-up information effectively). Secondary: internal control (attribution creates organizational accountability for the report and ensures institutional traceability). The user need rationale stated in the source text ("so that the child welfare service can best assess") identifies the user-serving purpose as primary, but institutional accountability is an inherent secondary function.

REQ-45.11: [INTERNAL CONTROL] — The development of institutional routines for handling the reporting duty has no direct bearing on whether any individual child is reported or protected. Its function is to create a reproducible, auditable organizational system — it serves management oversight, supervisory compliance evaluation, and internal quality assurance. The source text contains no user-benefit rationale.

REQ-45.12: [MIXED] — Primary: user need (protecting the child's and parents' privacy during informal consultations preserves their dignity and prevents premature identification). Secondary: internal control (the strict prohibition creates a compliance rule enforceable by supervision, removing judgment discretion from a sensitive area). The privacy-protection rationale is primary.

REQ-45.13: [USER NEED] — Advising families about child welfare services or assisting contact directly extends the reach of protective services to families who might not independently seek help. The source text is oriented toward user benefit with no administrative function identified.

REQ-45.14: [INTERNAL CONTROL] — From the perspective of the Social Services Act and § 45 specifically, this requirement is entirely process-administrative: it governs the form of authorization before voluntary contact assistance, creating a compliance checkpoint for caseworker conduct. The governing legal domain (GDPR) classifies consent as a data protection mechanism, not a user service mechanism, in relation to § 45.

REQ-45.15: [INTERNAL CONTROL] — From a social services perspective, police referral assessment is an inter-agency coordination procedure serving the internal integrity of the criminal justice system and the reporting system's coherence. The source veileder serves coordination between NAV and the criminal justice system, not user welfare in the social services sense. In its home legal domain it may have protective functions, but in relation to § 45's framework its purpose is institutional coordination and procedural compliance.

REQ-45.16: [INTERNAL CONTROL] — The "decisive" sufficiency standard for mapping is a quality threshold designed to make assessment processes externally verifiable and auditable against a compliance standard. It serves supervision and accountability purposes. While children benefit from good mapping, the specific compliance threshold in the Kommunebrev is framed in quality-assurance terms, not in terms of what a specific child's case requires. The framing as a sufficiency standard the office must meet serves internal control functions.

REQ-45.17: [INTERNAL CONTROL] — The documentation obligation is explicitly framed in terms of enabling others to review and verify assessments: "For at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene." This is a textbook internal control purpose statement. No user benefit from the documentation itself (as opposed to the underlying assessment) is identified.

REQ-45.18: [INTERNAL CONTROL] — Stylistic and content standards for case records serve archival, compliance, and audit purposes. The drafting standard ("neutrally descriptive, strictly necessary") serves the case record's function as an institutional document, not the child's welfare outcome. The source text's rationale ("to show that we have taken sufficient consideration") explicitly references demonstration to external parties — an internal control purpose.

REQ-45.19: [INTERNAL CONTROL] — IT system governance for privacy is an institutional compliance obligation serving data protection regulatory requirements. No direct child welfare benefit from the specific IT-system usage rules (as distinct from their regulatory purpose in privacy law) is identified in the source text.

REQ-45.20: [INTERNAL CONTROL] — Written documentation of active consent is a record-keeping and compliance function. The source text is framed in terms of consent administration procedures, not user service quality. The purpose is accountability in information-sharing processes, not welfare service delivery.

STEP 5 — TRANSACTION COST CHARACTERIZATION

REQ-45.04 [MIXED — secondary internal control] A caseworker who identifies potential concern must conduct a structured parental conversation — not merely take note of the circumstance. This demands both time (scheduling, conducting, documenting the outcome of the conversation) and a specific professional format (not a casual exchange but an investigative step). For a manager, this creates an obligation to verify that caseworkers are executing this step when concerns arise — which is a supervisory spot-check function. The caseworker must translate an open awareness standard into a documented procedural step.

Since this requirement is present in the circular, caseworkers have a normative framework for this obligation, but the procedural fixation limits professional judgment beyond what § 45 requires.

REQ-45.06 [MIXED — secondary internal control] The NAV office as an institution must maintain current knowledge of child welfare service offerings — an institutional competence management obligation. In practice, this means designated responsibility for maintaining and updating this knowledge, ideally through formal inter-agency contact or training. For small offices (2–3 caseworkers), this institutional knowledge burden falls on individual generalists who may encounter child welfare referral situations infrequently. This maps to [K] Competence Sustainability. While the circular provides the normative framework, the competence prerequisite has no clear statutory basis, meaning the compliance obligation is circular-based but not statutorily grounded.

REQ-45.08 [MIXED — secondary internal control] The absolute immediate timing obligation demands that caseworkers act without deferring to management consultation or completing other tasks. From a managerial perspective, this creates a supervisory obligation to verify that no delays occurred between the formation of concern and the dispatch of a report — a retrospective audit function. The elimination of "unjustified delay" discretion simplifies compliance measurement at the cost of professional judgment. Transaction cost is primarily borne by individual caseworkers navigating time pressure; for managers it creates a retroactive verification obligation.

REQ-45.09 [MIXED — secondary internal control] The prohibition on further investigation creates a compliance boundary that caseworkers must actively observe. In practice, this means documenting (at least internally) the moment at which concern formed and the decision not to investigate further, to demonstrate that the prohibition was respected. A manager performing oversight review must verify that caseworkers did not conduct unauthorized pre-reporting investigations. This prohibition removes a professional judgment function and replaces it with a compliance monitoring obligation.

REQ-45.10 [MIXED — secondary internal control] The named attribution requirement demands that every report contain a specifically attributed sender (named employee or named manager). This requires the office to have a clear policy determining when a manager rather than a caseworker is named — an organizational protocol that must exist and be consistently applied. For small offices, this attribution question may require case-by-case manager consultation, adding coordination overhead to what should be a simple reporting act. Since this requirement has only partial statutory authority, the attribution burden is essentially circular-created overhead. The caseworker must not only submit the report but ensure it contains the correct institutional attribution, which may require managerial involvement in cases where it would not otherwise be necessary. Transaction cost is modest but recurrent.

REQ-45.11 [INTERNAL CONTROL] The development, maintenance, and periodic updating of formal organizational routines for reporting duty compliance demands explicit administrative work that serves no purpose in any individual child's case. A NAV leader must draft the routine, ensure it is accessible to all staff, verify that it is current, update it when the normative framework changes, and demonstrate its existence to supervisors. In small

offices, this falls entirely on the leader who is simultaneously the primary caseworker. Anchor Document finding: the internal control apparatus cluster confirms that formal routine development is one of the first obligations to be de-prioritized when organizational capacity is absorbed by frontline service. **Since REQ-45.11 lacks statutory authority, caseworkers must comply with an obligation — producing institutional routines — that the primary normative instrument recommends but § 45 does not mandate. The circular provides the normative frame, but no law requires it.**

REQ-45.12 [MIXED — secondary internal control] The strict anonymization rule for pre-reporting consultations demands that caseworkers actively manage their communication during informal professional exchanges — removing names, addresses, and identifying details in real time from what may be a spontaneous, ad hoc consultation with a child welfare colleague. This is primarily a compliance conduct obligation. The transaction cost is modest in individual cases but cumulatively significant in offices where pre-reporting consultation is a frequent professional activity. No additional burden for managers beyond general supervision of compliance conduct.

REQ-45.13 [USER NEED — but invisible from circular] No transaction cost burden in the internal control sense is identified. However, this requirement imposes a service delivery obligation (guidance and contact assistance) with no basis in the circular, meaning caseworkers undertaking this service are operating on obligations invisible to the primary normative instrument governing their work. This does not generate documentation overhead per se, but it does extend the scope of obligated service beyond what § 45 and its circular specify.

REQ-45.14 [INTERNAL CONTROL] Consent management for voluntary contact assistance requires caseworkers to: determine whether voluntary assistance is being provided (triggering the consent requirement); obtain active, documented consent from the family before proceeding; record that consent was given; and verify that the form of consent meets the "explicit/active" standard. For a manager, oversight of consent compliance involves reviewing whether caseworkers are consistently triggering and documenting consent in relevant situations. **Since this requirement has no circular authority, caseworkers must comply with a consent-management obligation that the primary normative instrument governing their work does not address. The governing framework is GDPR, but caseworkers encounter this obligation through a social services guidance document.** Transaction cost: administrative overhead per instance of voluntary contact assistance; systematic compliance overhead for managers.

REQ-45.15 [INTERNAL CONTROL] Caseworkers must conduct a concurrent evaluation in every relevant child welfare reporting situation: is this also a matter for police notification? This requires familiarity with criminal procedural law thresholds (straffeloven / straffeprosessloven) that fall entirely outside the Social Services Act framework. From a managerial perspective, oversight of this obligation would require verifying that caseworkers are applying criminal-law criteria correctly — a competence that no social services training framework addresses. **Since this requirement derives from a veileder for criminal justice coordination and has no circular authority, caseworkers must comply with a criminal procedural assessment obligation that the circular governing their work does not address, and for which no guidance is provided in the social services normative**

system. This is the most operationally displaced transaction cost in the catalog: it requires professional competence in a legal domain entirely extraneous to the caseworker's role.

REQ-45.16 [INTERNAL CONTROL] The "decisive" sufficiency standard for mapping assessments requires caseworkers to conduct mapping to a quality threshold that can withstand scrutiny — not merely adequate in the individual professional's judgment, but demonstrably sufficient against an external standard. This creates both a documentation burden (the mapping must be recorded to demonstrate its quality) and a competence demand (the caseworker must know what a "sufficient" mapping looks like in the Kommunebrev's terms). For managers, this creates a spot-check obligation: reviewing case files to verify that mappings meet the standard. **Since REQ-45.16 has no circular authority, the mapping sufficiency standard imposes a compliance burden that falls entirely outside the circular framework — caseworkers are assessed against a quality threshold that their primary normative instrument does not mention, derived from an annual administrative letter rather than from binding regulation.**

REQ-45.17 [INTERNAL CONTROL] Caseworkers must translate their professional assessments of the child's best interests into written, externally reviewable case records. This doubles the cognitive burden: performing the assessment and then producing a written record of it in reviewable form. Anchor Document confirmation (very strong, 15+ municipalities): "caseworkers verbally know what they should do but fail to document it" is the dominant finding pattern in child-perspective compliance failures. The documentation obligation is the principal source of sanctions in this domain, not the quality of the underlying assessment. For managers, oversight involves reviewing case records to verify that assessments are documented — a portfolio review function that in small offices creates the same self-oversight impossibility documented in the Anchor Document. **Since REQ-45.17 has no circular authority, the documentation overhead it creates falls entirely outside any framework the circular provides guidance for.**

REQ-45.18 [INTERNAL CONTROL] Caseworkers must apply specific drafting standards (neutral, descriptive, strictly necessary) to case records concerning children. This imposes an editing and self-review discipline beyond what standard case note writing requires. Managers must review case notes for stylistic and content compliance against these standards. **Since REQ-45.18 has no circular authority and derives from archiving and privacy law, caseworkers are applying drafting standards from a legal domain their primary normative instrument does not address.**

REQ-45.19 [INTERNAL CONTROL] Caseworkers must systematically apply IT-system usage protocols for child privacy when documenting. This assumes: (a) that caseworkers know what the applicable protocols require; (b) that IT systems are configured or accessible in ways that support compliant usage; and (c) that training in these protocols is provided. Anchor Document: the Compilo/ASYS IT access problem is confirmed as a structural coordination failure in small offices. The same dynamic applies: NAV's split between state and municipal IT systems creates access gaps that small offices cannot resolve locally. **Since REQ-45.19 has no circular authority, IT privacy compliance in case documentation is an obligation that falls entirely outside the circular's guidance framework — caseworkers must meet requirements from a legal domain (GDPR) that the primary instrument governing their work never addresses.**

REQ-45.20 [INTERNAL CONTROL] Each instance of voluntary information sharing assistance requires the caseworker to: verify that consent is required; ensure the consent is explicit and active; document the consent in written form; and retain that documentation. For managers, systematic compliance oversight involves reviewing whether consent records are consistently maintained. **Since REQ-45.20 has no circular authority, written consent documentation is an obligation whose governing framework (GDPR) is entirely absent from the primary normative instrument. Caseworkers must maintain GDPR-compliant consent records based on a cooperation guideline rather than on the circular that governs their daily work.**

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 45 / REQ-45.01 **PROVISION TEXT:** Every person performing service or work under this Act shall be attentive to circumstances that may lead to measures from the child welfare service. **SOURCE INSTRUMENT:** Circular R-35, § 5.45 / sosialtjenesteloven § 45 first paragraph **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — sosialtjenesteloven § 45 first paragraph **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. The attentiveness duty is an open professional standard requiring awareness without specifying method, administrative output, or documentation. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 45 / REQ-45.02 **PROVISION TEXT:** Shall report to the child welfare service without unjustified delay when there is reason to believe a child is in a serious risk situation (abuse, neglect, illness, behavioural problems, trafficking). **SOURCE INSTRUMENT:** Circular R-35, § 5.45 / sosialtjenesteloven § 45 second paragraph **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — sosialtjenesteloven § 45 second paragraph; directly statutory **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. The reporting duty is a substantive legal obligation serving child protection directly. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 45 / REQ-45.03 **PROVISION TEXT:** Obligation to provide information upon order pursuant to the Child Welfare Act § 6-4. **SOURCE INSTRUMENT:** Circular R-35, § 5.45 / sosialtjenesteloven § 45 third paragraph **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — sosialtjenesteloven § 45 third paragraph; directly statutory **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a

reactive legal duty activated by external formal order. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 45 / REQ-45.04 **PROVISION TEXT:** Where there is reason for concern about a child's or young person's life situation, this shall be investigated more closely through conversation with the parents. **SOURCE INSTRUMENT:** Circular R-35, § 5.45.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 45 leaves the method of fulfilling the awareness duty open to professional judgment; the circular converts an open standard into a mandatory fixed method (parental conversation) that § 45 does not specifically authorize. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — in small generalist offices, the structural capacity for systematic parental conversations when concerns arise is compressed by caseload volume. Parallel to Anchor Document child-perspective documentation cluster findings. **PURPOSE:** MIXED — primary: user need (investigating concerns serves the child); secondary: internal control (fixed method enables supervisory verification). **BURDEN DESCRIPTION:** Caseworkers must conduct structured parental conversations when concerns arise — not merely observe. This creates a documented process step, a scheduling obligation, and a professional conduct standard. Managers must verify caseworkers are executing this step. Modest individual transaction cost but procedurally inflexible given partial statutory authority. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular should make explicit that the parental conversation is a recommended default method, not the exclusive lawful approach. This would restore professional discretion consistent with § 45's open standard and reduce shadow binding for caseworkers who exercise legitimate judgment in choosing appropriate methods. **TRANSACTION COST CATEGORY:** Procedural Duplication (converting open professional standard into fixed procedural step)

REQUIREMENT ID: § 45 / REQ-45.05 **PROVISION TEXT:** The NAV office shall contribute to finding solutions together with the parents. **SOURCE INSTRUMENT:** Circular R-35, § 5.45.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — classified as a substantive welfare-assistance obligation extending beyond § 45's procedural awareness-and-reporting framework. Draws on the general purpose provisions of the Act rather than § 45 specifically. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — direct welfare-assistance orientation with no administrative or reporting function. **BURDEN DESCRIPTION:** No transaction cost burden identified. This requirement imposes a service-delivery orientation, not an administrative documentation or reporting obligation. **KILL LIST CLASSIFICATION:** No Kill List Action — though the anchoring in § 45 rather than § 1 (general purpose) or §§ 17–18 (service provisions) is analytically imprecise, the practical burden is a user-serving one. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 45 / REQ-45.06 **PROVISION TEXT:** In order to fulfil the duty of attentiveness, the NAV office must be familiar with the child welfare service's general assistance measures (støttekontakt, besøkshjem, avlastningstiltak, etc.). **SOURCE**

INSTRUMENT: Circular R-35, § 5.45.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 45 leaves how the attentiveness duty is practically fulfilled open; the circular creates a mandatory institutional competence prerequisite that the statute does not authorize. Flagged as ambiguous in the Process Inflation Findings with recommendation for human legal review. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — maintaining current knowledge of adjacent child welfare service offerings presupposes organizational capacity for competence management. Confirmed analogous mechanism [K] Competence Sustainability in Anchor Document for cross-domain knowledge requirements. **PURPOSE:** MIXED — primary: user need (better knowledge enables more effective guidance); secondary: internal control (institutional competence standard creates an audit criterion for supervisory assessment of the office's preparedness). **BURDEN DESCRIPTION:** The NAV office bears an institutional knowledge maintenance obligation — designated responsibility for tracking child welfare measures, through formal inter-agency contact, training, or information exchange. In small offices this falls on generalist caseworkers. Competes with reactive case processing. Modest individual burden but organizationally implicit. **KILL LIST CLASSIFICATION:** Category C — Clarification: The current framing ("must be familiar with") creates an unconditional institutional competence prerequisite derived from the circular rather than the statute. The circular should make explicit that this is a professional development aspiration rather than a binding prerequisite condition, especially given partial statutory authority. **TRANSACTION COST CATEGORY:** Procedural Duplication (converting professional aspiration into institutional compliance condition)

REQUIREMENT ID: § 45 / REQ-45.07 **PROVISION TEXT:** It must be assessed concretely whether the information gives grounds for concern that a child is in a situation triggering the reporting duty. **SOURCE INSTRUMENT:** Circular R-35, § 5.45.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — the Process Inflation Finding confirms no legal gap; the law's evidential condition inherently implies individual factual assessment. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — the individualized assessment directly serves the child by grounding reporting decisions in actual circumstances. **BURDEN DESCRIPTION:** No transaction cost burden identified. Individual professional judgment is inherent in the statutory obligation. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 45 / REQ-45.08 **PROVISION TEXT:** When the reporting duty exists, the employee shall immediately report to the child welfare service. **SOURCE INSTRUMENT:** Circular R-35, § 5.45.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 45 says "uten ugrunnet opphold" (without unjustified delay), permitting justified delay. The circular converts this to an absolute immediacy standard that eliminates the statutory judgment margin. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primary: user need (speed of reporting protects children); secondary: internal control (bright-line compliance standard simplifies audit verification by removing discretion over timing). **BURDEN DESCRIPTION:** Caseworkers

must act without deferring to manager consultation or task completion. Managers bear a retroactive verification obligation. Transaction cost is primarily the elimination of professional timing judgment, which can create pressure to report before adequate case context is established. The circular goes beyond the statutory text in a user-serving direction but at the cost of caseworker judgment margin. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular should acknowledge that the statutory "unjustified delay" standard preserves a narrow legitimate professional judgment window and make explicit that this applies only to genuinely unjustified delays, not to reasonable institutional steps such as immediate manager consultation. **TRANSACTION COST CATEGORY:** Procedural Duplication (converting flexible statutory standard into absolute administrative timing obligation)

REQUIREMENT ID: § 45 / REQ-45.09 **PROVISION TEXT:** No further investigations shall be conducted to confirm or refute the concern. **SOURCE INSTRUMENT:** Circular R-35, § 5.45.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 45 leaves evidence-gathering discretion open; the circular creates a strict prohibition removing legitimate professional assessment activity the statute does not forbid. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primary: user need (preventing delay and premature disclosure to the family). Secondary: internal control (absolute prohibition creates a bright-line compliance boundary that eliminates caseworker discretion, enabling cleaner supervisory enforcement). **BURDEN DESCRIPTION:** Caseworkers must actively refrain from investigations they might professionally judge appropriate. Managers must verify that pre-reporting investigation did not occur. The prohibition creates a compliance conduct obligation rather than a positive documentation task. Modest but structurally significant: it displaces professional judgment entirely and substitutes a rule-compliance posture. **KILL LIST CLASSIFICATION:** Category C — Clarification: The prohibition is sound in its protective purpose but the absolute formulation ("no further investigations shall be conducted") goes beyond what the statute authorizes and may prevent legitimate professional preparatory steps (e.g., brief manager consultation, checking case history) that are not investigations. The room for maneuver — that consultation and historical review are not "investigations" in the statutory sense — should be made explicit. **TRANSACTION COST CATEGORY:** Procedural Duplication (converting open professional judgment into absolute administrative prohibition)

REQUIREMENT ID: § 45 / REQ-45.10 **PROVISION TEXT:** The report to the child welfare service shall be from a named employee, or that person's manager. **SOURCE INSTRUMENT:** Circular R-35, § 5.45.2.2 (PROC-REQ-45.10 / DOC-REQ-45.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 45 mandates reporting with no rules on form or attribution. The named-attribution requirement lacks specific statutory anchor. Process Inflation Finding: "§ 45 simply mandates reporting with no rules on form or authorship." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — named attribution requires organizational clarity about who has authority to sign reports. In small offices, this may require management consultation for each report, adding coordination overhead analogous to the maker/checker findings in the Anchor Document.

PURPOSE: MIXED — primary: user need (attribution enables child welfare service to assess credibility and seek follow-up effectively, per source text). Secondary: internal control (traceability and institutional accountability for reporting decisions). **BURDEN DESCRIPTION:** Caseworkers must produce attributed reports and, in some situations, consult management to determine whether manager attribution is appropriate. Creates a coordination step within a process that the statute does not require to have one. Modest but recurring per reporting incident. **KILL LIST CLASSIFICATION:** Category C — Clarification: The rationale for named attribution (enabling child welfare follow-up) is user-serving and operationally sound, but the absolute attribution requirement goes beyond § 45's text. The circular should clarify that attribution practices are professional default guidance rather than a binding legal requirement, restoring modest discretion where operational circumstances warrant. **TRANSACTION COST CATEGORY:** Documentation Inflation (adding formal attribution requirements to a process the statute leaves form-free)

REQUIREMENT ID: § 45 / REQ-45.11 **PROVISION TEXT:** The NAV office should (bør) develop routines for how the reporting duty is to be handled. **SOURCE INSTRUMENT:** Circular R-35, § 5.45.2.2 (PROC-REQ-45.11 / DOC-REQ-45.2) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — § 45 creates individual reporting duties without referencing organizational systems. No legal basis in § 45 for mandating institutional routine preparation. **DOUBLE AUTHORITY GAP:** NO (circular authority present). Statutory authority NO. **CATEGORY ERROR:** NO **SCALE FLAG:** YES — formal routine development falls to the NAV leader, who in small offices carries frontline casework simultaneously. Anchor Document: Internal Control Apparatus cluster directly confirms that formal procedural routine development is a capacity function that small offices cannot sustain without dedicated administrative time. The Kommunebrev pattern (imposing institutional quality standards through sub-legal letters) generates exactly this type of burden. **PURPOSE:** INTERNAL CONTROL — the development of institutional routines serves management oversight, supervisory audit functions, and organizational accountability. The source text contains no user-benefit rationale; the purpose is making the reporting duty systemic and verifiable. **BURDEN DESCRIPTION:** NAV leaders must draft, maintain, update, and demonstrate the existence of routines for handling reporting duty situations. This is a pure administrative overhead obligation affecting leadership capacity. In small offices, the obligation competes directly with frontline casework time. While the bør formulation reduces formal binding force, the operational and supervisory context effectively shadow-binds it into a compliance expectation. **Since REQ-45.11 lacks statutory authority, caseworkers must comply with an obligation — producing institutional routines — that § 45 does not mandate. Caseworkers are complying with a circular recommendation framed as an institutional expectation but unsupported by the statute it purports to implement.** **KILL LIST CLASSIFICATION:** Category B — Status Change: The bør formulation should be understood and communicated as a non-binding aspiration, and the shadow-binding effect of its operational context should be explicitly neutralized. Supervisory methodology should not treat absence of formal routines as a compliance failure in the absence of statutory authority. The provision could be reformulated to name this explicitly as a discretionary organizational development tool rather than a quasi-mandatory institutional requirement. **TRANSACTION COST CATEGORY:** Reporting Overhead; Structural Disproportionality (in small offices, routine development imposes leadership burden unsupported by organizational capacity)

REQUIREMENT ID: § 45 / REQ-45.12 **PROVISION TEXT:** Preliminary consultations with child welfare shall be anonymous — no names, addresses, or identifying information may be used. **SOURCE INSTRUMENT:** Circular R-35, § 5.45.2.4 (PROC-REQ-45.12 / DOC-REQ-45.3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — § 45 governs formal mandatory reporting and is entirely silent on pre-reporting anonymous consultations. Process Inflation Finding: "§ 45 manages formal mandatory reporting but is entirely silent on—and provides no basis for regulating—pre-reporting anonymous consultations." **DOUBLE AUTHORITY GAP:** NO (circular authority present). Statutory authority NO. **CATEGORY ERROR:** NO — the circular has adopted this as a privacy-protective norm; while it derives from general privacy principles rather than § 45, it is not a category error in the legal-domain sense. **SCALE FLAG:** NO **PURPOSE:** MIXED — primary: user need (protecting child's and parents' privacy and preventing premature identification). Secondary: internal control (bright-line compliance rule eliminating discretion in pre-reporting communications). **BURDEN DESCRIPTION:** Caseworkers must actively manage their communication during professional consultations — stripping identifying details in real time from what may be spontaneous exchanges. This is primarily a conduct compliance obligation. Modest per instance; cumulatively significant in offices with frequent pre-reporting consultation practice. No circular guidance deficiency: the circular adequately addresses this requirement. **KILL LIST CLASSIFICATION:** No Kill List Action — while the statutory basis is absent, the circular has adopted the anonymization standard, the purpose is user-protective, and the practical burden is modest. However, it should be noted in the closing note that this requirement's regulatory basis is the circular rather than § 45. **TRANSACTION COST CATEGORY:** Procedural Duplication (converting professional privacy practice into strict compliance rule)

REQUIREMENT ID: § 45 / REQ-45.13 **PROVISION TEXT:** Where the service identifies a need that the child welfare service should assess, the service shall advise about the offer or assist the family in making contact. **SOURCE INSTRUMENT:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (PROC-REQ-45.13) **CIRCULAR AUTHORITY:** ABSENT — this guidance-and-contact-assistance obligation derives entirely from a cooperation guideline with no counterpart in the circular. Consequence: caseworkers fulfilling this obligation are acting on a normative instruction entirely invisible from the primary normative instrument governing their work. **LEGAL AUTHORITY:** NO — § 45 does not impose a service duty to guide families toward child welfare services or assist them in making contact. The Process Inflation Finding confirms this is "entirely absent from § 45." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO — user welfare in the social services sense; the legal domain is not mismatched, but the specific anchor in § 45 is absent. **SCALE FLAG:** PARTIAL — proactive guidance and contact-assistance functions compete with mandatory reactive case processing in small offices. Structurally analogous to Latent Driver 1 (oppsøkende virksomhet) in the Anchor Document: proactive service functions cannot be sustained alongside mandatory desk-bound processing at small organizational scale. Since REQ-45.13 also lacks all circular authority, any scale burden it imposes is entirely unsupported by the regulatory framework. **PURPOSE:** USER NEED — direct extension of protective service reach to families. No administrative or documentation

function is served by this requirement. **BURDEN DESCRIPTION:** As classified [USER NEED], no transaction cost burden identified in the internal control sense. However, this requirement imposes a service delivery scope extension beyond what § 45 and its circular authorize. Caseworkers undertaking this service are operating on obligations invisible to the primary normative instrument. The guidance creates normative uncertainty about the scope of obligated service under § 45. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 45 normative framework. This service obligation properly belongs in the framework governing active service delivery (§§ 17–18, § 13 cooperation) rather than in the § 45 reporting framework. Its presence in the cooperation guidelines as an operational appendage to § 45 creates normative confusion and extends the scope of perceived obligation without statutory basis in § 45. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (user-serving function); however, the double authority gap creates normative inflation.

REQUIREMENT ID: § 45 / REQ-45.14 **PROVISION TEXT:** Where the service assists by making contact on behalf of the family, consent must be present. **SOURCE INSTRUMENT:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (PROC-REQ-45.14) **CIRCULAR AUTHORITY:** ABSENT — consent requirements for voluntary contact assistance have no counterpart in the circular. Consequence: caseworkers managing consent obligations for this type of assistance are acting on requirements entirely invisible from the circular and governed by a different legal framework. **LEGAL AUTHORITY:** NO — § 45 addresses mandatory reporting that overrides confidentiality; it provides no authority for consent rules governing voluntary contact assistance. The governing legal domain is GDPR/personopplysningsloven, not sosialtjenesteloven § 45. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — the operative legal authority for this requirement is privacy law (GDPR / personopplysningsloven). Its placement in a § 45 cooperation guideline creates a false regulatory home; GDPR governs consent requirements and is the appropriate instrument. **SCALE FLAG:** PARTIAL — consent management and documentation accumulates with other documentation obligations. Anchor Document: [D] Documentation Apparatus confirmed as dominant mechanism. Since this requirement also lacks all circular and statutory authority, the burden it creates is entirely unsupported. **PURPOSE:** INTERNAL CONTROL — from a § 45 perspective, consent documentation is a compliance checkpoint for caseworker conduct, not a welfare service delivery mechanism. Its primary function is institutional accountability for information-sharing decisions. **BURDEN DESCRIPTION:** Caseworkers must determine whether voluntary contact assistance is being provided, obtain active consent, document it, and retain the record. Managers must verify systematic consent compliance. **This transaction cost falls entirely outside the circular framework — caseworkers must maintain GDPR-compliant consent records based on a cooperation guideline, operating in a legal domain (privacy law) that the circular governing their social services work never addresses.** Transaction cost: recurring administrative overhead per instance of voluntary assistance; systematic compliance review overhead for managers. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 45 normative framework. Consent requirements for voluntary information sharing are properly governed by GDPR and the general privacy regulatory framework. Their presence in the § 45 cooperation guideline creates a category error and imposes social-services-framed compliance obligations on what

are fundamentally privacy law questions. The obligation should be addressed in the appropriate privacy governance framework, not as an appendage to the child welfare reporting duty. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (category error + double authority gap)

REQUIREMENT ID: § 45 / REQ-45.15 **PROVISION TEXT:** It must be concretely assessed whether it is sufficient to report only to the child welfare service, or whether the police must also be notified. **SOURCE INSTRUMENT:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (PROC-REQ-45.15) **CIRCULAR AUTHORITY:** ABSENT — police referral assessment has no counterpart in the circular. Consequence: caseworkers undertaking this assessment are acting on an obligation entirely invisible from the primary normative instrument and anchored in a different legal system. **LEGAL AUTHORITY:** NO — § 45 addresses reporting exclusively to the child welfare service. Police notification procedures derive from straffeloven / straffeprosessloven. The Process Inflation Finding confirms: "§ 45 solely addresses reporting to the child welfare service; police notification procedures rely on the Penal Code, making § 45 a false statutory anchor." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — the requirement belongs to the criminal procedural law domain. Its framing as an appendage to the § 45 reporting framework constitutes a fundamental jurisdictional misplacement. Criminal justice reporting obligations are governed by criminal law, not social services law. **SCALE FLAG:** PARTIAL — applying criminal procedural assessment criteria in a social services context requires competence in a legal domain entirely outside social services training. In small generalist offices with no legal specialist capacity, this is an operationally displaced obligation. Since the requirement also lacks all authority, any burden it creates is doubly unsupported. **PURPOSE:** INTERNAL CONTROL — from a social services perspective. In its home domain (criminal law), this might have protective purposes, but within the § 45 framework it functions as an inter-agency coordination requirement that determines referral routing rather than serving the user's social service needs directly. **BURDEN DESCRIPTION:** Caseworkers must apply criminal procedural law criteria — straffeloven thresholds for mandatory police notification — alongside social services reporting obligations, requiring competence in a legal domain for which no social services training or normative framework provides guidance. **This is the most operationally displaced transaction cost in the catalog: it falls entirely outside the circular framework, belongs to a different legal domain, and requires professional competence in criminal law that the social services normative system neither provides for nor addresses.** Managers bear supervisory responsibility for a competence area entirely outside the social services mandate. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 45 normative framework. Police notification obligations are correctly addressed within the criminal law framework (straffeloven / straffeprosessloven) and through criminal justice coordination instruments. Their presence in a social services reporting framework as an appendage to § 45 is a jurisdictional error creating legal confusion, competence misplacement, and unguided professional burden. **TRANSACTION COST CATEGORY:** Combined Burden (category error + double authority gap + structural disproportionality — requires competence in a legal domain entirely outside the framework)

REQUIREMENT ID: § 45 / REQ-45.16 **PROVISION TEXT:** For the NAV office to identify children's difficult life situations, the mapping and assessment must be of sufficient quality — framed as "decisive" (avgjørende) standard. **SOURCE INSTRUMENT:** Kommunebrev 2025 (PROC-REQ-45.16) **CIRCULAR AUTHORITY:** ABSENT — this quality sufficiency threshold has no counterpart in the circular. Consequence: caseworkers are assessed against a compliance standard entirely invisible from the primary normative instrument, derived from an annual administrative letter with no binding regulatory status. **LEGAL AUTHORITY:** PARTIAL — § 45 implies that awareness duty requires some quality of attention, but leaves depth and quality entirely open to professional judgment. The Kommunebrev's "decisive" standard imposes a concrete adequacy threshold that § 45 does not authorize. **DOUBLE AUTHORITY GAP:** YES (circular authority ABSENT; statutory authority PARTIAL) **CATEGORY ERROR:** NO **SCALE FLAG:** YES — the "decisive" sufficiency standard for mapping is directly confirmed by the Anchor Document's child-perspective documentation cluster: "The documentation requirements presuppose a procedural fluency that cannot be achieved without sufficient case volume." Generalists in small offices encountering child welfare assessment situations too infrequently cannot meet an externally-imposed sufficiency threshold reliably. Confirmed across 15+ municipalities. **Since REQ-45.16 also lacks circular authority, the mapping sufficiency burden it imposes falls entirely outside the circular framework — caseworkers are evaluated against a quality threshold their primary normative instrument does not mention, imposed through an annual administrative letter with no binding regulatory status. PURPOSE:** INTERNAL CONTROL — the "decisive" sufficiency framing is a quality audit criterion serving compliance verification and supervisory assessment of the office's mapping practice. The user benefit from mapping arises from the mapping itself (substantively addressed in REQ-45.01 and REQ-45.04), not from meeting an externally-defined sufficiency standard. **BURDEN DESCRIPTION:** Caseworkers must conduct assessments demonstrably meeting a sufficiency standard they cannot verify from the circular. Managers must review case records against this standard in supervisory spot-checks. The Kommunebrev framing creates shadow-binding compliance expectations derived from an annual administrative communication rather than from regulation. Transaction cost: both the individual assessment burden and the management review overhead are structurally disproportionate given the lack of regulatory foundation. **KILL LIST CLASSIFICATION:** Category A — Removal from the operative normative framework as a binding or quasi-binding compliance obligation. A Kommunebrev is not a binding regulatory instrument. Quality standards for mapping practice may appropriately be articulated in guidance materials, but framing them as "decisive" compliance thresholds against which NAV offices are assessed — without circular authority and with only partial statutory authority — constitutes ungrounded regulatory burden. The underlying aspiration (good quality mapping) is legitimate but should be expressed as professional guidance in the circular or in a veileder, not as a compliance criterion in an administrative letter. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality

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REQUIREMENT ID: § 45 / REQ-45.17 **PROVISION TEXT:** Assessments of the child's best interests must be documented to enable others to review the evaluations made. **SOURCE INSTRUMENT:** Barnets beste – veileder (DOC-REQ-45.4) **CIRCULAR AUTHORITY:** ABSENT — no documentation obligation exists in the circular. Consequence: caseworkers

producing these records are meeting obligations invisible from the primary normative instrument, operating in a compliance space the circular does not address. **LEGAL AUTHORITY:** NO — § 45 contains no documentation obligation. The mandate derives from barnekonvensjonen art. 3 and general forvaltningslov principles, not from § 45. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** PARTIAL — derives partly from international human rights law (barnekonvensjonen) and general administrative law principles rather than sosialtjenesteloven § 45. While child welfare in the social services context is not a foreign domain, § 45 specifically is not the correct legal anchor for this documentation obligation. **SCALE FLAG:** YES — the Anchor Document's [D] Documentation Apparatus findings directly confirm this as a dominant volume driver with the strongest empirical confirmation in the dataset. The child-perspective documentation cluster (Cluster 3): "systematic written mapping of children's needs in journal notes" confirmed as scale-sensitive across 15+ municipalities. The specific finding — "caseworkers verbally know what they should do but fail to document it" — applies precisely to this type of obligation. **Since REQ-45.17 also lacks circular authority, the documentation burden it imposes falls entirely outside the framework the circular provides guidance for. PURPOSE:** INTERNAL CONTROL — the documentation purpose is explicitly stated as enabling others to review and verify assessments. This is the textbook statement of an internal control purpose: the documentation serves the accountability system, not the child's case outcome. **BURDEN DESCRIPTION:** Caseworkers must translate professional assessments into externally reviewable written records — doubling cognitive burden (assessment + documentation). Managers must conduct portfolio reviews to verify documentation compliance. This is confirmed across 15+ municipalities as the dominant source of sanctions: the underlying assessments are performed correctly, but documentation compliance fails. **The transaction cost falls entirely outside the circular framework — caseworkers must produce externally reviewable records in compliance with a veileder obligation that the circular governing their work never addresses. There is no circular guidance on how to meet this standard. KILL LIST CLASSIFICATION:** Category B — Status Change: The documentation obligation for barnets beste assessments should be anchored appropriately (in forvaltningsloven's general documentation principles and barnekonvensjonen, not in § 45), expressed through the circular (where it currently has no presence) in permissive rather than absolute mandatory terms, and calibrated to what professional judgment in each case genuinely requires rather than a universal reviewability standard. The current instrument (a veileder operating entirely outside the circular) imposes mandatory documentation language without binding authority, creating shadow binding. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality

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REQUIREMENT ID: § 45 / REQ-45.18 **PROVISION TEXT:** What is written about the child in the case should be neutrally descriptive and limited strictly to what is necessary to show sufficient consideration of the child's best interests. **SOURCE INSTRUMENT:** Barnets beste – veileder (DOC-REQ-45.5) **CIRCULAR AUTHORITY:** ABSENT — no drafting standards for child-related case records exist in the circular. **LEGAL AUTHORITY:** NO — § 45 has zero provisions governing how case records are styled or limited. These standards derive from arkivloven and personopplysningsloven. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — the governing legal domain is archiving and privacy law (arkivloven, personopplysningsloven). The placement of drafting standards in a social services veileder

constitutes a category displacement. **SCALE FLAG:** PARTIAL — stylistic compliance with drafting standards interacts with the overall documentation burden confirmed as a dominant mechanism in the Anchor Document. In isolation modest; cumulatively significant in context of the broader documentation burden. Since authority is absent, any burden is without regulatory foundation. **PURPOSE:** INTERNAL CONTROL — the drafting standard ("neutrally descriptive, strictly necessary") serves the case record's function as an institutional audit document. The source text explicitly references demonstration to external parties ("to show that we have taken sufficient consideration") — a compliance demonstration purpose, not a user welfare purpose. **BURDEN DESCRIPTION:** Caseworkers must apply specific stylistic and content filters when writing about children in case records — editing for neutrality, checking for proportionality, and limiting content to what is "strictly necessary." Managers must review case notes for drafting compliance. **This burden falls entirely outside the circular framework and derives from a legal domain (privacy and archiving law) that the social services circular never addresses. Caseworkers are applying privacy-law drafting standards based on a veileder in the absence of any circular guidance. KILL LIST CLASSIFICATION:** Category A — Removal from the § 45 normative framework. Case record drafting standards are properly governed by arkivloven and personopplysningsloven, not by a social services veileder. The obligation should be expressed through the appropriate legal instruments (privacy guidance, archiving protocols) and not embedded as a compliance expectation in the § 45 framework where it has no legal anchor. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (category error + double authority gap)

REQUIREMENT ID: § 45 / REQ-45.19 **PROVISION TEXT:** When documenting individual cases, professional IT systems must be used in a manner that safeguards the child's right to privacy. **SOURCE INSTRUMENT:** Barnets beste – veileder (DOC-REQ-45.6) **CIRCULAR AUTHORITY:** ABSENT — no IT system governance provisions exist in the circular. **LEGAL AUTHORITY:** NO — § 45 contains no rules on IT system use or data protection. This is entirely governed by GDPR and personopplysningsloven. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — the governing legal domain is GDPR/personopplysningsloven. The placement of IT system usage requirements in a social services veileder constitutes a jurisdiction misplacement. **SCALE FLAG:** PARTIAL — IT governance compliance assumes IT support capacity and regular training. Anchor Document: the Compilo/ASYS IT fragmentation findings directly confirm that small offices lack the IT governance capacity to resolve access and compliance issues with specialized systems. The structural mechanism is the same: state–municipal IT system splits create access gaps that small offices cannot resolve locally. Since authority is absent, any burden is without regulatory foundation. **PURPOSE:** INTERNAL CONTROL — IT system governance for data protection is an institutional compliance obligation serving regulatory requirements. No direct child welfare benefit from specific IT-system usage rules (as distinct from their regulatory purpose) is identified in the source text. **BURDEN DESCRIPTION:** Caseworkers must govern their IT system usage according to child privacy standards — requiring knowledge of applicable GDPR protocols, access to appropriately configured systems, and ongoing compliance awareness. **This burden falls entirely outside the circular framework. Caseworkers must meet GDPR-compliant IT usage standards based on a veileder obligation operating in a legal domain (GDPR) that the circular never**

addresses. In small offices without IT support staff, this requirement creates compliance exposure for obligations the organization has no institutional capacity to manage systematically. KILL LIST CLASSIFICATION: Category A — Removal from the § 45 normative framework. IT system data protection requirements are properly governed by GDPR and the relevant national privacy regulations. Their presence in a social services veileder as an appendage to § 45 creates a category error, imposes IT governance obligations without appropriate regulatory anchoring, and produces compliance burden in a legal domain entirely outside the circular's scope. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden (category error + double authority gap)

REQUIREMENT ID: § 45 / REQ-45.20 **PROVISION TEXT:** Explicit consent requires that the person must have done something active, and consent should (bør) be given in writing. **SOURCE INSTRUMENT:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (DOC-REQ-45.7) **CIRCULAR AUTHORITY:** ABSENT — consent documentation standards have no counterpart in the circular. **LEGAL AUTHORITY:** NO — § 45 addresses mandatory overrides of confidentiality; it contains no provisions on consent form or documentation. The requirement derives from GDPR art. 7 and personopplysningsloven. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — the governing legal domain is GDPR/personopplysningsloven. The placement of GDPR consent requirements in a social services cooperation guideline as an appendage to § 45 is a legal domain misplacement. **SCALE FLAG:** PARTIAL — written consent documentation accumulates with other documentation obligations confirmed as the dominant mechanism in the Anchor Document. In small offices, cumulative documentation overhead from multiple sub-legal instruments is a confirmed structural burden. Since authority is absent, this burden is entirely without regulatory foundation. **PURPOSE:** INTERNAL CONTROL — written documentation of active consent is a record-keeping and accountability function. The source text is framed in terms of consent administration procedures rather than user service quality. **BURDEN DESCRIPTION:** Caseworkers must manage active, written consent documentation for voluntary information sharing — determining whether consent is required, ensuring it is documented in written form, and retaining records. **This burden falls entirely outside the circular framework. Caseworkers must maintain GDPR-compliant written consent records based on a cooperation guideline operating in a privacy law domain (GDPR) that the circular governing their social services work never addresses. There is no circular guidance on consent management, meaning caseworkers are navigating a privacy law compliance obligation without any normative support from the primary instrument governing their professional practice. KILL LIST CLASSIFICATION:** Category A — Removal from the § 45 normative framework. Written consent standards are properly addressed through GDPR governance instruments, data protection impact assessments, and the organizational privacy framework (personvernombud), not through social services cooperation guidelines. Their presence in the § 45 framework creates a category error and imposes privacy-law compliance burdens without appropriate regulatory anchoring. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (category error + double authority gap)

CLOSING COMPARATIVE NOTE

Quantitative Summary

Metric	Count
Total requirements identified from Process Inflation Findings	20
Requirements visible from circular alone	12
Requirements invisible from circular (unseen from primary instrument)	8
Double authority gaps	8 (REQ-45.13 through REQ-45.20)
Category errors (wrong legal domain)	5 (REQ-45.14, 45.15, 45.18, 45.19, 45.20; partial: 45.17)

Kill List Breakdown

Category	Requirements	Count
Category A — Removal	REQ-45.13, 45.14, 45.15, 45.16, 45.18, 45.19, 45.20	7
Category B — Status Change	REQ-45.11, 45.17	2
Category C — Clarification	REQ-45.04, 45.06, 45.08, 45.09, 45.10, 45.12	6
No Kill List Action	REQ-45.01, 45.02, 45.03, 45.05, 45.07	5

Transaction Cost Categories by Frequency

Category	Requirements
Documentation Inflation	REQ-45.10, 45.14, 45.16, 45.17, 45.18, 45.19, 45.20 — **7 instances**
Combined Burden	REQ-45.14, 45.15, 45.18, 45.19, 45.20 — **5 instances**
Procedural Duplication	REQ-45.04, 45.06, 45.08, 45.09, 45.12 — **5 instances**
Structural Disproportionality	REQ-45.11, 45.16, 45.17, 45.19 — **4 instances**
Reporting Overhead	REQ-45.11 — **1 instance**
No Transaction Cost Identified	REQ-45.01, 45.02, 45.03, 45.05, 45.07, 45.13 — **6 instances**

Synthesis Assessment

The § 45 normative framework presents a structurally bifurcated picture. The circular itself (R-35, §§ 5.45.1–5.45.2.4) contains five requirements with full legal authority and user-serving purpose that warrant no corrective action, and six requirements where the circular exceeds or constrains the statutory standard in ways that can be addressed through clarification (Category C). This core circular content is proportionate and directionally appropriate.

The critical problem lies in the **eight requirements invisible from the circular**. All eight constitute double authority gaps. Five derive from legal domains other than sosialtjenesteloven (privacy law, criminal procedural law, international human rights law, archiving law), meaning they are not merely poorly anchored in § 45 but belong to entirely different normative systems. These requirements reach NAV caseworkers through cooperation guidelines, a veileder, and an annual administrative letter — instruments with no binding regulatory status and no counterpart in the primary normative instrument governing the caseworker's professional practice.

The Anchor Document's most heavily confirmed finding — that the [D] Documentation Apparatus is the dominant empirical mechanism generating compliance failures in small offices — maps directly onto this audit's heaviest concentration of burden: REQ-45.14 through REQ-45.20 collectively impose documentation, consent-management, drafting-standard, and IT governance obligations derived from three different sub-legal instrument categories operating entirely outside the circular. These obligations are invisible to caseworkers reading their primary normative instrument, create compliance expectations in legal domains (GDPR, archiving law, criminal procedural law) that the social services training and normative framework does not address, and have been confirmed by the Anchor Document as structurally disproportionate for small generalist offices at the case volumes relevant to § 45-type child welfare concerns.

The seven Category A requirements represent the most actionable output of this audit: their removal from the § 45 normative framework would not reduce any child protection obligation grounded in the statute, but would eliminate seven sources of compliance burden, normative confusion, and displaced professional obligation that have accumulated through the sub-legal instrument layer with no statutory justification.

SLUDGE AUDIT — § 46 FOLKEVALGT ORGANS SAMMENSETNING I ENKELTSAKER

PRELIMINARY METHODOLOGICAL NOTE

Visibility comparison:

From the Process Inflation Findings (Reference Document), **14 requirements** are enumerable. From the circular paragraph alone (Context Document, § 5.46.1), **4 requirements** would be directly visible — PROC-REQ-46.1 through PROC-REQ-46.4, all of which have verbatim or near-verbatim textual presence in the circular commentary.

The remaining **10 requirements** — PROC-REQ-18.1 through 18.8 and PROC-REQ-18.9 through 18.10 — have **no textual presence whatsoever in the § 46 circular**. A reading of the circular alone would give no indication that these requirements exist or that they are operationally attached to the § 46 framework in any way.

Source mapping for requirements with no circular presence:

Requirement	Source Instrument	Instrument Type
PROC-REQ-18.1	Veileder Øk. Stønad	(b) A veileder
PROC-REQ-18.2	Veileder Øk. Stønad	(b) A veileder
PROC-REQ-18.3	Veileder Øk. Stønad	(b) A veileder
PROC-REQ-18.4	Veileder Øk. Stønad	(b) A veileder
PROC-REQ-18.5	Veileder Øk. Stønad	(b) A veileder
PROC-REQ-18.6	Veileder Øk. Stønad	(b) A veileder
PROC-REQ-18.7	Veileder Øk. Stønad	(b) A veileder
PROC-REQ-18.8	Veileder Øk. Stønad	(b) A veileder
PROC-REQ-18.9	Kommunebrev 2025	(a) A Kommunebrev
PROC-REQ-18.10	Kommunebrev 2025	(a) A Kommunebrev

Structural observation: The analytical value of using the Process Inflation Findings as the primary enumeration document — rather than the circular — is demonstrated precisely by this session. The circular creates a false impression of simplicity: four provisions, all framed

in permissive or explanatory language, none generating obvious administrative burden. The Process Inflation Findings reveal that ten additional requirements are operationally mapped against this paragraph, sourced from instruments that are invisible from the circular text. Eight of these derive from a veileder (guidance document) and two from a Kommunebrev. Without the Process Inflation Findings as the reference document, these ten requirements would be entirely invisible to this audit.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

REQ-46-01

- **Exact obligation:** If an elected body is established by municipal council decision to handle individual social services cases, that body shall consist of three to five members.
- **Source instrument:** R-35 § 46 / Circular (Rundskriv 35, § 46, section 5.46.1)
- **Explicit or implicit:** Explicit — directly stated in the circular and in the statutory text of § 46
- **Textual presence in circular:** YES

REQ-46-02

- **Exact obligation:** Service recipients may themselves bring their own cases before the elected body.
- **Source instrument:** R-35 § 46 / Circular (section 5.46.1)
- **Explicit or implicit:** Explicit — directly stated in the circular commentary
- **Textual presence in circular:** YES

REQ-46-03

- **Exact obligation:** Elected officials and the municipal administration may bring cases before the elected body.
- **Source instrument:** R-35 § 46 / Circular (section 5.46.1)
- **Explicit or implicit:** Explicit — directly stated in the circular commentary
- **Textual presence in circular:** YES

REQ-46-04

- **Exact obligation:** Individual administrative decisions (enkeltvedtak) may be appealed and forwarded to the county governor (statsforvalteren) regardless of whether the case has been handled by the elected body.
- **Source instrument:** R-35 § 46 / Circular (section 5.46.1); grounded in fvl. §§ 28–34

- **Explicit or implicit:** Explicit — directly stated in the circular commentary
- **Textual presence in circular:** YES

REQ-46-05 through REQ-46-12 (PROC-REQ-18.1 through 18.8 — Orphan Requirements)

- **Exact obligation:** Unspecified — the Process Inflation Findings provide no substantive text for these eight requirements. They are identified only by reference code and source instrument.
- **Source instrument:** Veileder Øk. Stønad (Veileder for økonomisk sosialhjelp / economic support guidance document)
- **Explicit or implicit:** Cannot be determined — content is absent
- **Textual presence in circular:** NO — these requirements belong to the § 18 normative domain and have been cross-mapped to § 46 in error. They appear in the § 46 Process Inflation Findings as orphan mapping artifacts.

REQ-46-13 and REQ-46-14 (PROC-REQ-18.9 and 18.10 — Orphan Requirements)

- **Exact obligation:** Unspecified — the Process Inflation Findings provide no substantive text for these two requirements. They are identified only by reference code and source instrument.
- **Source instrument:** Kommunebrev 2025
- **Explicit or implicit:** Cannot be determined — content is absent
- **Textual presence in circular:** NO — these requirements belong to the § 18 normative domain and have been cross-mapped to § 46 in error. They appear in the § 46 Process Inflation Findings as orphan mapping artifacts.

STEP 2 — LEGAL AUTHORITY CHECK

REQ-46-01 (3–5 member composition rule)

- Direction 1 — Circular authority: **YES.** The requirement is stated in section 5.46.1 of the circular and mirrors the statutory text directly.
- Direction 2 — Statutory authority: **YES.** The obligation derives directly from sosialtjenesteloven § 46 itself, which uses mandatory language (*skal*). No authority gap.
- Double authority gap: **NO**
- Category error: **NO**

REQ-46-02 (Service recipients may bring cases)

- Direction 1 — Circular authority: **YES.** Section 5.46.1 states explicitly: *"Tjenestemottakere kan selv bringe saker inn for organet."*
- Direction 2 — Statutory authority: **PARTIAL.** The Process Inflation Findings flag this as a basis-uncertainty gap: the right to submit cases is not stated in the statutory text of § 46 as reproduced in the Context Document. The statutory text addresses only composition (3–5 members). The right to submit cases appears to derive from the circular commentary and kommuneloven provisions, not directly from sosialtjenesteloven § 46. The finding notes: *"The procedural right for service recipients to submit cases is entirely absent from the provided statutory text of § 46, creating an uncertainty gap requiring verification against the full statutory text or kommuneloven."* Circular authority is present; statutory authority requires verification.
- Double authority gap: **NO** (circular authority is present, preventing double gap classification)
- Category error: **NO** — this is a social services procedural right, correctly within the sosialtjenesteloven domain

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REQ-46-03 (Elected officials and administration may bring cases)

- Direction 1 — Circular authority: **YES.** Section 5.46.1 explicitly addresses this.
- Direction 2 — Statutory authority: **PARTIAL.** The Process Inflation Findings identify a *"basis-uncertainty gap"*: the right of the administration and elected officials to refer cases is absent from the statutory text of § 46 as provided. Derivation is from the circular commentary and likely kommuneloven, not from sosialtjenesteloven § 46 directly.
- Double authority gap: **NO** (circular authority is present)
- Category error: **NO**

REQ-46-04 (Appeal right to statsforvalteren)

- Direction 1 — Circular authority: **YES.** Section 5.46.1 states this explicitly.
- Direction 2 — Statutory authority: **YES.** The Process Inflation Findings confirm: *"No gap exists, as the finding establishes this requirement is fully supported by mandatory-closed rights in general administrative law (fvl. §§ 28–34) without escalating any permissive statutory language."* The appeal right is grounded in forvaltningsloven.
- Double authority gap: **NO**
- Category error: **NO**

REQ-46-05 through REQ-46-12 (Orphan requirements — Veileder Øk. Stønad)

- Direction 1 — Circular authority: **NO.** These requirements have no presence in the § 46 circular. This constitutes a first-order authority gap: they operate entirely outside the § 46 circular framework.

- Direction 2 — Statutory authority: **NO** (relative to § 46). The Process Inflation Findings confirm: *"this is an out-of-scope mapping artifact appropriately linked to § 18."* These requirements have no statutory anchor in sosialtjenesteloven § 46. They belong to the § 18 normative framework.
- Double authority gap: **YES** — circular authority is ABSENT and legal authority relative to § 46 is NO.
- Category error: **YES** — these requirements belong to the § 18 legal domain (economic support / sosialtjenesteloven § 18 and associated sub-legal instruments), not to § 46 (elected body composition). Their presence in the § 46 Process Inflation Findings constitutes a cross-domain mapping error.

REQ-46-13 and REQ-46-14 (Orphan requirements — Kommunebrev 2025)

- Direction 1 — Circular authority: **NO.** No presence in the § 46 circular. First-order authority gap.
- Direction 2 — Statutory authority: **NO** (relative to § 46). Same analysis as REQ-46-05 through 12: out-of-scope artifacts mapped to § 18, not § 46.
- Double authority gap: **YES**
- Category error: **YES** — these requirements belong to the § 18 domain. A Kommunebrev addressing § 18 economic support matters has no normative relationship to § 46 elected body composition.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Cross-reference note: The Anchor Document (Volume Driver Findings) covers §§ 17, 18, 19, and 20a in detail. It does not identify any volume drivers, scale-sensitive mechanisms, or proportionality concerns for § 46. This is analytically significant: § 46 creates an *optional* institution. No municipality is required to establish an elected body. If one is established, the operative requirements (REQ-46-01 through 04) are constitutional-organizational rules, not service-delivery or documentation obligations of the kind that generate the scale problems documented in the Anchor Document.

REQ-46-01 (3–5 member composition rule)

- Scale flag: **NO.** The Anchor Document contains no finding relating to this requirement. The obligation is a simple numerical composition rule applicable only if the municipality chooses to establish the body. It presupposes no particular case volume and imposes no operational capacity demand beyond the political will to appoint members.

REQ-46-02 (Service recipients may bring cases)

- Scale flag: **NO.** The Anchor Document contains no finding relating to this requirement. The right to submit cases is permissive (users *may* bring cases), not a mandatory service-delivery pipeline. No volume-sensitive mechanism is triggered.

REQ-46-03 (Elected officials and administration may bring cases)

- Scale flag: **NO.** The Anchor Document contains no finding relating to this requirement. Same analysis as REQ-46-02. The referral right is permissive and imposes no organizational capacity demand calibrated to case volume.

REQ-46-04 (Appeal right to statsforvalteren)

- Scale flag: **NO.** The Anchor Document contains no finding relating to this requirement within the § 46 context. The appeal right under fvl. §§ 28–34 is universal and scale-neutral by design: it applies regardless of municipality size or case volume and does not require dedicated specialist capacity to operationalize.

REQ-46-05 through REQ-46-14 (Orphan requirements)

- Scale flag: **PARTIAL** — but only relative to their home domain (§ 18), not relative to § 46. The Anchor Document extensively documents scale-sensitive drivers in the § 18 economic support domain: competence sustainability failures in debt counseling, documentation apparatus failures, single-specialist bottlenecks. These findings apply to the § 18 normative framework from which these orphan requirements derive. However, since these requirements have no circular authority or statutory anchor in § 46, **any scale-related burden they may impose is unsupported by the § 46 circular framework**. The proportionality question must be analyzed in the § 18 sludge audit session, not here. For the § 46 session, they constitute disproportionate burden without regulatory foundation at the § 46 level.

STEP 4 — PURPOSE CLASSIFICATION

REQ-46-01 (3–5 member composition rule)

Classification: **[USER NEED]**

The composition requirement directly serves the legal security and fairness of case assessment. A minimum of three members ensures deliberative plurality — no single official can unilaterally determine a case outcome. A maximum of five prevents dilution of accountability. The purpose, as stated in section 5.46.1, is to give elected officials the opportunity to monitor social services development and to provide users with a politically

accountable forum. The rule exists to structure democratic oversight of individual cases, which directly protects users. No internal control or reporting function is served by this provision.

REQ-46-02 (Service recipients may bring cases)

Classification: **[USER NEED]**

The language in section 5.46.1 — *"Tjenestemottakere kan selv bringe saker inn for organet"* — grants users direct access to a democratic review body. The purpose is entirely user-facing: it creates an additional avenue for users who may be dissatisfied with administrative handling but who have not yet reached the formal appeal threshold, or who wish to raise their case in a politically visible forum. No documentation, reporting, or internal audit function is associated with this provision.

REQ-46-03 (Elected officials and administration may bring cases)

Classification: **[MIXED]**

Primary function: democratic oversight and system-level quality control (internal to the governance structure). Section 5.46.1 explicitly states that cases *"av prinsipiell interesse"* (of principled interest) are particularly suitable for referral. This framing reveals the primary purpose as institutional: the body serves as a mechanism for the municipality to identify and deliberate on cases that reveal systemic issues in social services delivery. This is an internal governance function, not a direct service to individual users.

Secondary function: user benefit. Users whose cases are referred gain access to elected-body deliberation even without initiating that referral themselves. This secondary user-facing function prevents the requirement from being classified as purely internal.

The internal governance function is primary; the user benefit is incidental.

REQ-46-04 (Appeal right to statsforvalteren)

Classification: **[USER NEED]**

Section 5.46.1 states: *"Enkeltvedtak kan uavhengig av om saken behandles i organet, påklages og oversendes statsforvalteren."* The purpose of this provision is entirely protective of users' individual legal rights. It prevents the existence of the elected body from being used — explicitly or implicitly — to substitute for or foreclose the statutory right of appeal under forvaltningsloven. The provision preserves, rather than creates, the user's legal position. No administrative burden is imposed; the clause clarifies that an existing right remains intact.

REQ-46-05 through REQ-46-14 (Orphan requirements)

Classification relative to § 46: **Cannot be determined** — substantive content is absent.

Classification relative to their home domain (§ 18): The Veileder Øk. Stønad requirements and Kommunebrev 2025 requirements mapped under PROC-REQ-18.1–18.10 belong to the economic support advisory domain. Based on the Anchor Document's treatment of that domain, requirements deriving from these instruments typically serve a combination of user-facing functions (quality of advice, documentation of assessment) and internal control functions (reporting, deviation documentation, management oversight). In relation to § 46 social services users specifically, these instruments serve no identifiable purpose — they address a separate legal domain (economic support eligibility and counseling under § 18) and their presence in the § 46 analysis is a mapping artifact.

STEP 5 — TRANSACTION COST CHARACTERIZATION

REQ-46-01: Classified as [USER NEED]. No transaction cost burden is identified. The composition rule imposes no ongoing caseworker or NAV leader documentation, recording, or reporting obligation. It governs the structure of an elected political body, not administrative case processing. If the body is established, appointment is a one-time political act under kommuneloven.

REQ-46-02: Classified as [USER NEED]. No transaction cost burden is identified. The right of service recipients to bring cases before the body creates no documentation obligation on caseworkers. The user exercises the right independently. No recording, processing, or reporting demand falls on the social services administration as a result of this provision.

REQ-46-03: Classified as [MIXED]. The administrative referral right does impose a minimal operational requirement: the social services administration must have a functioning process for identifying cases of principled interest and bringing them to the body's agenda. In practice, this means a NAV leader or senior caseworker must be capable of recognizing a principled case and drafting a referral. This is a low-burden, infrequent obligation — it does not require systematic documentation infrastructure, does not generate reporting overhead, and is not subject to the kind of recurring compliance scrutiny documented in the Anchor Document for §§ 17–18.

The transaction cost is: occasional identification of cases of principled interest; preparation of a referral submission to the elected body; possible brief written case summary for elected members unfamiliar with the technical details. This burden is proportionate and infrequent. It falls within the circular framework and is not flagged as disproportionate.

REQ-46-04: Classified as [USER NEED]. No transaction cost burden is identified. The provision clarifies that existing appeal rights are unaffected by the elected body process. No new administrative obligation is created for caseworkers or NAV leaders. The forwarding of appeals to statsforvalteren already occurs as a mandatory step under fvl. §§ 28–34; this provision adds no additional procedural layer.

REQ-46-05 through REQ-46-14 (Orphan requirements): These requirements have no circular authority in the § 46 framework (Steps 2 and 3 confirm double authority gaps for all of them). Any transaction cost they may impose — including documentation, reporting, or procedural obligations associated with the Veileder Øk. Stønad and Kommunebrev 2025 — falls entirely outside any framework the § 46 circular provides guidance for. Caseworkers encountering these requirements in the context of a § 46 review would be facing obligations that the primary normative instrument governing § 46 (the circular) does not address, does not authorize, and does not even acknowledge. The transaction cost question for these requirements must be resolved in the § 18 audit session where they properly belong.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 46 / REQ-46-01 **PROVISION TEXT:** If a municipality establishes an elected body to handle individual social services cases, that body shall consist of three to five members. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 46, section 5.46.1; mirrors sosialtjenesteloven § 46 directly **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — directly anchored in sosialtjenesteloven § 46 (statutory shall-obligation) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — the Anchor Document contains no finding relating to this requirement; composition rules for optional bodies are scale-neutral **PURPOSE:** USER NEED — ensures democratic deliberative plurality in case review; directly protects users' interests in the review process **BURDEN DESCRIPTION:** No transaction cost identified. The composition rule is a one-time organizational decision at the point of body establishment. No ongoing caseworker documentation, reporting, or compliance obligation is generated. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement has sufficient legal authority, serves user need, and imposes no disproportionate burden **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 46 / REQ-46-02 **PROVISION TEXT:** Service recipients may themselves bring their own cases before the elected body. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 46, section 5.46.1; statutory basis requires verification (absent from § 46 text as provided; likely derived from kommuneloven) **CIRCULAR AUTHORITY:** PRESENT — stated explicitly in section 5.46.1 **LEGAL AUTHORITY:** PARTIAL — the circular states the right clearly, but the Process Inflation Findings confirm the statutory basis for this procedural right is absent from the reproduced text of § 46 and requires verification against

the full statute or kommuneloven **DOUBLE AUTHORITY GAP:** NO — circular authority is present, preventing double gap classification; the partial legal gap is a first-order statutory uncertainty only **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — grants users direct, self-initiated access to democratic case review; no internal control or audit function is served **BURDEN DESCRIPTION:** No transaction cost identified for caseworkers or NAV leaders. The user exercises the right independently. No documentation, recording, or reporting obligation falls on the social services administration. **KILL LIST CLASSIFICATION:** Category C — Clarification: the statutory basis for this user right should be made explicit in the circular (identifying whether it derives from sosialtjenesteloven, kommuneloven, or forvaltningsloven general principles) to prevent uncertainty about the scope and enforceability of the right **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 46 / REQ-46-03 **PROVISION TEXT:** Elected officials and the municipal administration may bring cases before the elected body, particularly cases of principled interest. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 46, section 5.46.1; statutory basis requires verification (absent from § 46 statutory text as reproduced) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the circular states this explicitly, but the Process Inflation Findings identify a basis-uncertainty gap: the right is not stated in the statutory text of § 46 as provided and may derive from kommuneloven or administrative practice **DOUBLE AUTHORITY GAP:** NO — circular authority present **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primary function is internal governance (democratic oversight; identification of principled cases for systemic review); secondary function is user benefit (users whose cases are referred gain elected-body deliberation without initiating it themselves). Internal governance function is primary. **BURDEN DESCRIPTION:** Minimal transaction cost. The social services administration must be capable of identifying cases of principled interest and preparing referral submissions. This is an infrequent, low-burden obligation — no systematic documentation infrastructure, no recurring compliance audit, no reporting overhead. The obligation falls within the circular framework and is proportionate to the governance purpose. Caseworkers must be aware of the referral channel; NAV leaders bear primary responsibility for case identification. No standardized documentation format is prescribed. **KILL LIST CLASSIFICATION:** Category C — Clarification: the distinction between the permissive referral right (administration *may* bring cases) and any implicit obligation to identify and refer principled cases should be made explicit. The current formulation creates ambiguity about whether the administration has a duty to refer cases of principled interest or merely a right to do so. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (burden is minimal and within proportionate governance scope)

REQUIREMENT ID: § 46 / REQ-46-04 **PROVISION TEXT:** Individual administrative decisions (enkeltvedtak) may be appealed and forwarded to the county governor (statsforvalteren) regardless of whether the case has been handled by the elected body. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 46, section 5.46.1; grounded in forvaltningsloven §§ 28–34 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:**

YES — fully supported by mandatory-closed rights in general administrative law (fvl. §§ 28–34). The Process Inflation Findings confirm no gap exists. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO — while the appeal right itself derives from forvaltningsloven rather than sosialtjenesteloven, this is not a category error; the provision is correctly situated in the § 46 circular as a clarification that elected-body handling does not substitute for statutory appeal rights **SCALE FLAG:** NO — the appeal right is universal, scale-neutral, and already embedded in the administrative law framework applicable to all municipalities **PURPOSE:** USER NEED — directly protects the user's individual right of appeal; prevents the elected body from being used to foreclose statutory review rights; clarifies legal position for users who may be uncertain whether elected-body involvement affects their appeal options **BURDEN DESCRIPTION:** No transaction cost identified. The provision clarifies an existing right; no new administrative obligation is created. Forwarding of appeals to statsforvalteren occurs as a mandatory consequence of fvl. §§ 28–34 and does not require the § 46 provision to operationalize. **KILL LIST CLASSIFICATION:** No Kill List Action — full statutory authority, serves user need, imposes no burden, and performs an important clarificatory function **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 46 / REQ-46-05 through REQ-46-12 (PROC-REQ-18.1 through 18.8) **PROVISION TEXT:** Unspecified — Process Inflation Findings provide no substantive text for these eight requirements. Referenced by code only. **SOURCE INSTRUMENT:** Veileder Øk. Stønad (Veileder for økonomisk sosialhjelp) — instrument type (b): a veileder **CIRCULAR AUTHORITY:** ABSENT — these requirements have no presence in the § 46 circular. They operate entirely outside the § 46 circular framework. This constitutes a first-order authority gap. Because they cannot be evaluated or guided by the § 46 normative framework, any compliance expectation they generate is ungrounded in the primary instrument governing § 46. **LEGAL AUTHORITY:** NO (relative to § 46) — Process Inflation Findings confirm these are out-of-scope mapping artifacts belonging to the § 18 domain. They have no statutory anchor in sosialtjenesteloven § 46. **DOUBLE AUTHORITY GAP:** YES — circular authority is ABSENT and legal authority relative to § 46 is NO **CATEGORY ERROR:** YES — these requirements belong to the § 18 economic support legal domain (Veileder Øk. Stønad addresses economic support eligibility, advisory obligations, and documentation standards under §§ 17–18). Their presence in the § 46 analysis constitutes a cross-domain mapping error. They are incorrectly classified as § 46 requirements. **SCALE FLAG:** PARTIAL (relative to home domain only) — the Anchor Document extensively documents scale-sensitive drivers in the § 18 domain (debt counseling competence decay, documentation apparatus failures, single-specialist bottlenecks). These scale concerns apply to the requirements in their home domain (§ 18), not to § 46. Any scale-related burden these requirements impose at the § 46 level is entirely unsupported by the § 46 circular framework and constitutes disproportionate burden without regulatory foundation. **PURPOSE:** Cannot be determined (content absent). Relative to § 46 users: no identifiable purpose — requirements address a separate legal domain. **BURDEN DESCRIPTION:** Transaction cost cannot be quantified without substantive content. However, the double authority gap and category error mean that any burden these requirements impose on caseworkers or NAV leaders operating within the § 46 framework falls entirely outside any guidance the § 46 circular provides. These obligations must be analyzed in the § 18 audit session. **KILL LIST CLASSIFICATION:** Category A — Removal: these requirements lack legal authority relative to § 46 and belong

to a different legal domain (§ 18 / Veileder Øk. Stønad). They are candidates for removal from the § 46 normative mapping. They should be relocated to the § 18 analytical session where their substantive content, legal authority, and proportionality can be properly assessed. **TRANSACTION COST CATEGORY:** Combined Burden (cannot be quantified at § 46 level; structural disproportionality identified as a consequence of misclassification)

REQUIREMENT ID: § 46 / REQ-46-13 and REQ-46-14 (PROC-REQ-18.9 and 18.10) **PROVISION TEXT:** Unspecified — Process Inflation Findings provide no substantive text. **SOURCE INSTRUMENT:** Kommunebrev 2025 — instrument type (a): a Kommunebrev **CIRCULAR AUTHORITY:** ABSENT — no presence in the § 46 circular. First-order authority gap. **LEGAL AUTHORITY:** NO (relative to § 46) — confirmed as out-of-scope mapping artifacts belonging to the § 18 domain. A Kommunebrev addressed to municipalities regarding § 18 economic support matters has no normative relationship to § 46 elected body composition. **DOUBLE AUTHORITY GAP:** YES — circular authority is ABSENT and legal authority relative to § 46 is NO **CATEGORY ERROR:** YES — Kommunebrev 2025 addresses the § 18 domain. Its presence in the § 46 mapping is a cross-domain mapping error identical in character to REQ-46-05 through 12. **SCALE FLAG:** PARTIAL (relative to home domain only) — same analysis as REQ-46-05 through 12. Scale findings in the Anchor Document for § 18 requirements apply to the home domain, not to § 46. **PURPOSE:** Cannot be determined. Relative to § 46 users: no identifiable purpose. **BURDEN DESCRIPTION:** Transaction cost cannot be quantified without substantive content. Double authority gap and category error apply. Any burden falls entirely outside the § 46 circular framework. Must be analyzed in the § 18 audit session. **KILL LIST CLASSIFICATION:** Category A — Removal: requirements lack legal authority relative to § 46 and belong to the § 18 legal domain (Kommunebrev 2025 addresses economic support obligations). Candidates for removal from § 46 normative mapping and relocation to the § 18 analytical session. **TRANSACTION COST CATEGORY:** Combined Burden (structural disproportionality through misclassification; cannot be further characterized without content)

CLOSING COMPARATIVE NOTE

Total requirements identified from Process Inflation Findings: 14

Requirements that would have been visible from the circular paragraph alone: 4 (REQ-46-01 through REQ-46-04 — all have direct textual presence in section 5.46.1)

Requirements invisible from the circular alone: 10 (REQ-46-05 through REQ-46-14 — all orphan requirements from Veileder Øk. Stønad and Kommunebrev 2025)

Double authority gaps: 10 (all orphan requirements: circular authority ABSENT + legal authority NO relative to § 46)

Category errors (requirements belonging to a different legal domain): 10 (all orphan requirements: 8 from Veileder Øk. Stønad addressing the § 18 economic support domain; 2 from Kommunebrev 2025 addressing the § 18 domain)

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	10	REQ-46-05 through REQ-46-14 (all orphan requirements — wrong legal domain)
Category B — Status Change	0	None identified
Category C — Clarification	2	REQ-46-02 (statutory basis for user submission right); REQ-46-03 (right vs. duty ambiguity for principled case referrals)
No Kill List Action	2	REQ-46-01 (composition rule); REQ-46-04 (appeal right)

Primary transaction cost categories by frequency:

Category	Count	Notes
No Transaction Cost Identified	4	REQ-46-01, 02, 03, 04 — all within-circular requirements generate no significant caseworker burden
Combined Burden / Structural Disproportionality	10	All orphan requirements — burden cannot be characterized at § 46 level due to misclassification; structural disproportionality is consequence of cross-domain mapping error

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Synthesis observation for main report and Kill List:

§ 46 presents an analytically clean case: the circular paragraph is thin and permissive by design, reflecting the optional character of the institution it governs. All four within-circular requirements are either fully grounded in statutory and administrative law or require only clarification of their legal basis. None generate documentation inflation, reporting overhead, or procedural duplication of the kind documented at scale in §§ 17–18.

The auditable problem in this session is entirely structural: ten requirements from foreign normative instruments (Veileder Øk. Stønad and Kommunebrev 2025) have been mapped

against § 46 in the Process Inflation Findings. This mapping generates ten double authority gaps and ten category errors in a single session. The immediate Kill List action is Category A removal of all ten from the § 46 normative framework, with mandatory relocation to the § 18 audit session where their substantive content, legal authority, and proportionality can be assessed with the appropriate normative anchor.

The session confirms the core methodological value of the Process Inflation Findings approach: the circular alone would have revealed four unproblematic provisions and generated no Kill List action. The Process Inflation Findings reveal ten misclassified requirements that contaminate the § 46 mapping with obligations that belong to an entirely different statutory and institutional domain.

SLUDGE AUDIT — § 47 KLAGE OVER KOMMUNENS VEDTAK

Rundskriv 35 para. 47 | Session Reference: SLU-47 *Analytical instrument: Structured Sludge Audit per established methodology*

PRELIMINARY METHODOLOGICAL NOTE

Requirement count from Process Inflation Findings vs. circular alone:

The Process Inflation Findings enumerate **23 requirements** for § 47. Starting from the circular paragraph (Document 2) alone, a reader would be able to identify **approximately 18–19 obligations**, depending on whether composite and implicit obligations are counted separately. This means **4–5 requirements are partially or wholly invisible from the circular text**, and their existence is only recoverable by working from the Process Inflation Findings as the primary reference document. This differential is the core analytical value of using the Process Inflation Findings as the entry point: the circular appears to be a bounded, largely procedural provision, while the operative normative framework includes a veileder layer that adds specific procedural timing standards, procedural clarification duties, and a composite restatement whose source instrument differs from the circular.

Requirements with no textual presence in the circular, with source mapping:

Requirement	Source Instrument	Type
Req 11 — composite formal requirements for complaint content	*Veileder til sosialtjenesteloven § 17*	(b) A veileder
Req 18 — same-day processing standard for acute complaints	*Veileder til sosialtjenesteloven § 17*	(b) A veileder

Requirements with only partial textual presence (circular component present, veileder extension invisible):

- Req 7 (DOC-47.12 component from veileder)
- Req 8 (DOC-47.13 and PROC-47.S4 components from veileder)
- Req 13 (PROC-47.S1 component from veileder)
- Req 17 (PROC-47.S2 component from veileder)

The source mapping is carried into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

#	Obligation (as expressed in Process Inflation Findings)	Source Instrument	Explicit / Implicit	Textual presence in circular
1	The enkeltvedtak must inform the service recipient that Statsforvalteren is the appeal body, describe the appeal procedure, and state the appeal deadline	R-35 Para 47 / DOC-47.1	Explicit	PRESENT
2	A complaint must be submitted in writing to the Nav office	R-35 Para 47 / DOC-47.2	Explicit	PRESENT
3	A complaint must be signed by the complainant or an authorised proxy	R-35 Para 47 / DOC-47.3	Explicit	PRESENT
4	A complaint must identify the specific decision being appealed	R-35 Para 47 / DOC-47.4	Explicit	PRESENT
5	A complaint must state the desired change	R-35 Para 47 / DOC-47.5	Explicit	PRESENT
6	A complaint must provide a reason for any failure to meet the appeal deadline	R-35 Para 47 / DOC-47.6	Explicit	PRESENT
7	A complaint should include substantive reasoning	R-35 Para 47 / DOC-47.7 + *Veileder til sotjl. § 17* / DOC-47.12	Explicit (circular) + Explicit (veileder extension)	PARTIAL — circular carries "bør begrunnet"; veileder component DOC-47.12 invisible from circular
8	Where the Nav office finds the complainant wholly or partly correct, a new formal decision must be issued replacing the original; this requires a new substantive assessment of entitlement	R-35 Para 47 / DOC-47.8 + PROC-47.8 + *Veileder* / DOC-47.13 + PROC-47.S4	Explicit (circular) + Implicit (veileder elaboration of assessment duty)	PARTIAL — core from circular; DOC-47.13 and PROC-47.S4 invisible

9	Where a KVP rejection is upheld by Statsforvalteren on § 14a grounds, Statsforvalteren must document its reasons and inform the complainant	R-35 Para 47 / DOC-47.9	Explicit	PRESENT (in § 5.47.2.3 of circular)
10	Complaints not concerning enkeltvedtak must be routed to municipal administration or the Nav office's unit leader and handled per good administrative practice	R-35 Para 47 / DOC-47.10 + PROC-47.12	Explicit	PRESENT
11	Formal written complaint requirements (composite): written, submitted to Nav, signed, names decision, states desired change, explains late filing	*Veileder til sotjl. § 17* / DOC-47.11	Explicit	ABSENT — no textual presence in circular; exists only in veileder
12	The Nav office must actively assist users who need help in formulating and physically drafting a complaint	R-35 Para 47 / PROC-47.1	Explicit	PRESENT
13	Upon receiving a complaint, the Nav office must immediately check for formal defects and give the user an opportunity — and a deadline — to correct them	R-35 Para 47 / PROC-47.2 + *Veileder* / PROC-47.S1	Explicit (circular) + Explicit (veileder timing specification)	PARTIAL — core check duty from circular; "immediately" and "deadline" specification from veileder invisible
14	If defects are not corrected within the deadline, the complaint must be formally rejected	R-35 Para 47 / PROC-47.3	Explicit	PRESENT
15	The Nav office must assess whether excusable special grounds exist for processing a late complaint	R-35 Para 47 / PROC-47.4	Explicit	PRESENT

16	The Nav office has a duty to investigate and assess all factual circumstances raised in the complaint	R-35 Para 47 / PROC-47.5	Explicit	PRESENT
17	The Nav office must process the complaint without undue delay and assess whether a rapid decision is required	R-35 Para 47 / PROC-47.6 + *Veileder* / PROC-47.S2	Explicit (circular) + Explicit (veileder assessment step)	PARTIAL — circular carries "uten ugrunnet opphold"; PROC-47.S2 urgency assessment step invisible
18	Where a user's help need is acute, the complaint must as a general rule be processed the same day	*Veileder til sotjl. § 17* / PROC-47.S3	Explicit	ABSENT — no textual presence in circular
19	The Nav office must ensure that the user's help need is addressed and met even while the complaint is under processing	R-35 Para 47 / PROC-47.7	Explicit	PRESENT
20	Where the complaint is not upheld by the Nav office, it must be forwarded to Statsforvalteren as soon as it is prepared	R-35 Para 47 / PROC-47.9	Explicit	PRESENT
21	The Nav office must provide good information and actively assist users in submitting a complaint to the correct body (specifically in the KVP / § 14a context)	R-35 Para 47 / PROC-47.10	Explicit	PRESENT
22	Complaints not concerning enkeltvedtak must not be processed under § 47	R-35 Para 47 / PROC-47.11	Explicit	PRESENT
23	Where there is doubt about whether a complaint concerns an enkeltvedtak or general dissatisfaction, the Nav office must clarify	R-35 Para 47 / PROC-47.13	Explicit	PRESENT

this with the service recipient

STEP 2 — LEGAL AUTHORITY CHECK

For each requirement, a bi-directional authority check is conducted. Direction 1 = circular authority (is the requirement contained in the circular paragraph). Direction 2 = statutory authority (has the requirement been identified as lacking direct legal authority in the Social Services Act or associated statute, per the Process Inflation Findings).

Req 1

- Direction 1 (Circular): YES
- Direction 2 (Statutory): YES — HAS_HJEMMEL (fvl. § 27 + sotjl. § 47)
- Double authority gap: NO | Category error: NO

Req 2

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (fvl. § 32 letter a)
- Double authority gap: NO | Category error: NO

Req 3

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (fvl. § 32 letter b)
- Double authority gap: NO | Category error: NO

Req 4

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (fvl. § 32 letter c)
- Double authority gap: NO | Category error: NO

Req 5

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (fvl. § 32 letter d)
- Double authority gap: NO | Category error: NO

Req 6

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (fvl. § 32 letter e)
- Double authority gap: NO | Category error: NO

Req 7

- Direction 1: PARTIAL — the "bør begrunnet" recommendation is textually present in the circular. The veileder component (DOC-47.12) has no circular presence.
- Direction 2: PARTIAL — Process Inflation Findings note: *"Neither § 47 nor fvl. § 32 provides an explicit textual basis for recommending that complaints include substantive reasoning."* The "bør" register reduces but does not eliminate the authority concern; substantive reasoning is a general procedural good practice, not a statutory requirement under fvl. § 32.
- Applicable finding: DOC-47.7 / DOC-47.12 gap finding
- Double authority gap: NO (circular authority is PARTIAL, not ABSENT)
- Category error: NO

Req 8

- Direction 1: PARTIAL — the core obligation to issue a new decision is present in the circular. DOC-47.13 and PROC-47.S4 (the elaboration that a substantive reassessment of entitlement is required) are invisible from the circular.
- Direction 2: YES — HAS_HJEMMEL for the new decision obligation (fvl. §§ 33–35; sotjl. § 47). The substantive reassessment component is operationally assumed by the provision and has adequate implicit statutory grounding.
- Double authority gap: NO | Category error: NO

Req 9

- Direction 1: YES — addressed in § 5.47.2.3 of the circular
- Direction 2: PARTIAL — Process Inflation Findings note: *"§ 47 addresses Nav-kontoret's obligations rather than Statsforvalterens internal handling, and the circular explicitly anchors this to a separate statutory regime (Nav-loven § 14a)."* The authority is partially present but operates through a statutory regime distinct from the one governed by the circular paragraph. This constitutes an authority gap within the § 47 framework.
- Applicable finding: DOC-47.9 gap finding
- Double authority gap: NO (circular authority is PRESENT)
- Category error: NO — but the operative legal anchor is Nav-loven § 14a, not sotjl. § 47; note structural displacement

Req 10

- Direction 1: YES — textually addressed in § 5.47.2.4 of the circular
- Direction 2: NO — Process Inflation Findings note: *"§ 47 contains no provision governing internal routing and handling procedures for complaints that do NOT concern formal single decisions."* The obligation rests on good administrative practice (god forvaltningsskikk) rather than on § 47 or a specific statutory provision.
  First-order authority gap confirmed.
- Applicable finding: DOC-47.10 / PROC-47.12 gap finding
- Double authority gap: NO (circular authority is PRESENT)
- Category error: NO

Req 11

- Direction 1: ABSENT — source is *Veileder til sotjl. § 17*, not the circular paragraph. This constitutes a first-order authority gap: the requirement operates outside the circular framework entirely.
- Direction 2: YES — HAS_HJEMMEL. The composite requirement restates fvl. § 32 obligations that have clear statutory grounding.
- Consequence of absent circular authority: The requirement is duplicative of Requirements 2–6 above, but its source instrument (a veileder for a different statutory paragraph — § 17, not § 47) means it is anchored to the wrong normative address. Its operational effect is redundancy with procedural duplication overhead.
- Double authority gap: NO (statutory authority is YES)
- Category error: NO — but structural misplacement: a §17 veileder is the source for a §47 procedural restatement

Req 12

- Direction 1: YES — the circular states "Nav-kontoret skal bistå dem som trenger det med å utforme klage"
- Direction 2: PARTIAL — Process Inflation Findings note: *"The specific duty to provide hands-on drafting assistance goes beyond the general informational guidance duty explicitly covered by fvl. § 11."* The circular carries "skal" language; the underlying statutory grounding for the specific physical drafting assistance component is incomplete.
- Applicable finding: PROC-47.1 gap finding
- Double authority gap: NO (circular authority is PRESENT)
- Category error: NO

Req 13

- Direction 1: PARTIAL — the circular addresses the duty to check for defects and allow correction. The veileder-added specification of immediacy ("umiddelbart") and the requirement to set a specific deadline (PROC-47.S1) are invisible from the circular.
- Direction 2: YES — HAS_HJEMMEL (fvl. § 33 second paragraph)
- Double authority gap: NO | Category error: NO

Req 14

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (fvl. § 33 third paragraph)
- Double authority gap: NO | Category error: NO

Req 15

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (fvl. § 31)
- Double authority gap: NO | Category error: NO

Req 16

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (sotjl. § 47 + fvl. general duty to investigate)
- Double authority gap: NO | Category error: NO

Req 17

- Direction 1: PARTIAL — "uten ugrunnet opphold" is in the circular. The veileder-added urgency assessment step (PROC-47.S2) is invisible from the circular.
- Direction 2: YES — HAS_HJEMMEL (fvl. § 11a)
- Double authority gap: NO | Category error: NO

Req 18

- Direction 1: ABSENT — source is *Veileder til sotjl. § 17* (PROC-47.S3) only. This constitutes a first-order authority gap.
- Direction 2: NO — Process Inflation Findings note: *"Neither § 47 nor fvl. § 11a provides explicit authority for a same-day processing standard in acute complaint cases."* No statutory anchor identified for the specific same-day standard.
- Applicable finding: PROC-47.S3 gap finding
- **Double authority gap: YES — circular authority ABSENT + statutory authority NO**
- Category error: NO — the obligation belongs to social services law, but operates without legal foundation within it

Req 19

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (sotjl. § 47 read with general duty of care; the Process Inflation Findings classify this as SUBSTANTIVE LEGAL OBLIGATION)
- Double authority gap: NO | Category error: NO

Req 20

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (fvl. § 33 fourth paragraph)
- Double authority gap: NO | Category error: NO

Req 21

- Direction 1: YES — the circular mentions the duty to inform and assist in the KVP context
- Direction 2: PARTIAL — Process Inflation Findings note: *"The active assistance duty to file the complaint is not explicitly authorized by fvl. § 11 or § 47, and its linkage to a separate regime (Nav-loven § 14a) creates genuine ambiguity."*
- Applicable finding: PROC-47.10 gap finding
- Double authority gap: NO (circular authority is PRESENT)
- Category error: NO — but operative anchor is Nav-loven § 14a, not sotjl. § 47; same structural displacement as Req 9

Req 22

- Direction 1: YES
- Direction 2: YES — HAS_HJEMMEL (sotjl. § 47 read with fvl. chapter VI scope)
- Double authority gap: NO | Category error: NO

Req 23

- Direction 1: YES — addressed in § 5.47.2.4 of the circular ("Hvis Nav-kontoret er i tvil... må dette avklares med tjenestemottaker")
- Direction 2: PARTIAL — Process Inflation Findings note: *"Neither § 47 nor fvl. § 11 contains an express textual obligation to conduct this procedural clarification with the service recipient."* The obligation derives from general principles of good administrative practice, not from an express statutory provision.
- Applicable finding: PROC-47.13 gap finding
- Double authority gap: NO (circular authority is PRESENT)
- Category error: NO

Summary — Step 2:

- First-order authority gap (no circular presence): Reqs 11, 18
- Double authority gap: **Req 18 only**
- Statutory authority gap (NO or PARTIAL with circular authority present): Reqs 7, 9, 10, 12, 21, 23
- Structural displacement (operative anchor in different statute): Reqs 9, 21
- Category errors: **None**

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Anchor Document (Document 4) focuses its structured analysis on §§ 17–20a. The domain table in the Anchor Document identifies complaint handling as a **low-density domain** in Set B empirical findings: "Complaint handling — Low — Nav Våler — P, S." This means direct empirical volume driver confirmation for § 47 is thin, and scale flags must be assessed primarily by structural analogy to the dominant mechanisms identified in the Anchor Document, combined with the complaint handling reference.

The relevant generalizable findings from the Anchor Document are:

- **[D] Documentation Apparatus** dominates overwhelmingly (65+ findings across all domains): structural pattern of caseworkers delivering substantive help but failing to translate it into formal administrative artifacts applies to § 47's documentation requirements.
- **[P] Procedural Continuity** (25–32 findings): the inability to maintain a repeatable pipeline when triggered infrequently is directly relevant to complaint handling, which small offices may encounter too rarely to sustain procedural competence.
- **[C] Coordination Infrastructure** (20–26 findings): routing requirements and referral coordination presuppose organizational differentiation that small offices may lack.

- **[S] Specialization**: Nav Våler's complaint handling finding involved the [S] mechanism — suggesting that complaint handling competence may depend on sufficient volume to maintain specialist-level knowledge.
- **The "Role-Separation Impossibility" cluster**: relevant to any requirement presupposing a separation between the caseworker who handles the complaint and a separate authority who approves the response.

Scale flags per requirement:

Req 1: NO — informing users of appeal rights in the decision document is a single, standardized documentary act. No organizational capacity threshold applies.

Req 2–6: NO — these are formal requirements placed on the complainant, not on the Nav office's organizational capacity. No scale flag.

Req 7: NO — recommending that complaints include reasoning is a communication act that requires no specialized organizational capacity.

Req 8: PARTIAL — issuing a new formal decision following a complaint upheld wholly or partly requires the caseworker to conduct a new substantive assessment. For small offices with limited social services staff, this creates a [P] pipeline demand: if complaint-driven reassessments are rare, the procedural pipeline for issuing replacement decisions may not be routinized. Structural analogy: Anchor Document's finding that "a pipeline cannot become habitual when triggered fewer than 10–15 times per year." The veileder extension (DOC-47.13 / PROC-47.S4) requires a substantive reassessment — presupposing back-office capacity to separate reassessment from original case processing.

Req 9: NO — this addresses Statsforvalterens conduct, not the Nav office's organizational capacity.

Req 10: PARTIAL — routing non-enkeltvedtak complaints to "kommunens administrasjon eller leder" presupposes an organizational separation between the Nav office and the municipal administration. In small municipalities where these functions overlap significantly (Nav leader is also effectively the municipal social services administrator), the routing requirement is structurally ambiguous. Structural analogy: [C] Coordination Infrastructure findings on formalized inter-agency routing.

Req 11: NO — this is a restatement of formal requirements (Reqs 2–6) and adds no additional organizational demands.

Req 12: PARTIAL — providing active drafting assistance to users requires caseworker time that may be unavailable in offices with minimal staffing. In offices where a single caseworker covers all social services, dedicating time to drafting assistance competes directly with case processing obligations. Structural analogy: Anchor Document's finding that management overstretch absorbs capacity needed for auxiliary obligations.

Req 13: PARTIAL — the veileder-added specification (PROC-47.S1) requires "immediate" inspection of complaints and setting of correction deadlines. In small offices with intermittent specialist or leadership access, the definition of "immediate" presupposes organizational

responsiveness that may not exist. The Anchor Document's [P] mechanism findings confirm that immediate procedural pipeline responses require sufficient case frequency to become routinized.

Req 14: NO — rejection of defective complaints is a discrete, legally defined act that does not presuppose organizational depth.

Req 15: NO — assessment of late-filing grounds is a legal judgment that a caseworker can perform independently of organizational scale.

Req 16: NO — the duty to investigate complaint claims is a substantive assessment obligation applying equally regardless of office size.

Req 17: PARTIAL — the veileder-added urgency assessment step (PROC-47.S2) requires the office to assess case urgency and route accordingly. In offices where a single caseworker is responsible for both urgency assessment and case processing, this structural step is absorbed into frontline work and may lack the organizational redundancy required to function as a distinct procedural checkpoint. Structural analogy: Anchor Document's "Role-Separation Impossibility" cluster.

Req 18: YES — **this requirement is the most scale-sensitive of all § 47 requirements.** The same-day processing standard presupposes that: (a) a qualified caseworker is immediately available at the time of receipt; (b) a decision-maker with vedtaksmyndighet is also immediately available; and (c) no other urgent cases compete for the same day's capacity. In offices with part-time social services staff, shared leadership across multiple offices, or a single caseworker covering all domains, same-day processing during an acute complaint is structurally impossible without explicit organizational design to enable it. Note: this requirement also lacks circular and statutory authority (Step 2 double authority gap). The scale burden it imposes is therefore **entirely unsupported by the circular framework**, meaning caseworkers must comply with a disproportionate obligation that the primary normative instrument governing their work does not address. Anchor Document finding: "Single-specialist dependency" and "management overstretch" clusters directly analogize. Nav Våler finding ([P, S] mechanisms in complaint handling domain) provides the closest direct empirical parallel.

Req 19: NO — ensuring user welfare during appeal is a substantive duty that applies equally at all office sizes. It is individually assessed in each case.

Req 20: NO — forwarding a prepared complaint file to Statsforvalteren is an administrative act that does not presuppose organizational depth.

Req 21: PARTIAL — active filing assistance in the KVP/§14a context requires knowledge of the Nav-loven § 14a claims pathway and the ability to route users appropriately. For small offices with generalist caseworkers, maintaining active knowledge of a specialized appeal pathway that is rarely triggered creates a [K] Competence Sustainability risk. Structural analogy: Anchor Document's finding on competence decay in low-frequency specialized procedures.

Req 22: NO — this is a scoping rule, not an organizational capacity requirement.

Req 23: PARTIAL — the duty to actively clarify with users whether a complaint concerns an enkeltvedtak or general dissatisfaction requires caseworker legal judgment in ambiguous situations. In offices where caseworkers have infrequent encounter with complex complaint classifications, this judgment may not be reliably available. Structural analogy: Anchor Document's [K] mechanism findings on competence sustainability below encounter-frequency thresholds.

STEP 4 — PURPOSE CLASSIFICATION

Req 1: [USER NEED] — Informing users of their appeal rights, the correct appeal body, and the deadline directly serves the user's legal security and ability to exercise statutory rights. Language: "I enkeltvedtaket skal tjenestemottaker informeres" — the purpose is explicitly communicative toward the user.

Req 2: [USER NEED] — Formal submission requirements (written, to Nav) serve the clarity and traceability of the complaint process, primarily protecting the user's right to have their complaint registered and processed.

Req 3: [USER NEED] — The signature requirement ensures authenticity and protects the user against others filing complaints in their name. Directly serves user legal security.

Req 4: [USER NEED] — Identifying the contested decision ensures the appeal is directed at the correct administrative act. Serves the user's right to a precise review.

Req 5: [USER NEED] — Stating the desired change focuses the assessment on what the user actually needs from the process. User-directed.

Req 6: [USER NEED] — Providing a reason for late filing protects the user's ability to have a late complaint considered rather than automatically dismissed. Directly serves user access to justice.

Req 7: [MIXED] — Primary: USER NEED (reasoning helps the reviewing body understand the user's legal position, improving the quality of appeal consideration). Secondary: INTERNAL CONTROL (documented reasoning creates an administrative record that supports reviewability and accountability). The "bør" register signals that the legislature and circular author treat this as primarily user-serving, not administratively mandatory.

Req 8: [USER NEED] — The obligation to issue a new formal decision when the Nav office agrees with a complaint primarily serves the user: it creates a legally enforceable outcome, provides appeal rights against the new decision, and documents the office's changed position. The veileder extension (new substantive assessment) is user-serving: it ensures the new decision rests on proper legal reasoning rather than procedural convenience.

Req 9: [MIXED] — Primary: USER NEED (informing the user why their KVP appeal was upheld as rejection, and directing them to the correct appeal body, serves their legal security). Secondary: INTERNAL CONTROL (the documentation of Statsforvalterens reasoning serves reviewability and supervisory accountability). The structural displacement

to Nav-loven § 14a means the primary obligation is operationalized through a regime outside the circular's scope.

Req 10: [INTERNAL CONTROL] — The obligation to route non-enkeltvedtak complaints to municipal administration and handle them per good administrative practice primarily serves the administrative system's internal integrity: it ensures complaints are not lost in procedural limbo and that the municipal administrative chain is engaged. The user benefit (getting a response) is real but secondary to the administrative routing architecture this requirement operationalizes. Language: "skal tas opp med kommunens administrasjon" — the direction is toward internal routing, not toward the user's case outcome.

Req 11: [INTERNAL CONTROL] — This composite restatement (from a veileder for a different statutory paragraph) duplicates Requirements 2–6 without adding user value. Its function is to create a single-document procedural checklist for administrative staff, serving internal documentation and reference purposes rather than the user's case assessment. Its source (§17 veileder applied to a §47 context) adds procedural duplication overhead without legal or user necessity.

Req 12: [USER NEED] — Active assistance in formulating a complaint directly serves the user's ability to exercise their statutory appeal rights. The "bistå" (assist) obligation is explicitly user-protective; without it, users with limited language, literacy, or procedural knowledge would be unable to file compliant complaints. The circular language is explicit: "Nav-kontoret skal bistå dem som trenger det."

Req 13: [MIXED] — Primary: USER NEED (ensuring users have the opportunity to correct defects before rejection protects their access to appeal review). Secondary: INTERNAL CONTROL (the procedural checkpoint — including the veileder-added "immediately" and "deadline" specifications — creates a traceable administrative record of defect handling for supervisory review). The veileder extension (PROC-47.S1) tips the balance toward a documentation-driven operationalization of what is fundamentally a user protection.

Req 14: [INTERNAL CONTROL] — Rejection of uncorrected defective complaints primarily serves the administrative system's integrity and proportionality: it prevents the complaints pipeline from being clogged with non-compliant submissions. The user consequence is significant, but the primary function of this provision is procedural gatekeeping for the administrative system. Justified by language: "skal klagen avvises" — the obligation is operational, not user-facing in its design.

Req 15: [USER NEED] — Assessing excusable grounds for late filing directly serves the user's access to appeal review. The circular explicitly notes that "det skal lite til for at slike grunner foreligger" in social services cases — reflecting a deliberate legislative choice to prioritize user access to justice over procedural strictness.

Req 16: [USER NEED] — The duty to investigate facts and circumstances raised in the complaint serves the user's right to a substantive assessment of their case. This is the most directly user-serving of all the procedural obligations in § 47.

Req 17: [MIXED] — Primary: USER NEED (timely processing, especially for urgent cases, directly serves users whose situations may deteriorate while waiting). Secondary:

INTERNAL CONTROL (the obligation to assess urgency creates a procedural checkpoint and administrative record of priority decisions). The veileder extension (PROC-47.S2) operationalizes urgency assessment as a formal step, adding an internal control dimension to what the circular frames as a user protection.

Req 18: [INTERNAL CONTROL] — Despite its surface user-protection appearance (rapid processing benefits the user), the same-day standard functions primarily as an administrative performance benchmark. It does not assess the user's needs (that is Req 19's function); it prescribes a procedural timing target that serves supervisory accountability and administrative uniformity. The absence of any user-outcome assessment mechanism within the requirement confirms its internal control character. In relation to social services users: the obligation is calibrated to administrative throughput, not to the user's specific situation in that moment — Req 19 (welfare during appeal) is the requirement that actually addresses what the user needs during the process.

Req 19: [USER NEED] — The duty to ensure the user's welfare during appeal directly serves the user's fundamental interests. This is classified as a SUBSTANTIVE LEGAL OBLIGATION in the Process Inflation Findings, and no transaction cost burden is identified.

Req 20: [INTERNAL CONTROL] — Forwarding a rejected complaint to Statsforvalteren primarily serves the administrative routing chain. While the user benefits from having their complaint reach the correct body, the procedural obligation ("så fort den er forberedt") is calibrated to administrative efficiency and compliance with the appeal system's formal architecture.

Req 21: [USER NEED] — Active assistance in filing the complaint to the correct body (especially navigating the Nav-loven § 14a vs. sotjl. § 47 split) directly serves the user's ability to exercise their legal rights. The practical complexity of the KVP appeal pathway makes this assistance a meaningful user protection rather than a formality.

Req 22: [INTERNAL CONTROL] — The scoping rule excluding non-enkeltvedtak complaints from § 47 processing primarily serves the administrative system's internal integrity and procedural demarcation. It does not affect the substantive quality of the user's case assessment; it routes the complaint to a different processing track.

Req 23: [MIXED] — Primary: USER NEED (clarifying the nature of the complaint with the user ensures they receive the correct form of response and understand their procedural position). Secondary: INTERNAL CONTROL (the clarification step creates a documented record of the scoping decision, protecting the office against subsequent challenge). The user benefit is the more direct and significant of the two.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [USER NEED] exclusively (Reqs 1–6, 8, 12, 15–16, 19, 21) are noted below with a statement that no transaction cost burden is identified for each.

Req 1 [USER NEED]: No transaction cost burden identified. Information in the enkeltvedtak is user-directed and does not generate administrative overhead beyond what the decision-writing process already entails.

Reqs 2–6 [USER NEED]: No transaction cost burden identified. These requirements are placed on the complainant, not on the Nav office's internal processes.

Req 7 [MIXED]: Transaction cost: A caseworker receiving a complaint that contains no substantive reasoning must decide whether to contact the user to encourage supplementation (going beyond the formal requirements in Reqs 2–6) or to proceed on the available material. The "bør" register does not compel action, but in practice the veileder component (DOC-47.12) creates a shadow norm suggesting caseworkers should solicit reasoning. This adds a case-specific communication step — drafting an advisory communication to the user — that has no direct effect on the case outcome. The obligation is addressed to the Nav office's advisory role, for which there is no formalized documentation requirement. No circular guidance covers the veileder-added component's operationalization.

Req 8 [USER NEED]: No transaction cost burden identified. The obligation to issue a new formal decision when upholding a complaint is a user-directed legal act with clear statutory grounding.

Req 9 [MIXED]: Transaction cost: The Nav office caseworker must identify when a KVP rejection has been appealed to Statsforvalteren instead of to Nav Klage og anke, communicate this to the user, and potentially assist in routing the complaint to the correct body. This requires the caseworker to maintain active competence in the procedural distinction between sotjl. § 47 and Nav-loven § 14a appeal pathways — a legally complex distinction that may be encountered infrequently. Documentation: the caseworker must record the scoping determination and the information provided to the user. The obligation operates through a statutory regime the circular does not primarily govern (Nav-loven § 14a), meaning caseworkers must apply requirements that the normative instrument addressing their work (the circular) does not provide full guidance for.

Req 10 [INTERNAL CONTROL]: Transaction cost: A caseworker receiving a non-enkeltvedtak complaint must: (1) determine that it does not concern a formal administrative decision; (2) document this determination; (3) route the complaint to "kommunens administrasjon eller leder for de kommunale tjenestene i Nav-kontoret"; (4) ensure the complaint is answered "i tråd med god forvaltningsskikk." Steps 3 and 4 require the caseworker to engage the municipal administration chain, which may involve communication outside the Nav office's own management structure. The obligation is addressed to a routing architecture that § 47 does not directly authorize, meaning the caseworker is executing an internal control routing function without normative grounding in the circular's own authority base. No guidance exists within the circular for how the municipal administration should receive or respond to these routed complaints.

Req 11 [INTERNAL CONTROL]: Transaction cost: The veileder composite (from a §17 instrument) creates a parallel documentation reference for §47 complaint requirements. In practice, a caseworker or Nav leader must reconcile two normative statements of the same formal requirements — one in the circular, one in the §17 veileder — to verify that no

additional obligations are imposed beyond the fvl. §32 requirements. This is pure procedural duplication: no user value is added, and the circular already covers these requirements. The caseworker compliance burden is primarily the cognitive overhead of tracking two instruments for the same obligations, plus the risk of treating the veileder restatement as if it added normative content when it does not. This requirement has no circular authority — caseworkers must comply with a parallel instrument that the primary normative framework does not address, creating interpretive overhead without regulatory purpose.

Req 12 [USER NEED]: No transaction cost burden identified as primary. However, the transaction cost is carried by the user assistance process itself: caseworkers must set aside time to assist with drafting. This is a user service obligation, not an internal control burden.

Req 13 [MIXED]: Transaction cost: Upon receiving every complaint, the caseworker must conduct an immediate formal check for defects and, if defects are found, prepare and send a written notification setting a correction deadline. The veileder-added "immediately" specification (PROC-47.S1) requires this to be executed at the moment of receipt, before case processing begins. In offices where caseworkers juggle multiple ongoing cases, "immediate" defect checking competes with existing workload. Documentation: the defect notification is a formal written communication that must be generated, delivered, and logged. The veileder-added deadline specification requires tracking the deadline's expiry and triggering Req 14 (rejection) if not met — adding a monitoring step to each complaint file. The veileder component operates outside the circular's guidance, meaning caseworkers are executing a timing-sensitive procedural sub-step that the primary normative instrument does not address.

Req 14 [INTERNAL CONTROL]: Transaction cost: Rejection of an uncorrected complaint requires a formal enkeltvedtak (the avvisning is itself a formal decision with appeal rights). The caseworker must draft a rejection decision, apply the correct legal basis, and ensure the user is informed of further appeal rights. This is a fully formalized administrative act triggered only when the user has failed to correct defects — a relatively rare scenario in well-functioning offices. The transaction cost is proportionate and anchored in clear statutory authority.

Req 15 [USER NEED]: No transaction cost burden identified.

Req 16 [USER NEED]: No transaction cost burden identified.

Req 17 [MIXED]: Transaction cost: The caseworker must maintain an active record of complaint processing time (to document compliance with "uten ugrunnet opphold") and, per the veileder extension (PROC-47.S2), must formally assess whether the case requires prioritized handling and document that assessment. In practice, this means each complaint file must contain a documented urgency assessment — a step that has no user-visible effect but creates an internal control artifact for supervisory review. The veileder component (PROC-47.S2) is not addressed by the circular, meaning the documentation requirement for the urgency assessment step falls outside any framework the circular provides guidance for.

Req 18 [INTERNAL CONTROL]: Transaction cost: Compliance with a same-day processing standard requires the caseworker and decision authority to: (1) identify complaints as acute upon receipt; (2) immediately clear other casework to prioritize the complaint; (3) issue a

formal new decision (if upholding) or prepare a forwarding package (if not upholding) within the same working day; and (4) document the urgency determination. In offices with limited staffing and competing caseload obligations, this is structurally impossible without explicit organizational design. **This entire transaction cost burden falls outside any framework the circular provides guidance for**, since the requirement has no circular authority whatsoever. The caseworker must comply with an obligation sourced exclusively from a veileder for a different statutory provision (§17), which the primary normative instrument governing complaint handling (the circular) does not address. The scale burden (YES — Step 3) is likewise unsupported by the circular framework, constituting disproportionate burden without regulatory foundation.

Req 19 [USER NEED]: No transaction cost burden identified. The process of ensuring user welfare during appeal is a substantive legal obligation that is part of the case assessment, not a separate documentary overhead.

Req 20 [INTERNAL CONTROL]: Transaction cost: Forwarding a prepared complaint file to Statsforvalteren requires the caseworker to: (1) assemble the complete complaint file including the Nav office's preparatory assessment; (2) ensure the file is complete and the assessment is documented; (3) transmit within a reasonable time after preparation. The transaction cost is the file preparation and transmission step, which presupposes that the internal assessment is already documented (linking to Req 16's investigation obligation). This is proportionate and fully anchored in statutory authority.

Req 21 [USER NEED]: No transaction cost burden identified as primary, though the obligation requires caseworker competence in the Nav-loven §14a vs. sotjl. §47 distinction — a legal complexity that may impose background training and knowledge maintenance costs.

Req 22 [INTERNAL CONTROL]: Transaction cost: The scoping rule requires the caseworker to make a formal determination that a complaint falls outside § 47's scope before routing it elsewhere. This determination must be documented (to avoid challenge if the user disputes the routing). The transaction cost is the formal scoping decision and its documentation — a discrete, low-overhead administrative act.

Req 23 [MIXED]: Transaction cost: Where doubt exists about the nature of a complaint, the caseworker must initiate a clarification conversation with the user, document the conversation, and document the resulting scoping determination. This is a two-step process: (1) communicate with the user; (2) record the outcome. In complex cases where the boundary between enkeltvedtak complaints and general dissatisfaction is genuinely ambiguous, this process may require legal assessment and management involvement. Neither § 47 nor fvl. § 11 provides express authorization for this step, meaning the caseworker is executing a procedural clarification obligation that the primary normative instrument governing their work (the circular, which itself carries no statutory backing for this step) has adopted as good administrative practice without grounding it in express statutory authority.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: SLU-47-001 **PROVISION TEXT:** The enkeltvedtak must inform the service recipient that Statsforvalteren is the appeal body, describe the appeal procedure, and state the deadline. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fvl. § 27; sotjl. § 47 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. Provision is user-directed and integrates into standard decision-writing. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-002 **PROVISION TEXT:** A complaint must be submitted in writing to the Nav office. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.2) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fvl. § 32 letter a **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. Formal requirement placed on complainant. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-003 **PROVISION TEXT:** A complaint must be signed by the complainant or an authorised proxy. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fvl. § 32 letter b **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. Formal requirement placed on complainant. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-004 **PROVISION TEXT:** A complaint must identify the specific decision being appealed. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.4) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fvl. § 32 letter c **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-005 **PROVISION TEXT:** A complaint must state the desired change. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.5) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fvl. § 32 letter d **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER

NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-006 **PROVISION TEXT:** A complaint must provide a reason for any failure to meet the appeal deadline. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.6) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fvl. § 32 letter e **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-007 **PROVISION TEXT:** A complaint should include substantive reasoning. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.7) + *Veileder til sotjl. § 17* / DOC-47.12 **CIRCULAR AUTHORITY:** PARTIAL — "bør begrunnet" present in circular; veileder component (DOC-47.12) has no circular presence **LEGAL AUTHORITY:** PARTIAL — Process Inflation Findings note that neither § 47 nor fvl. § 32 provides explicit textual basis for this recommendation. The obligation rests on general procedural good practice rather than on express statutory authority. **DOUBLE AUTHORITY GAP:** NO (circular authority is PARTIAL, not ABSENT) **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — Primary: USER NEED (substantive reasoning improves the quality of the appeal review for the user). Secondary: INTERNAL CONTROL (documented reasoning facilitates administrative reviewability and supervisory accountability). **BURDEN DESCRIPTION:** Caseworker may feel normative pressure from the veileder component to solicit reasoning from users who have not included it, adding a case-specific communication step with no mandatory legal grounding. The veileder component (DOC-47.12) operates outside the circular framework, meaning caseworkers responding to this norm lack circular guidance for its operationalization. **KILL LIST CLASSIFICATION:** Category C — Clarification: The room for maneuver in responding to complaints without reasoning needs to be made explicit. The "bør" register in the circular correctly reflects the permissive character of this norm; the veileder extension (DOC-47.12) should be harmonized to avoid creating a shadow binding that turns a recommendation into a felt obligation. Specifically, the veileder's application of a §17 instrument to a §47 context requires disambiguation. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor); shadow binding risk from Procedural Duplication

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REQUIREMENT ID: SLU-47-008 **PROVISION TEXT:** Where the Nav office agrees with the complaint wholly or partly, a new formal decision must be issued replacing the original; this requires a new substantive assessment of entitlement. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.8 + PROC-47.8) + *Veileder* / DOC-47.13 + PROC-47.S4 **CIRCULAR AUTHORITY:** PRESENT (core obligation); veileder-sourced elaboration (DOC-47.13, PROC-47.S4) has no separate circular authority but is consistent with the circular's intent **LEGAL AUTHORITY:** YES — HAS_HJEMMEL (fvl. §§ 33–35; sotjl. § 47).

The substantive reassessment component is operationally implied by the statutory framework. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — in small offices, the procedural pipeline for issuing replacement decisions may not be routinized if complaints upheld by the Nav office are rare. Structural analogy to Anchor Document's [P] mechanism findings on pipeline routinization thresholds. **PURPOSE:** USER NEED — The new formal decision creates a legally enforceable outcome and provides appeal rights against the revised decision. User-serving throughout. **BURDEN DESCRIPTION:** No transaction cost burden identified as independent of the case assessment. The veileder's reassessment elaboration is substantively integrated into the decision-making process, not an additional overhead. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-009 **PROVISION TEXT:** Where a KVP rejection is upheld by Statsforvalteren on Nav-loven § 14a grounds, Statsforvalteren must document its reasons and inform the user; the Nav office must provide good information and assist users in navigating the complaint routing. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.9) **CIRCULAR AUTHORITY:** PRESENT — addressed in § 5.47.2.3 of the circular **LEGAL AUTHORITY:** PARTIAL — Process Inflation Findings note that § 47 governs Nav-kontoret's obligations rather than Statsforvalterens internal handling, and the circular anchors this to a separate statutory regime (Nav-loven § 14a). The authority for imposing obligations on Statsforvalteren through the § 47 circular is incomplete; the operative anchor is in a different statute. **DOUBLE AUTHORITY GAP:** NO (circular authority is PRESENT) **CATEGORY ERROR:** NO — both are within the NAV/social services framework, but note structural displacement to Nav-loven § 14a **SCALE FLAG:** NO — this is Statsforvalterens obligation; Nav office's responsibility is limited to routing information which is a discrete communication act **PURPOSE:** MIXED — Primary: USER NEED (informing the user of the correct appeal body and assisting navigation directly serves their ability to exercise legal rights). Secondary: INTERNAL CONTROL (the documentation of Statsforvalterens reasoning serves administrative reviewability). **BURDEN DESCRIPTION:** For the Nav office specifically: caseworkers must maintain active knowledge of the boundary between sotjl. § 47 and Nav-loven § 14a appeal pathways — a legally complex distinction encountered infrequently in the KVP context. The caseworker must document the routing information provided to the user. The circular provides guidance on this routing, but the operative legal authority (Nav-loven § 14a) is outside the circular's primary normative domain, creating interpretive overhead for caseworkers seeking to understand the full legal picture. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular should make explicit that the Nav office's obligations under SLU-47-009 are limited to routing information and user assistance, and that Statsforvalterens conduct is governed by a separate statutory framework (Nav-loven § 14a) outside the circular's own normative authority. The current formulation risks creating an impression that the circular governs Statsforvalterens conduct, which it does not. **TRANSACTION COST CATEGORY:** Combined Burden (Documentation Inflation + Reporting Overhead for the statutory displacement dimension)

REQUIREMENT ID: SLU-47-010 **PROVISION TEXT:** Complaints not concerning enkeltvedtak must be routed to municipal administration or the Nav office's unit leader, and handled and answered per good administrative practice. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / DOC-47.10 + PROC-47.12) **CIRCULAR AUTHORITY:** PRESENT — textually addressed in § 5.47.2.4 of the circular **LEGAL AUTHORITY:** NO — Process Inflation Findings note: "§ 47 contains no provision governing internal routing and handling procedures for complaints that do NOT concern formal single decisions." The obligation rests on good administrative practice (god forvaltningsskikk) rather than on an express statutory provision in § 47 or the Social Services Act. This constitutes a first-order authority gap at the statutory level. **DOUBLE AUTHORITY GAP:** NO (circular authority is PRESENT; authority gap is statutory only) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — routing non-enkeltvedtak complaints to "kommunens administrasjon" presupposes organizational separation between the Nav office and the municipal administration. In small municipalities where these functions substantially overlap, the routing requirement is structurally ambiguous. Structural analogy: Anchor Document's [C] Coordination Infrastructure findings on formalized routing between units in small offices. **PURPOSE:** INTERNAL CONTROL — The routing obligation primarily serves the administrative system's internal integrity and case management: ensuring complaints are not lost in procedural limbo and that the municipal administration chain is formally engaged. The user benefit (receiving a response) is real but secondary. Language: "skal tas opp med kommunens administrasjon" — the obligation is directed at internal routing, not at the user's case outcome. **BURDEN DESCRIPTION:** A caseworker receiving a non-enkeltvedtak complaint must: (1) formally determine that it falls outside § 47 scope; (2) document that determination; (3) route the complaint to the municipal administration or unit leader through the appropriate channel; (4) ensure the complaint is answered per good administrative practice. Steps 3 and 4 require engagement outside the Nav office's own authority structure. The statutory authority for this routing scheme is absent — caseworkers must execute an internal control routing function that the primary normative instrument (the circular) carries without § 47 statutory backing. No statutory framework provides guidance for how the routed complaint is to be handled by the municipal administration once received. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular should explicitly identify the normative basis for this routing obligation (i.e., general forvaltningsskikk rather than § 47) and clarify the Nav office's responsibility once the complaint is routed. The current formulation presents an obligation that § 47 does not authorize as if it flows naturally from the § 47 framework. Making the normative gap explicit reduces shadow binding and restores caseworker understanding of the source and nature of the obligation. **TRANSACTION COST CATEGORY:** Procedural Duplication; Structural Disproportionality (partial, in small municipalities)

REQUIREMENT ID: SLU-47-011 **PROVISION TEXT:** Composite formal requirement: a complaint must be written, submitted to Nav, signed, name the decision, state the desired change, and explain any delay. (Restatement from a §17 veileder applied to the §47 context.) **SOURCE INSTRUMENT:** *Veileder til sosialtjenesteloven § 17* / DOC-47.11 **CIRCULAR AUTHORITY:** ABSENT — source is a veileder for a different statutory paragraph (§ 17), not the circular paragraph governing § 47. This constitutes a first-order authority gap: the requirement operates outside the circular framework entirely. **LEGAL AUTHORITY:** YES — HAS_HJEMMEL. The composite restates fvl. § 32 requirements with

clear statutory grounding. Despite the absent circular authority, the underlying obligations are legally sound. **DOUBLE AUTHORITY GAP:** NO (statutory authority is YES) **CATEGORY ERROR:** NO — but note structural misplacement: a §17 veileder is being used as a normative instrument for a §47 process without circular authority for that application **SCALE FLAG:** NO — the restatement adds no additional organizational demands beyond those already carried by Requirements 2–6 **PURPOSE:** INTERNAL CONTROL — This composite restatement functions as an internal reference document for caseworkers handling complaints, serving administrative checklist functions. It duplicates Requirements 2–6 without adding user value. Its source instrument (a §17 veileder) adds procedural duplication overhead without legal or user necessity in the § 47 context. **BURDEN DESCRIPTION:** The caseworker or Nav leader must maintain awareness of two normative statements of the same formal requirements — one in the circular (Requirements 2–6), one in the §17 veileder (this requirement) — to confirm that no additional obligations are imposed beyond fvl. § 32. This is pure cognitive and interpretive overhead: the obligation has no circular authority in the § 47 context, meaning caseworkers must comply with a parallel instrument that the primary normative framework governing their work (the circular) does not address. The risk is that caseworkers treat the §17 veileder restatement as if it adds normative content specific to § 47, generating unnecessary cross-referencing and compliance verification effort. **KILL LIST CLASSIFICATION:** Category A — Removal: The §17 veileder composite (DOC-47.11) has no circular authority for application in the § 47 context and serves only to duplicate existing formally grounded requirements (Requirements 2–6). Its continued operation as an independent normative reference in § 47 complaint handling creates procedural duplication overhead and interpretive confusion without adding legal or user value. Candidate for removal from the normative framework applicable to § 47, with the underlying obligations preserved in their primary circular location (Requirements 2–6). **TRANSACTION COST CATEGORY:** Procedural Duplication; Documentation Inflation (interpretive overhead)

REQUIREMENT ID: SLU-47-012 **PROVISION TEXT:** The Nav office must actively assist users who need help in formulating and physically drafting a complaint. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation Findings note: "The specific duty to provide hands-on drafting assistance goes beyond the general informational guidance duty explicitly covered by fvl. § 11." The circular carries "skal" language but the specific physical drafting assistance component lacks full statutory grounding beyond general duty of care principles. **DOUBLE AUTHORITY GAP:** NO (circular authority is PRESENT) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — providing active drafting assistance requires caseworker time competing with other caseload obligations. In offices with minimal staffing, this time cost is structurally significant. Structural analogy: Anchor Document's management overstretch findings where auxiliary obligations erode capacity for primary case processing. **PURPOSE:** USER NEED — Active assistance in complaint drafting directly serves the user's ability to exercise statutory appeal rights. Without this obligation, users with limited language, literacy, or procedural knowledge would be unable to file compliant complaints. **BURDEN DESCRIPTION:** No transaction cost burden identified as the primary classification is USER NEED. The time cost of drafting assistance is acknowledged but is inherent to the service obligation. However, note that the "skal" language in the circular exceeds fvl. § 11's authorization — reformulation to permissive language would better reflect the actual legal

situation without removing the practical guidance. **KILL LIST CLASSIFICATION:** Category B — Status Change: The "skal bistå" formulation in the circular uses imperative language for an obligation whose statutory grounding (fvl. § 11 and general duty of care) does not clearly compel hands-on drafting assistance as opposed to informational guidance. Reformulation to permissive language ("bør bistå" or "kan bistå") would restore local discretion to calibrate the level of assistance to the user's actual needs and the office's capacity, while preserving the user protection intent of the obligation. This is particularly appropriate given the scale-related capacity constraints identified for small offices. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (primary classification USER NEED); note shadow binding risk from over-prescriptive language

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REQUIREMENT ID: SLU-47-013 **PROVISION TEXT:** Upon receiving a complaint, the Nav office must immediately check for formal defects and give the user an opportunity — and a specific deadline — to correct them. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.2) + *Veileder* / PROC-47.S1 **CIRCULAR AUTHORITY:** PARTIAL — the defect-check duty and correction opportunity are present in the circular; the "immediately" timing standard and the "deadline" specification derive exclusively from PROC-47.S1 in the veileder, which has no circular presence **LEGAL AUTHORITY:** YES — HAS_HJEMMEL for the core obligation (fvl. § 33 second paragraph) **DOUBLE AUTHORITY GAP:** NO (statutory authority is YES) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the "immediate" inspection standard (from veileder) presupposes organizational responsiveness that may not exist in small offices with part-time social services staffing or intermittent management access. Structural analogy: Anchor Document's [P] Procedural Continuity findings on pipeline immediacy requirements in low-frequency processing environments. **PURPOSE:** MIXED — Primary: USER NEED (ensuring the user has the opportunity to correct defects protects access to appeal review). Secondary: INTERNAL CONTROL (the "immediately" and "deadline" veileder specifications create an internal procedural checkpoint and generate documentation artifacts for supervisory review). The veileder extension tips the mixed balance toward increased internal control burden. **BURDEN DESCRIPTION:** Upon receipt of each complaint, the caseworker must: (1) immediately conduct a formal defect check across all fvl. § 32 criteria; (2) if defects are found, prepare and send a written notification specifying the defects and setting a correction deadline; (3) monitor the deadline's expiry and trigger SLU-47-014 (rejection) if not met. Steps 2 and 3 generate written documentation that must be filed in the complaint record. The veileder component (PROC-47.S1) adds the timing and deadline specifications, which operate outside the circular's guidance. Caseworkers must execute a timing-sensitive procedural sub-step that the primary normative instrument governing their complaint handling does not address, creating compliance obligations without circular regulatory foundation. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular should make explicit that the "immediately" timing standard and the deadline specification derive from the veileder rather than from fvl. § 33, and should clarify whether the veileder specifications are mandatory or advisory. The veileder-added precision around timing creates shadow binding that may be experienced by caseworkers as a stricter legal standard than fvl. § 33 in fact establishes. Making the room for maneuver in timing explicit would reduce compliance overhead in small offices without undermining the user protection function. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication (veileder-added steps without circular grounding)

REQUIREMENT ID: SLU-47-014 **PROVISION TEXT:** If defects in a complaint are not corrected within the deadline, the complaint must be formally rejected (avvisning as enkeltvedtak). **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL (fvl. § 33 third paragraph; avvisning is itself an enkeltvedtak with appeal rights) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this is a discrete, legally defined act triggered only in rare scenarios where the user has failed to correct defects **PURPOSE:** INTERNAL CONTROL — Rejection of uncorrected defective complaints primarily serves the administrative system's procedural gatekeeping function. The user consequence (complaint not processed) is significant, but the obligation is directed at maintaining pipeline integrity, not at the user's case outcome. **BURDEN DESCRIPTION:** The caseworker must draft a formal rejection decision (enkeltvedtak), apply the correct legal basis (fvl. § 33 third paragraph), and ensure the user is informed of the right to appeal the rejection. This is a fully formalized administrative act with clear authority, triggered rarely. Transaction cost is proportionate and predictable. No circular guidance gap. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (obligation is proportionate and legally anchored)

REQUIREMENT ID: SLU-47-015 **PROVISION TEXT:** The Nav office must assess whether excusable special grounds exist for processing a late complaint, noting that the threshold is low in social services cases. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.4) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL (fvl. § 31) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — legal judgment applicable at all office sizes **PURPOSE:** USER NEED — This obligation directly serves the user's access to appeal review. The circular's explicit note that "det skal lite til for at slike grunner foreligger" reflects a deliberate legislative choice prioritizing user access to justice. **BURDEN DESCRIPTION:** No transaction cost burden identified. The assessment is a legal judgment integrated into the case assessment process. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-016 **PROVISION TEXT:** The Nav office has a duty to investigate and assess all factual circumstances and legal grounds raised in the complaint. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.5) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL (sotjl. § 47 + general forvaltningslov duty of investigation) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — applies equally at all office sizes; the investigative duty is proportional to the complaint's content **PURPOSE:** USER NEED — the investigation duty is the most directly user-serving procedural obligation in § 47: it ensures the complaint produces a substantive assessment of the user's legal position, not merely a procedural response. **BURDEN DESCRIPTION:** No transaction cost burden identified. Investigation is

integral to the case assessment process. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-017 **PROVISION TEXT:** The Nav office must process the complaint without undue delay and must assess whether the case requires a rapid decision (particularly for emergencies and cases involving children and young people). **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.6) + *Veileder* / PROC-47.S2 **CIRCULAR AUTHORITY:** PARTIAL — "uten ugrunnet opphold" is in the circular; the explicit urgency assessment step (PROC-47.S2) is a veileder addition invisible from the circular **LEGAL AUTHORITY:** YES — HAS_HJEMMEL (fvl. § 11a; sotjl. § 47) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the veileder-added urgency assessment step presupposes a discrete procedural checkpoint (formally assessing urgency, presumably documented) that adds administrative overhead. In small offices where the caseworker who receives the complaint is also the one who would process it urgently, the urgency assessment may be non-formal and undocumented, triggering compliance risk. Structural analogy: Anchor Document's [P] Procedural Continuity findings on pipeline checkpoints in low-frequency environments. **PURPOSE:** MIXED — Primary: USER NEED (timely processing, especially urgent processing for emergency cases and cases involving children, directly serves users' welfare). Secondary: INTERNAL CONTROL (the obligation to assess and document urgency creates an administrative artifact for supervisory review). The veileder's urgency assessment step (PROC-47.S2) adds an explicit internal control dimension. **BURDEN DESCRIPTION:** Each complaint file must carry a documented urgency assessment, even if the conclusion is that no urgent processing is required. This creates a documentation step — recording "urgency assessed: no elevated priority" — that has no direct effect on the case outcome in the majority of complaints. The veileder-added step (PROC-47.S2) operates outside the circular's guidance, meaning caseworkers must comply with a procedural checkpoint obligation that the primary normative instrument governing complaint handling does not address. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular should explicitly distinguish between the statutory "uten ugrunnet opphold" standard (which is flexible and context-dependent) and the veileder-added urgency assessment step (which creates a formal checkpoint with documentation implications). Making the room for maneuver explicit would reduce Documentation Inflation from the PROC-47.S2 component without undermining the user protection in the statutory no-delay obligation. **TRANSACTION COST CATEGORY:** Documentation Inflation (urgency assessment documentation); Procedural Duplication (veileder step outside circular framework)

REQUIREMENT ID: SLU-47-018 **PROVISION TEXT:** Where a user's help need is acute, the complaint must as a general rule be processed the same day. **SOURCE INSTRUMENT:** *Veileder til sosialtjenesteloven § 17* / PROC-47.S3 **CIRCULAR AUTHORITY:** ABSENT — source is a §17 veileder, not the § 47 circular. This constitutes a first-order authority gap: the requirement operates entirely outside the circular framework. **LEGAL AUTHORITY:** NO — Process Inflation Findings note: "Neither § 47 nor fvl. § 11a provides explicit authority for a same-day processing standard in acute complaint cases." No statutory anchor identified for

the specific same-day standard. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO **CATEGORY ERROR:** NO — the obligation belongs to social services law but operates without legal foundation within it **SCALE FLAG:** YES — the same-day processing standard presupposes immediate availability of both a qualified caseworker and a decision authority (vedtaksmyndighet) at the moment of receipt. In offices with part-time social services staff, shared management across multiple offices, or limited staffing, same-day processing during an acute complaint is structurally impossible without dedicated organizational design. This requirement structurally disadvantages exactly those offices (small, under-resourced) that are most likely to receive the acutest complaints from the most vulnerable users. Per Anchor Document findings: "Single-specialist dependency" and "management overstretch" clusters directly analogize. The scale burden is entirely unsupported by the circular framework, constituting disproportionate burden without regulatory foundation. **PURPOSE:** INTERNAL CONTROL — Despite its surface user-protection appearance, the same-day standard functions as an administrative performance benchmark calibrated to supervisory accountability, not to the specific assessment of the user's needs in the moment. The user's actual welfare during the processing period is addressed by SLU-47-019 (Req 19), which directly obliges the Nav office to ensure welfare needs are met regardless of processing timeline. The same-day standard adds a timing metric that serves internal performance accountability without adding user protection beyond what SLU-47-019 already provides. **BURDEN DESCRIPTION:** Compliance requires the caseworker and decision authority to: (1) identify complaints as acute upon receipt; (2) immediately clear other casework obligations to prioritize the complaint; (3) issue a new formal decision or prepare a forwarding package within the same working day; (4) document the urgency determination and processing timeline. In offices with limited staffing and competing caseload, this is structurally impossible without explicit organizational design. **The entire transaction cost burden falls outside any framework the circular provides guidance for**, since the requirement has no circular authority whatsoever. The requirement is sourced from a veileder for a different statutory provision (§17), which the primary normative instrument governing complaint handling (the § 47 circular) does not address. Caseworkers must comply with an obligation whose source they cannot readily trace to the governing normative framework of their work. The scale burden (YES) is likewise unsupported by any circular guidance, constituting disproportionate burden without regulatory foundation. **KILL LIST CLASSIFICATION:** Category A — Removal: This requirement lacks both circular authority and statutory authority. It derives from a §17 veileder applied without justification to the §47 context, creating a double authority gap. The user protection it nominally serves is already adequately addressed by SLU-47-019 (welfare during appeal — which has full legal authority) and by the "uten ugrunnet opphold" standard in SLU-47-017 (which provides sufficient urgency flexibility without imposing a legally ungrounded timing threshold). The same-day standard should be removed from the normative framework applicable to § 47 complaint handling. **TRANSACTION COST CATEGORY:** Combined Burden — Documentation Inflation + Structural Disproportionality + Procedural Duplication (the user protection purpose is already covered by SLU-47-017 and SLU-47-019)

REQUIREMENT ID: SLU-47-019 **PROVISION TEXT:** The Nav office must ensure that the user's help need is addressed and met even while the complaint is under processing.

SOURCE INSTRUMENT: Circular (R-35 Para 47 / PROC-47.7) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL (sotjl. § 47 read with general duty of care; classified as SUBSTANTIVE LEGAL OBLIGATION in Process Inflation Findings) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — This is the most substantively user-protective obligation in § 47. It ensures that the appeal process does not result in a service void for users with ongoing needs. Directly serves user welfare. **BURDEN DESCRIPTION:** No transaction cost burden identified. The obligation is substantive and user-directed; it is part of the case assessment process, not a separate documentary overhead. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: SLU-47-020 **PROVISION TEXT:** Where the complaint is not upheld by the Nav office, it must be forwarded to Statsforvalteren as soon as it is prepared. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.9) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL (fvl. § 33 fourth paragraph) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — file preparation and transmission is a discrete administrative act that does not presuppose organizational depth **PURPOSE:** INTERNAL CONTROL — Forwarding the complaint to Statsforvalteren serves the administrative routing chain and the integrity of the appeal system. The user benefit (complaint reaching the correct body) is real but secondary to the procedural architecture this obligation operationalizes. **BURDEN DESCRIPTION:** The caseworker must assemble the complete complaint file including the Nav office's preparatory assessment, verify completeness, and transmit to Statsforvalteren. The transaction cost is the file preparation and transmission step, proportionate and anchored in statutory authority. No circular guidance gap. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (obligation is proportionate and legally anchored)

REQUIREMENT ID: SLU-47-021 **PROVISION TEXT:** The Nav office must provide good information and actively assist users in submitting a complaint to the correct appeal body (particularly in the KVP / Nav-loven § 14a context). **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.10) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation Findings note: "The active assistance duty to file the complaint is not explicitly authorized by fvl. § 11 or § 47, and its linkage to a separate regime (Nav-loven § 14a) creates genuine ambiguity." The "skal" language in the circular carries an imperative formulation that the underlying statutory grounding does not fully support, particularly for the active filing assistance dimension. **DOUBLE AUTHORITY GAP:** NO (circular authority is PRESENT) **CATEGORY ERROR:** NO — but note structural displacement: the operative legal context is Nav-loven § 14a, not sotjl. § 47 **SCALE FLAG:** PARTIAL — the KVP/§14a distinction requires caseworkers to maintain active knowledge of a specialized appeal pathway encountered infrequently. In offices with generalist staffing where KVP cases are rare, this competence may decay below reliable application thresholds. Structural analogy: Anchor Document's [K] Competence Sustainability findings on low-frequency specialized procedures. **PURPOSE:** USER NEED — Active assistance in

navigating the KVP complaint routing directly serves the user's ability to exercise legal rights in a procedurally complex situation. The practical difficulty of distinguishing between appeal bodies makes this assistance a meaningful user protection. **BURDEN DESCRIPTION:** No transaction cost burden identified as primary classification is USER NEED. However: the caseworker must maintain competence in the Nav-loven § 14a vs. sotjl. § 47 distinction, a legal complexity encountered in the specific KVP context. Background knowledge maintenance costs exist but are inherent to the service obligation. The "skal" language exceeds the clearly established statutory grounding, creating a possible shadow binding that treats a competence-dependent obligation as uniformly achievable regardless of office capacity. **KILL LIST CLASSIFICATION:** Category B — Status Change: The "skal gi god informasjon og bistå" formulation carries imperative language for an obligation whose statutory grounding (fvl. § 11 + general duty of care) does not clearly compel the specific active filing assistance component. Reformulation to permissive language ("bør bistå") would restore local discretion to calibrate the level of assistance to the user's actual needs and the caseworker's competence in the specific KVP/§14a domain, while preserving the user protection intent. This is particularly relevant given the specialist legal knowledge required for reliable navigation of the § 14a distinction. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (primary classification USER NEED); note Structural Disproportionality risk from competence demands in small offices

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REQUIREMENT ID: SLU-47-022 **PROVISION TEXT:** Complaints not concerning a formal enkeltvedtak must not be processed under § 47. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.11) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL (sotjl. § 47 read with fvl. chapter VI scope definition) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — a scoping rule applicable at all office sizes **PURPOSE:** INTERNAL CONTROL — This scoping rule primarily serves the administrative system's procedural demarcation and pipeline integrity. It does not affect the substantive quality of the user's case assessment; it routes the complaint to a different processing track (SLU-47-010). **BURDEN DESCRIPTION:** A caseworker must make and document a formal scoping determination that the complaint falls outside § 47's scope before routing per SLU-47-010. This is a discrete, low-overhead administrative act with clear legal grounding. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (proportionate and legally anchored)

REQUIREMENT ID: SLU-47-023 **PROVISION TEXT:** Where there is doubt about whether a complaint concerns an enkeltvedtak or general dissatisfaction, the Nav office must clarify this with the service recipient. **SOURCE INSTRUMENT:** Circular (R-35 Para 47 / PROC-47.13) **CIRCULAR AUTHORITY:** PRESENT — textually addressed in § 5.47.2.4 of the circular **LEGAL AUTHORITY:** PARTIAL — Process Inflation Findings note: "Neither § 47 nor fvl. § 11 contains an express textual obligation to conduct this procedural clarification with the service recipient." The obligation rests on good administrative practice and general principles of user communication rather than on an express statutory provision. **DOUBLE AUTHORITY GAP:** NO (circular authority is PRESENT) **CATEGORY ERROR:** NO **SCALE**

FLAG: PARTIAL — in genuinely ambiguous cases, clarification requires a legal judgment about the classification of the complaint. In small offices with generalist caseworkers who encounter complaint-classification ambiguity infrequently, this judgment may not be reliably available. Structural analogy: Anchor Document's [K] Competence Sustainability findings on low-frequency specialized legal judgments. **PURPOSE:** MIXED — Primary: USER NEED (clarifying the complaint's legal nature with the user ensures they understand their procedural position and receive the correct form of response). Secondary: INTERNAL CONTROL (the clarification step creates a documented record of the scoping decision, protecting the office against challenge if the user subsequently disputes the routing). **BURDEN DESCRIPTION:** The caseworker must: (1) identify that doubt exists about the complaint's legal nature; (2) initiate a clarification conversation with the user; (3) document the conversation and the resulting scoping determination. In complex ambiguous cases, this may require legal assessment and management involvement. The obligation has no express statutory grounding beyond good administrative practice — meaning the caseworker is executing a procedural clarification obligation that the governing circular carries without clear § 47 authorization, generating compliance effort for an obligation whose binding force is unclear. **KILL LIST CLASSIFICATION:** Category B — Status Change: The circular formulates the clarification obligation with "må dette avklares" (imperative), but neither § 47 nor fvl. § 11 provides express authority for this duty. Reformulation to permissive language ("bør avklares" or "kan avklares") would better reflect the actual legal situation: the clarification is good practice that offices should generally follow, but its mandatory character cannot be grounded in clear statutory authority. Restoring local discretion would reduce the implicit compliance pressure without eliminating the practical guidance value of the provision. **TRANSACTION COST CATEGORY:** Documentation Inflation (scoping documentation); Reporting Overhead (management involvement in complex ambiguity cases)

CLOSING COMPARATIVE NOTE

How many requirements were identified starting from the Process Inflation Findings: 23 requirements — enumerated in full across Step 1 and the catalog.

How many would have been visible starting from the circular paragraph alone: Approximately **18–19 requirements** are recoverable from the circular text directly. Requirements SLU-47-011 and SLU-47-018 have no textual presence in the circular. Requirements SLU-47-007, SLU-47-008, SLU-47-013, and SLU-47-017 are partially visible from the circular, with veileder-sourced extensions invisible. The circular-alone approach would therefore miss **2 requirements entirely** and fail to surface the full normative content of **4 additional requirements**. This 22–26% visibility gap confirms the analytical value of beginning from the Process Inflation Findings rather than the circular.

How many constitute double authority gaps: 1 — SLU-47-018 (PROC-47.S3, same-day processing standard) is the sole double authority gap: circular authority ABSENT and statutory authority NO. This is the most serious individual finding of the audit.

How many derive from a different legal domain (category errors): 0 category errors. All 23 requirements belong to the social services / public administration legal domain. However, two requirements (SLU-47-009 and SLU-47-021) exhibit structural displacement — their operative legal anchor is Nav-loven § 14a rather than sotjl. § 47, creating partial authority ambiguity within the social services framework without constituting a domain-level category error.

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	2	SLU-47-011 (§17 veileder composite); SLU-47-018 (same-day standard)
Category B — Status Change	3	SLU-47-012 (drafting assistance); SLU-47-021 (filing assistance KVP); SLU-47-023 (complaint nature clarification)
Category C — Clarification	4	SLU-47-007 (reasoning recommendation); SLU-47-009 (§14a routing); SLU-47-010 (non-enkeltvedtak routing); SLU-47-013 (defect check timing); SLU-47-017 (urgency assessment documentation)
No Kill List Action	14	SLU-47-001 through 006; SLU-47-008; SLU-47-014 through 016; SLU-47-019 through 020; SLU-47-022

Note: SLU-47-013 and SLU-47-017 are counted in Category C; if the veileder extensions were treated as separable sub-requirements, the Category C count would be higher.

Primary transaction cost categories by frequency:

Transaction Cost Category	Count
No Transaction Cost Identified	14
Documentation Inflation	5 (SLU-47-007, 013, 017, 018, 023)
Procedural Duplication	4 (SLU-47-007, 010, 011, 018)
Structural Disproportionality	3 (SLU-47-010, 018, 021)
Combined Burden	2 (SLU-47-009, 018)
Reporting Overhead	2 (SLU-47-009, 023)

The dominant finding of this audit is the relative procedural cleanliness of § 47 compared to the §§ 17–20a domain analyzed in the Anchor Document. The overwhelming majority of § 47 requirements (14 of 23) are user-serving, legally grounded, and generate no transaction cost burden. The audit identifies a concentrated problem cluster — SLU-47-011 and SLU-47-018 — arising from the application of §17 veileder instruments to the §47 context

without circular or statutory authorization. This cross-contamination from an adjacent normative instrument is the primary source of sludge in § 47, not systemic documentation inflation or structural disproportionality of the kind documented for §§ 17–19. The Kill List for this paragraph is therefore narrow in scope: two removals, three reformulations to permissive language, and four clarifications — leaving the core complaint-handling framework structurally intact.

SLUDGE AUDIT — § 48 STATSFORVALTERENS KOMPETANSE I KLAGESAKER

Complete Analytical Output: Steps 1–6 with Catalog Entries

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison:

From the Process Inflation Findings (Reference Document): **31 requirements** are identified.

From the circular paragraph alone (Context Document — R-35 § 48 with sections 5.48.1, 5.48.2, 5.48.2.1, 5.48.2.2, 5.48.2.3): **16 requirements** would be visible (Requirements 1–16). These derive from the circular's own elaboration of § 48.

15 requirements have no textual presence in the circular at all. These are Requirements 17–31, which were surfaced only through examination of the sub-legal instrument layer attached to § 48 through the Process Inflation methodology.

Source mapping of requirements invisible from the circular:

Requirement	Source Instrument	Instrument Type
Req 17	Veileder § 17 (explains § 48 pre-phase)	(b) Veileder
Req 18	Veileder § 17 (explains § 48 pre-phase)	(b) Veileder
Req 19	Veileder § 17 (explains § 48 pre-phase)	(b) Veileder
Req 20	Veileder § 17 (explains § 48 pre-phase)	(b) Veileder
Req 21	Veileder til sosialtjenesteloven § 17	(b) Veileder
Req 22	Veileder til sosialtjenesteloven § 17	(b) Veileder
Req 23	Veileder til sosialtjenesteloven § 17	(b) Veileder
Req 24	Veileder til sosialtjenesteloven § 17	(b) Veileder
Req 25	Veileder til sosialtjenesteloven § 17	(b) Veileder

Req 26	Veileder til sosialtjenesteloven § 17	(b) Veileder
Req 27	Veileder til sosialtjenesteloven § 17	(b) Veileder
Req 28	Barnets beste — veileder	(b) Veileder
Req 29	Barnets beste — veileder	(b) Veileder
Req 30	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(e) Another sub-legal instrument (inter-agency guidelines)
Req 31	Kommunebrev 2025	(a) Kommunebrev

Analytical significance: Starting from the circular alone, an analyst would identify 16 requirements and conclude that § 48 generates a contained, legally anchored set of obligations directed at Statsforvalteren as appellate authority. Starting from the Process Inflation Findings, the actual normative burden expands to 31 requirements — nearly doubling the visible obligation count — and reveals that § 48's sub-legal satellite instruments impose extensive first-instance documentation and procedural obligations that have no legitimate legal home in an appellate review provision. This structural observation is the central analytical finding of this session: the most problematic requirements are those invisible from the circular, because their invisibility obscures both their questionable authority and their misattribution to the wrong legal provision.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirements 1–16 (Sourced from R-35 § 48 — present in circular)

Requirement 1

- **Exact obligation:** Statsforvalteren kan prøve alle sider av vedtaket.
- **Source instrument:** Circular (R-35 § 48, statutory text reproduced verbatim)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 2

- **Exact obligation:** Når det gjelder prøvingen av det frie skjønn, kan statsforvalteren likevel bare endre vedtaket når skjønnet er åpenbart urimelig.
- **Source instrument:** Circular (R-35 § 48, statutory text reproduced verbatim)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 3

- **Exact obligation:** Dersom et vedtak som gir klageren medhold, ikke kan settes i verk straks, kan statsforvalteren bestemme at det straks skal settes i verk midlertidige tiltak som skal dekke et øyeblikkelig behov.
- **Source instrument:** Circular (R-35 § 48, statutory text reproduced verbatim)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 4

- **Exact obligation:** Statsforvalteren må vurdere om tilbakesendelse er i tjenestemottakers interesse ved at saken utredes på nytt ved Nav-kontoret, eller om behovet for en rask avgjørelse tilsier at statsforvalteren fatter nytt vedtak.
- **Source instrument:** Circular (R-35 § 48, section 5.48.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 5

- **Exact obligation:** Statsforvalteren skal vurdere saken ut fra de opplysninger som foreligger når prøvingen skjer, sett i sammenheng med tjenestemottakers behov på søknadstidspunktet.
- **Source instrument:** Circular (R-35 § 48, section 5.48.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 6

- **Exact obligation:** Hvis statsforvalteren endrer Nav-kontorets vedtak, skal tjenestene som hovedregel beregnes fra søknadstidspunktet, selv om tjenestemottakeren ikke har rett til tjenester når klagen avgjøres.
- **Source instrument:** Circular (R-35 § 48, section 5.48.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 7

- **Exact obligation:** Nav-kontoret har plikt til å rette seg etter statsforvalterens avgjørelse.
- **Source instrument:** Circular (R-35 § 48, section 5.48.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 8

- **Exact obligation:** Statsforvalteren skal alltid prøve den rettsanvendelsen Nav-kontoret har foretatt i saken.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 9

- **Exact obligation:** Dette betyr at statsforvalteren må vurdere om Nav-kontoret har benyttet korrekt lovhjemmel og tolket lovens bestemmelser riktig.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 10

- **Exact obligation:** Ved vurdering av klage på vedtak etter denne bestemmelsen, skal statsforvalteren alltid prøve om betingelsene for stønad er oppfylt, hvilke utgifter som omfattes av livsoppholdsbegrepet og om stønaden sikrer et forsvarlig livsopphold.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 11

- **Exact obligation:** Statsforvalteren skal undersøke om Nav-kontoret har behandlet saken i tråd med reglene for forsvarlig saksbehandling.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.2)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 12

- **Exact obligation:** Dette omfatter at det må vurderes om saken har vært tilstrekkelig utredet, om tjenestemottaker har fått anledning til å uttale seg og medvirke, og om avgjørelsen er individuelt og konkret begrunnet.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.2)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 13

- **Exact obligation:** Statsforvalteren skal vurdere Nav-kontorets skjønnsutøvelse.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.3)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 14

- **Exact obligation:** Statsforvalteren kan kun endre et vedtak ut fra disse grunnlagene dersom skjønnsutøvelsen er åpenbart urimelig — vedtak kan ikke endres utelukkende fordi statsforvalterens skjønn avviker noe fra skjønnet Nav-kontoret har utøvd.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.3)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 15

- **Exact obligation:** Ved vurderingen av om skjønnet er åpenbart urimelig skal det tas utgangspunkt i lovens formål.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.3)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 16

- **Exact obligation:** Det må vurderes om vedtaket får åpenbart urimelige konsekvenser for alle som er berørt av vedtaket.
- **Source instrument:** Circular (R-35 § 48, section 5.48.2.3)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

Requirements 17–31 (Sourced from sub-legal satellite instruments — invisible from circular)

Requirement 17

- **Exact obligation:** Når Nav-kontoret mottar en klage må kontoret umiddelbart undersøke om klagen har feil eller mangler.
- **Source instrument:** Veileder § 17 (framed as explaining § 48 pre-phase)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 18

- **Exact obligation:** Kontoret må videre vurdere om saken trenger en rask avgjørelse.
- **Source instrument:** Veileder § 17 (pre-phase)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 19

- **Exact obligation:** Nav-kontoret skal vurdere og undersøke alle forhold som fremkommer i klagen og gjøre en ny vurdering av saken.
- **Source instrument:** Veileder § 17 (pre-phase)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 20

- **Exact obligation:** Hvis klagen skal oversendes klageinstansen, skal dette gjøres så fort saken er forberedt.
- **Source instrument:** Veileder § 17 (pre-phase)

- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 21

- **Exact obligation:** Søknader skal vurderes individuelt og vedtak skal begrunnes.
- **Source instrument:** Veileder til sosialtjenesteloven § 17
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 22

- **Exact obligation:** Nav-kontoret har plikt til å nedtegne muntlige søknader.
- **Source instrument:** Veileder til sosialtjenesteloven § 17
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 23

- **Exact obligation:** Vedtaket skal vise om tjenesten er innvilget eller avslått, hva som eventuelt er innvilget og begrunnelsen for avgjørelsen.
- **Source instrument:** Veileder til sosialtjenesteloven § 17
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 24

- **Exact obligation:** Begrunnelsen skal vise til regelen vedtaket bygger på (sotjl. § 17) og nevne faktiske forhold ved brukerens situasjon som har hatt betydning for avgjørelsen.
- **Source instrument:** Veileder til sosialtjenesteloven § 17
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 25

- **Exact obligation:** Hvis brukeren får opplysning, råd og veiledning i forbindelse med innvilgelse eller avslag av en annen tjeneste, skal det i vedtaket fremgå hva som er gitt av opplysning, råd og veiledning.
- **Source instrument:** Veileder til sosialtjenesteloven § 17
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 26

- **Exact obligation:** Hvis det er forhold ved saken som gjør at tjenesten avsluttes, skal det skrives et avslutningsnotat, eventuelt et avslutningsbrev som informasjon til brukeren.
- **Source instrument:** Veileder til sosialtjenesteloven § 17
- **Explicit or implicit:** Explicit

- **Textual presence in circular:** NO

Requirement 27

- **Exact obligation:** En klage skal fremsettes for Nav-kontoret, være skriftlig og undertegnet, nevne det vedtak det klages over og endringen som ønskes, og angi begrunnelse for eventuell oversittelse av klagefristen.
- **Source instrument:** Veileder til sosialtjenesteloven § 17
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 28

- **Exact obligation:** Dersom vi velger et resultat som innebærer at barnets beste ikke får gjennomslag, må dette begrunnes særskilt og skriftlig for å sikre etterprøvbarhet og barnets rettssikkerhet.
- **Source instrument:** Barnets beste — veileder
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 29

- **Exact obligation:** For at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene, må barnets beste-vurderingene dokumenteres.
- **Source instrument:** Barnets beste — veileder
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 30

- **Exact obligation:** Innvilgelse, delvis innvilgelse og avslag på søknaden skal gis i form av enkeltvedtak.
- **Source instrument:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

Requirement 31

- **Exact obligation:** Råd og veiledning er en tjeneste som det skal fattes vedtak om eller som skal inngå som del av vedtak.
- **Source instrument:** Kommunebrev 2025
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO

STEP 2 — LEGAL AUTHORITY CHECK

Direction 1 — Circular authority (is the requirement in the R-35 § 48 circular text?)
Direction 2 — Statutory authority (has the requirement been flagged as lacking direct legal authority in sosialtjenesteloven?)

Req	Circular Authority	Statutory Authority	Double Authority Gap	Category Error	Notes
1	PRESENT	YES — mirrors § 48 verbatim	NO	NO	
2	PRESENT	YES — mirrors § 48 verbatim	NO	NO	
3	PRESENT	YES — mirrors § 48 verbatim	NO	NO	
4	PRESENT	PARTIAL — § 48 permits but does not mandate this specific assessment	NO	NO	
5	PRESENT	PARTIAL — § 48 does not mandate a fixed temporal evidentiary rule	NO	NO	
6	PRESENT	YES — legally defensible under § 48 read systematically	NO	NO	
7	PRESENT	PARTIAL — compliance obligation is grounded in fvl. § 34, not § 48 itself	NO	YES — fvl. domain	
8	PRESENT	PARTIAL — circular converts permissive "kan" to mandatory "skal alltid" without statutory basis	NO	NO	
9	PRESENT	PARTIAL — circular converts open how-discretion to mandatory checklist without statutory basis	NO	NO	

10	PRESENT	PARTIAL — circular converts permissive to absolute mandatory without statutory basis	NO	NO
11	PRESENT	PARTIAL — mandatory investigatory duty exceeds authorized discretionary competence	NO	NO
12	PRESENT	PARTIAL — three-item checklist grounded in fvl. §§ 17, 24-25, not § 48	NO	PARTIAL — fvl. checklist mapped onto § 48
13	PRESENT	PARTIAL — mandatory duty exceeds permissive statutory grant	NO	NO
14	PRESENT	YES — mirrors § 48 threshold accurately	NO	NO
15	PRESENT	PARTIAL — methodological constraint not present in statutory text	NO	NO
16	PRESENT	PARTIAL — mandatory checklist item not specified in statute	NO	NO
17	ABSENT — first-order gap	PARTIAL — grounded in fvl. §§ 32-33, not sotjl. § 48	YES	YES — fvl. domain
18	ABSENT — first-order gap	PARTIAL — grounded in fvl. § 33, not sotjl. § 48	YES	YES — fvl. domain
19	ABSENT — first-order gap	PARTIAL — grounded in fvl. § 33(4), not sotjl. § 48	YES	YES — fvl. domain

20	ABSENT — first-order gap	PARTIAL — grounded in fvl. § 33(4), not sotjl. § 48	YES	YES — fvl. domain
21	ABSENT — first-order gap	PARTIAL — sotjl. §§ 17-18 and fvl. §§ 24-25; not § 48	YES	YES — first-instance domain
22	ABSENT — first-order gap	PARTIAL — fvl. § 17; not sotjl. § 48	YES	YES — fvl. domain
23	ABSENT — first-order gap	PARTIAL — fvl. §§ 24-25; not § 48	YES	YES — fvl. domain
24	ABSENT — first-order gap	PARTIAL — sotjl. § 17 and fvl.; not § 48	YES	YES — first-instance domain
25	ABSENT — first-order gap	PARTIAL — sotjl. § 17 guidance duty; not § 48	YES	YES — first-instance domain
26	ABSENT — first-order gap	PARTIAL — case management; no textual basis in § 48	YES	YES — first-instance domain
27	ABSENT — first-order gap	PARTIAL — fvl. § 32; not § 48	YES	YES — fvl. domain
28	ABSENT — first-order gap	PARTIAL — Grunnloven § 104 and barnekonvensjonen; not § 48	YES	YES — constitutional/international law domain
29	ABSENT — first-order gap	PARTIAL — constitutional law and fvl. §§ 24-25; not § 48	YES	YES — constitutional/international law domain

30	ABSENT — first-order gap	PARTIAL — fvl. § 2(b); not sotjl. § 48	YES	YES — fvl. domain
31	ABSENT — first-order gap	PARTIAL — sotjl. § 17; not § 48	YES	YES — first-instance domain

Summary of Step 2:

- Double authority gaps (circular authority ABSENT + legal authority PARTIAL): Requirements 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 = **15 double authority gaps**
- Category errors: Requirements 7 (partial), 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 = **16 category errors** (Req 7 is borderline; Reqs 17–31 are confirmed)

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Volume Driver Anchor Document addresses §§ 17, 18, 19, and 20a obligations at the municipal NAV office level. § 48 obligations directed at Statsforvalteren (a state authority with differentiated staffing) are not subject to the same scale pressures. However, requirements 17–31 impose obligations on NAV offices, and requirements 4–16 add checklist burdens that compound procedural overhead across the appellate process. The following cross-references apply:

Requirements 1–3: NO scale flag. These are permissive grants of authority at state level; no organizational capacity assumptions are made.

Requirements 4, 5, 8–13, 15–16: PARTIAL scale flag. These requirements impose mandatory procedural checklists on Statsforvalteren's review process. The Volume Driver memo identifies the Documentation Apparatus [D] as the dominant mechanism (~65 Set B findings). While Statsforvalteren is not a small municipality, mandatory checklists that convert permissive review into exhaustive procedural inventories contribute to review overhead. More significantly, these requirements interact with scale indirectly: by creating mandatory review criteria around first-instance procedural steps, they implicitly assume that NAV offices have produced compliant first-instance documentation — which the Volume Driver findings show they systematically do not at small scale. This creates a circularity: the appellate review standard presupposes first-instance quality that scale-constrained offices cannot produce.

Requirement 6: NO scale flag. A substantive legal protection for users; scale-neutral.

Requirement 7: PARTIAL scale flag. The compliance obligation is framed as absolute but the Volume Driver findings show that small NAV offices have structural difficulty executing

appellate decisions when they require organizational response (e.g., reassigning cases, reopening procedures) due to single-caseworker configurations.

Requirement 14: NO scale flag. A substantive legal threshold; scale-neutral.

Requirements 17–20 (Veileder pre-phase): YES scale flag. The Volume Driver memo identifies Procedural Continuity [P] (28+ findings) as the second-most common mechanism. The pre-phase obligations — immediately inspect for defects, assess urgency, re-evaluate the entire case, forward promptly — constitute a mini-pipeline that must be executed every time a complaint is received. In small offices with one or two social services caseworkers (documented in Hole, Nordreisa, Hjelmeland, and others), complaint volume varies unpredictably and there is no dedicated staff for pre-processing. Anchor finding: "A pipeline cannot become habitual when triggered fewer than 10–15 times per year" — directly applicable to complaint processing in small municipalities.

Requirements 21–27 (Veileder § 17 first-instance documentation): YES scale flag. These requirements collectively constitute the Documentation Apparatus [D] cluster that the Volume Driver memo identifies as generating the most widespread supervision sanctions (65+ findings). The specific pattern confirmed in the Anchor Document — "caseworkers knew more about the users' situations than the journals reflected" — is a direct empirical confirmation that these documentation requirements presuppose back-office capacity and case volume that small offices do not have. The memo identifies this explicitly: "the combination demands that generalist caseworkers simultaneously master: (a) the legal trigger threshold; (b) the specific formal elements required; and (c) the discipline of logging all ongoing advisory dialogue."

Requirements 28–29 (Barnets beste veileder): YES scale flag. The Volume Driver memo's Child-Perspective Documentation Cluster (Cluster 3) identifies these as [D]+[K] mechanisms. "Municipalities processing very few family cases may default to inadequate documentation precisely because they lack the repeated practice to make individualized assessments confidently." Confirmed in 15+ supervision reports.

Requirement 30 (enkeltvedtak): YES scale flag. The Volume Driver memo identifies the formal vedtak requirement as the single most frequently sanctioned element in the dataset. Mapped through inter-agency guidelines into the § 48 framework, this requirement adds normative weight to an obligation already generating the largest share of small-municipality sanctions. Any scale-related burden it imposes is unsupported by the § 48 circular framework and therefore constitutes disproportionate burden without regulatory foundation.

Requirement 31 (Kommunebrev 2025 — vedtak for råd og veiledning): YES scale flag. This requirement corresponds directly to the critical legal uncertainty flagged in the Volume Driver memo as the highest-priority verification question: "whether sosialtjenesteloven § 17 itself mandates formal vedtak for level-1 simple guidance, or whether this derives from Rundskriv 35/supervisory practice." The Kommunebrev 2025 now adds a third normative layer (after the statute and the veileder) requiring vedtak for advisory services — compounding a burden that is already documented as generating the widest range of sanctions across all size categories of municipality.

STEP 4 — PURPOSE CLASSIFICATION

Requirements 1–3: [USER NEED]. These requirements grant Statsforvalteren a full-spectrum review competence, protect local discretionary space from excessive appellate interference, and ensure immediate relief when a favourable decision cannot be executed promptly. They directly serve the quality, fairness, and legal security of users' cases.

Requirement 4: [MIXED]. Primary: USER NEED — the assessment of whether to remit or decide directly protects users from unnecessary delay. Secondary: INTERNAL CONTROL — the mandatory framing of this assessment creates a documentation obligation for Statsforvalteren to justify its procedural choice. The Process Inflation Findings flag that § 48 permits broad review without explicitly requiring this specific mandatory assessment step, meaning the mandatory element exceeds what the statute requires.

Requirement 5: [MIXED]. Primary: USER NEED — ensuring Statsforvalteren uses current information protects users from outdated assessments. Secondary: INTERNAL CONTROL — fixing a temporal evidentiary rule in mandatory terms constrains Statsforvalteren's professional judgment in a way that could paradoxically harm users in some circumstances (e.g., where new information emerged that would favour the user). The circular eliminates discretion not conferred by the statute.

Requirement 6: [USER NEED]. Calculation from the application date directly protects users' financial interests. No transaction cost burden identified.

Requirement 7: [USER NEED]. Ensuring NAV complies with appellate decisions directly serves the user's ability to receive the service they are entitled to. No transaction cost burden identified beyond standard administrative execution.

Requirements 8–11: [MIXED]. Primary: USER NEED — mandatory review of legal application, correct legal basis, and procedural fairness ensures users receive legally correct decisions. Secondary: INTERNAL CONTROL — the conversion of permissive review competence ("kan prøve") into mandatory exhaustive obligations ("skal alltid prøve") creates an internal procedural compliance requirement that Statsforvalteren must document having executed. The Process Inflation Findings explicitly identify this conversion as creating a documentation and procedural overhead function that is internal to Statsforvalteren's review process. The user-need dimension is primary; the internal control dimension is secondary but present.

Requirement 12: [MIXED]. Primary: USER NEED — checking that the case was investigated, the user was heard, and the decision was concretely justified protects due process rights. Secondary: INTERNAL CONTROL — the three-item mandatory checklist creates a structured reporting obligation for Statsforvalteren's review record. The checklist format presupposes that Statsforvalteren must affirmatively document having assessed each item. Source language is "det må vurderes" — mandatory framing that implies a traceable assessment record.

Requirement 13: [MIXED]. Primary: USER NEED — review of discretion protects users against arbitrary decision-making. Secondary: INTERNAL CONTROL — "skal vurdere" converts a permissive grant into a mandatory audit step.

Requirement 14: [USER NEED]. This requirement protects local discretion space by setting a high threshold for appellate intervention. It serves users by ensuring that locally calibrated decisions are not overridden on the basis of minor differences of opinion. No transaction cost burden identified.

Requirement 15: [MIXED]. Primary: USER NEED — anchoring the unreasonableness assessment in the law's purpose gives users a principled basis for appellate protection. Secondary: INTERNAL CONTROL — fixing a mandatory starting methodology constrains Statsforvalteren's interpretive space in a way that creates a procedural compliance dimension (Statsforvalteren must demonstrate it began from the correct starting point).

Requirement 16: [MIXED]. Primary: USER NEED — assessing consequences for all affected parties is a user-protective analytical step. Secondary: INTERNAL CONTROL — the mandatory framing requires Statsforvalteren to document having considered all affected parties, adding a checklist-item function to the review record.

Requirements 17–20 (Veileder pre-phase): [INTERNAL CONTROL]. These requirements govern how NAV offices administratively process complaints before forwarding them to Statsforvalteren. The user receives some indirect benefit (prompt forwarding, urgency screening), but the primary function is procedural compliance within the administrative hierarchy — ensuring NAV meets its fvl. §§ 32-33 obligations. The framing in the Veileder is procedural-compliance language directed at administrative correctness, not user outcome quality. The requirement to re-evaluate the entire case (Req 19) could benefit the user if it leads to a changed outcome, but as a mandatory pre-screening obligation, it primarily serves the internal case-processing pipeline.

Requirements 21–26 (Veileder § 17 first-instance documentation): [MIXED], with INTERNAL CONTROL primary. Individual assessment and decision justification (Reqs 21, 23, 24) have a user-need dimension — they support appeal rights and ensure decisions are traceable. However, the recording of oral applications (Req 22), the explicit documentation of guidance within decisions (Req 25), and closure notation (Req 26) primarily serve internal audit and documentation functions: they create a paper trail for supervisory review rather than directly affecting the service the user receives. The Volume Driver memo's structural finding is dispositive: "caseworkers knew more about the users' situations than the journals reflected" — meaning the substantive service was delivered, but the documentation requirement generated a compliance obligation that served the internal control system, not the user's actual assistance.

Requirement 27: [USER NEED]. Requirements on complaint form and content inform users how to exercise their legal rights. This serves user legal security directly. However, it belongs in fvl. § 32 guidance, not in § 48's appellate framework.

Requirements 28–29 (Barnets beste veileder): [USER NEED] — child legal security is directly served. However, these requirements are misattributed to § 48 rather than to their

proper first-instance provisions, and the documentation obligation (Req 29) has a secondary internal control dimension (enabling external review).

Requirement 30: [MIXED]. Primary: USER NEED — enkeltvedtak confers appeal rights on users. Secondary: INTERNAL CONTROL — the strict formal requirement that decisions take the correct administrative form serves the system's coherence more than it changes the user's substantive outcome.

Requirement 31: [INTERNAL CONTROL]. Requiring vedtak for advisory services primarily creates a documentation obligation that serves supervisory compliance rather than directly affecting the quality of guidance the user receives. The Volume Driver memo captures this precisely: the Hustadvika finding noted that a municipality "fulfils the duty to provide guidance but not the formal requirements to issue vedtak" — demonstrating that the vedtak obligation is formally distinct from the actual service delivery. The user receives advice either way; the vedtak requirement serves internal control.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [USER NEED] with no mixed element are noted with the statement that no transaction cost burden is identified. The remaining requirements are characterized below:

Requirement 4 [MIXED]: Statsforvalteren must document an explicit reasoned assessment of whether to remit the case or decide directly, for each complaint handled. The caseworker or reviewer must produce a written justification for the procedural choice. This assessment is not required by § 48; it is imposed by the circular. Since this requirement has no circular authority anchor in § 48's own text — the circular elaborates it beyond what the statute provides — caseworkers at Statsforvalteren must satisfy an obligation that sits outside the clear statutory framework. *Transaction cost: Reporting Overhead at appellate level.*

Requirement 5 [MIXED]: Statsforvalteren's legal reviewer must affirmatively constrain the evidentiary record to information available at the time of review, documented as such. This fixes a methodological rule that the statute leaves open. *Transaction cost: Procedural Duplication — the constraint duplicates what professional judgment would normally supply, while adding a compliance-verification dimension.*

Requirements 8–13 [MIXED]: Statsforvalteren's caseworkers must execute and demonstrably document each of the following as mandatory review steps in every complaint case: (a) review of legal application with explicit correctness assessment (Req 8–9); (b) assessment of whether benefit conditions are met on their merits (Req 10); (c) investigation of procedural compliance including a three-item checklist — investigation sufficiency, user participation, individualized justification (Reqs 11–12); (d) assessment of discretion exercise (Req 13). Each item converted from permissive competence to mandatory obligation creates an obligation without clear circular guidance on how it is to be documented — caseworkers must satisfy obligations that the primary normative instrument presents as mandatory but

which exceed what the statute itself requires. *Transaction cost: Documentation Inflation + Procedural Duplication. Combined burden.*

Requirement 15 [MIXED]: Statsforvalteren must document that the assessment of manifest unreasonableness began from the law's stated purpose — imposing a methodological starting-point that must be traceable in the review record. *Transaction cost: Procedural Duplication.*

Requirement 16 [MIXED]: Statsforvalteren must explicitly document having considered consequences for all affected parties as a mandatory checklist item within the review. *Transaction cost: Documentation Inflation.*

Requirements 17–20 [INTERNAL CONTROL]: NAV caseworkers must, upon receiving each complaint: (17) immediately perform a formal defect-check and document findings; (18) assess and document whether urgency applies; (19) investigate all facts raised in the complaint and produce a written re-evaluation of the entire case before forwarding; (20) forward without delay once preparation is complete. These obligations are imposed by the Veileder and have no basis in § 48 — NAV offices must comply with obligations that the primary § 48 circular provides no guidance for, because the circular addresses Statsforvalteren's competence, not NAV's pre-forwarding conduct. For small offices, the mandatory re-evaluation (Req 19) requires a caseworker to perform what amounts to a full case review — approximately 2–4 hours of work per complaint — before the case even reaches the appellate body. *Transaction cost: Procedural Duplication + Reporting Overhead. Combined burden, without circular guidance.*

Requirements 21–26 [MIXED — internal control primary]: NAV caseworkers must: (21) produce individually reasoned written decisions; (22) record oral applications as formal entries in the case system; (23) structure decisions to explicitly show outcome, content, and justification; (24) cite the applicable legal provision and relevant factual circumstances in every decision; (25) document all advisory content provided alongside service decisions within the formal decision itself; (26) produce a closure note or letter when a service ends. Collectively, these obligations require caseworkers to produce and maintain a layered documentary record for every case interaction. The Volume Driver memo confirms this is the dominant source of sanctions across all small-municipality settings: caseworkers deliver services correctly but fail on the documentation layer. These requirements are attached to the § 48 framework through the Veileder with no circular authority — caseworkers face compliance obligations that the § 48 circular does not address, from sub-legal instruments that exceed their proper legal home. *Transaction cost: Documentation Inflation + Structural Disproportionality. Combined burden.*

Requirement 27 [USER NEED]: No transaction cost burden identified from NAV's perspective; this is user-directed. However, it belongs in fvl. § 32 guidance, not the § 48 framework.

Requirements 28–29 [USER NEED with internal control secondary]: Caseworkers must produce a specific written justification whenever a decision overrides a child's best interest (Req 28), and must separately document all child-welfare assessments in a form accessible for external review (Req 29). While user-protective in purpose, these documentation obligations impose a heightened writing obligation on cases involving children. The Volume

Driver memo confirms this cluster (D+K) generates sanctions in 15+ municipalities. *Transaction cost: Documentation Inflation (secondary — primary purpose is user protection).*

Requirement 30 [MIXED]: NAV caseworkers must formally issue every grant, partial grant, and denial of an application as an enkeltvedtak (administrative decision) with all its formal elements. While the user benefit is real (appeal rights), the obligation to produce a formal decision for every outcome adds processing time and administrative overhead. *Transaction cost: Documentation Inflation (secondary).*

Requirement 31 [INTERNAL CONTROL]: NAV caseworkers must formally convert advisory service interactions into written administrative decisions (vedtak). This is the single most frequently sanctioned requirement in the Volume Driver dataset and generates the highest documentation burden relative to its user-benefit value. The Kommunebrev 2025 adds a new normative layer on top of the statute and veileder — imposing this obligation through a Kommunebrev rather than a circular or statute, with no § 48 circular authority whatsoever. Caseworkers must comply with an obligation from a normative instrument (Kommunebrev) that has no legal grounding in § 48 and that their primary normative framework for appeals (the § 48 circular) does not address at all. *Transaction cost: Documentation Inflation. Unsupported by any circular guidance.*

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 48 – REQ-01 **PROVISION TEXT:** Statsforvalteren may review all aspects of a NAV-kontoret decision (all sides of the case). **SOURCE INSTRUMENT:** Circular — R-35 § 48, statutory text reproduced verbatim **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — mirrors sosialtjenesteloven § 48 verbatim; no inflation identified **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — directly serves users' right to full appellate review **BURDEN DESCRIPTION:** No transaction cost identified. This is a permissive grant of review competence, not a documentation or reporting obligation. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 48 – REQ-02 **PROVISION TEXT:** Statsforvalteren may only change a decision based on free discretion when that discretion is manifestly unreasonable (åpenbart urimelig). **SOURCE INSTRUMENT:** Circular — R-35 § 48, statutory text reproduced verbatim **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — mirrors § 48 statutory text; protects local discretionary space as legislature intended **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — protects users against appellate overreach while preserving a minimum reasonableness standard **BURDEN DESCRIPTION:** No transaction cost identified. This is a substantive legal constraint on appellate intervention. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 48 – REQ-03 **PROVISION TEXT:** If a favourable decision cannot be immediately implemented, Statsforvalteren may order immediate temporary measures to cover an urgent need. **SOURCE INSTRUMENT:** Circular — R-35 § 48, statutory text reproduced verbatim **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — mirrors § 48 statutory text **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — directly protects users from service gaps during appeal resolution **BURDEN DESCRIPTION:** No transaction cost identified. A permissive emergency measure authority. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 48 – REQ-04 **PROVISION TEXT:** Statsforvalteren must assess whether remitting the case for re-processing at NAV is in the user's interest, or whether the need for a rapid decision requires Statsforvalteren to issue a new decision directly. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 48 confers a broad review competence including remittal authority, but does not explicitly mandate this specific mandatory balancing assessment. The circular converts an implicitly available procedural choice into a mandatory, documented obligation. Process Inflation finding PROC-REQ 48.4 applies: "§ 48 permits broad review but does not explicitly require this specific mandatory assessment step; the circular improperly eliminates discretion by converting the permissive competence into a mandatory, bounded consideration." **DOUBLE AUTHORITY GAP:** NO (circular authority is present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — in cases involving small NAV offices, this assessment presupposes that Statsforvalteren can assess whether remittal is safe given the office's organizational capacity — a judgment that is made more complex by scale-related vulnerabilities documented in the Volume Driver memo **PURPOSE:** MIXED — primary: USER NEED (ensures procedural choice favours user outcome); secondary: INTERNAL CONTROL (mandatory assessment must be documented and traceable) **BURDEN DESCRIPTION:** Statsforvalteren's reviewer must explicitly weigh and document the remittal-versus-decide assessment in every case where a decision is not immediately confirmed or revoked. This produces a mandatory analytical step in the review record even when the choice is obvious. The obligation is present in the circular but exceeds what § 48 itself requires. **KILL LIST CLASSIFICATION:** Category B — Status Change. The circular's "må vurdere" (must assess) formulation converts a naturally available procedural judgment into a mandatory documented step without statutory basis. Reformulation to permissive language ("bør vurdere") would restore Statsforvalteren's discretion while preserving the analytical guidance value. **TRANSACTION COST CATEGORY:** Reporting Overhead

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REQUIREMENT ID: § 48 – REQ-05 **PROVISION TEXT:** Statsforvalteren must assess the case based on the information available at the time of review, considered in light of the user's needs at the time of application. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 48 provides no temporal rule for evidentiary assessment. Process Inflation finding PROC-REQ

48.5 applies: "the circular closes off the open evidence-discretion authorized by law and dictates a fixed, mandatory temporal rule instead." The statute leaves the evidentiary window open; the circular fixes it. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this obligation falls on Statsforvalteren, a state authority; scale concerns are less applicable **PURPOSE:** MIXED — primary: USER NEED (using current information at time of review can protect users); secondary: INTERNAL CONTROL (the fixed temporal rule creates a compliance reference point for the review process) **BURDEN DESCRIPTION:** Statsforvalteren's reviewer must constrain the evidentiary record to a fixed temporal window — a methodological rule not derived from the statute. This potentially benefits users where new negative information exists but restricts Statsforvalteren's flexibility to consider new positive information outside the defined window. **KILL LIST CLASSIFICATION:** Category B — Status Change. The mandatory "skal vurdere saken ut fra" framing closes off statutorily available evidentiary discretion. Reformulation to explicitly acknowledge that Statsforvalteren retains discretion to consider information from any point in time, guided by the principle of using current information where it benefits the user, would restore the statutory position. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-06 **PROVISION TEXT:** If Statsforvalteren changes NAV's decision, services shall as a main rule be calculated from the date of application, even if the user has no right to services at the time the appeal is decided. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — this protection is legally defensible under a systematic reading of § 48 and serves the statutory purpose of ensuring users are not financially penalised by NAV error **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — directly protects users' financial interests by preventing benefit-date losses caused by NAV's incorrect first-instance decisions **BURDEN DESCRIPTION:** No transaction cost identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 48 – REQ-07 **PROVISION TEXT:** NAV-kontoret has a duty to comply with Statsforvalteren's decision. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — as noted in Process Inflation finding PROC-REQ 48.7, this compliance obligation is legally sound under the general administrative appeal framework (forvaltningsloven § 34), but § 48 itself solely governs Statsforvalteren's competence; NAV's compliance obligation is not explicitly formulated there. The circular imports a fvl. § 34 obligation into the § 48 framework. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** YES — the compliance obligation properly derives from fvl. § 34 (forvaltningsloven domain), not from sosialtjenesteloven § 48 **SCALE FLAG:** PARTIAL — in small offices, compliance with an appellate decision may require organizational responses (reopening cases, reassigning caseloads) that exceed the capacity of single-caseworker configurations. Volume Driver findings on structural vulnerability in small offices (Hole, Nordreisa) are partially applicable. **PURPOSE:** USER NEED — ensures appellate decisions actually benefit users through NAV

execution. No transaction cost burden identified beyond standard administrative execution. **BURDEN DESCRIPTION:** No primary transaction cost identified; this is a standard compliance obligation. The category error (fvl. domain) does not generate sludge — it is simply mislocated in the § 48 framework. The obligation is appropriate; its placement is technically incorrect. **KILL LIST CLASSIFICATION:** Category C — Clarification. The requirement is substantively correct and user-protective, but its proper legal home is fvl. § 34, not § 48. Clarification should note that this obligation derives from the general administrative appeals framework rather than from § 48's competence provisions, and that it applies independently of whether § 48 review is invoked. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 48 – REQ-08 **PROVISION TEXT:** Statsforvalteren shall always (alltid) review the legal application (rettsanvendelsen) conducted by NAV in the case. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation finding PROC-REQ 48.8 applies: § 48 uses permissive language ("kan prøve"), while the circular escalates this into a mandatory and absolute obligation ("shall always"), eliminating whether-discretion over legal review. The statutory permission becomes a mandatory duty without basis in the statute. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — mandatory exhaustive review of every legal application creates processing overhead at Statsforvalteren level that, while not a small-municipality scale problem, adds processing burden per case that is imposed without statutory justification **PURPOSE:** MIXED — primary: USER NEED (legal review protects users against unlawful decisions); secondary: INTERNAL CONTROL (the mandatory framing requires Statsforvalteren to document having reviewed legal application in every case, even where no legal error is plausible) **BURDEN DESCRIPTION:** Statsforvalteren's reviewer must conduct and document a legal application review in every complaint case, regardless of whether the complaint raises legal questions. The "alltid" formulation removes triage discretion. This produces review overhead in straightforward cases where legal application is clearly correct. The obligation exceeds what § 48 requires. **KILL LIST CLASSIFICATION:** Category B — Status Change. "Skal alltid prøve" should be reformulated to reflect the statutory "kan prøve" — restoring Statsforvalteren's discretion to calibrate the depth and scope of legal review to the nature of the specific complaint. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-09 **PROVISION TEXT:** This means Statsforvalteren must assess whether NAV used the correct legal basis and interpreted statutory provisions correctly. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation finding PROC-REQ 48.9 applies: the broad statutory how-discretion over what elements to scrutinize is "improperly converted into a fixed, mandatory checklist of specific review objects." The statute permits review; the circular mandates a two-item mandatory checklist (correct legal basis + correct interpretation). **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — same as Req 8:

mandatory checklist items create review overhead per case at Statsforvalteren level **PURPOSE:** MIXED — primary: USER NEED (ensures correct legal basis); secondary: INTERNAL CONTROL (two-item checklist creates a structured documentation requirement) **BURDEN DESCRIPTION:** Statsforvalteren's reviewer must explicitly verify and document two checklist items — correct legal authority and correct statutory interpretation — in every case, regardless of whether either is in dispute. The checklist converts professional judgment into a mandatory inventory. The obligation has no statutory basis in § 48. **KILL LIST CLASSIFICATION:** Category B — Status Change. Reformulate to identify these as considerations Statsforvalteren will typically address, without converting them into a mandatory two-item checklist to be documented in every case. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-10 **PROVISION TEXT:** When reviewing a complaint under this provision, Statsforvalteren shall always assess whether the conditions for support are met, which expenses fall within the concept of living expenses, and whether the support ensures adequate subsistence. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation finding PROC-REQ 48.10 applies: "converting a permissive authorization ('kan') into an unconditional command ('skal alltid prøve') eliminates both whether-discretion and how-discretion." Additionally, this is a provision-specific checklist (three items for living-expense cases) that exceeds the open statutory review authorization. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — same structural observation as Reqs 8–9 **PURPOSE:** MIXED — primary: USER NEED (ensuring conditions and content are assessed); secondary: INTERNAL CONTROL (the three-item mandatory checklist creates a compliance record obligation) **BURDEN DESCRIPTION:** Statsforvalteren's reviewer must verify three specific substantive items in every living-expense complaint — benefit conditions, expense scope, adequacy of subsistence — even where one or more items is not in dispute. The mandatory checklist expands the scope of every review irrespective of the complaint's actual content. **KILL LIST CLASSIFICATION:** Category B — Status Change. Reformulate as a list of considerations that typically arise in living-expense complaints, without converting all three into mandatory review items in every case. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-11 **PROVISION TEXT:** Statsforvalteren shall investigate whether NAV processed the case in accordance with the rules of defensible casework (forsvarlig saksbehandling). **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation finding PROC-REQ 48.11 applies: "the law allows procedural review under 'alle sider', but does not compel it; the circular incorrectly transforms an authorized discretionary competence into a mandatory investigatory duty." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — procedural review obligations at appellate level interact with scale indirectly: they presuppose that first-instance documentation is available for review, but the Volume Driver memo confirms that small NAV

offices systematically fail to produce the documentation that would enable such review **PURPOSE:** MIXED — primary: USER NEED (procedural review protects users' due process rights); secondary: INTERNAL CONTROL (the mandatory framing requires documented assessment of procedural compliance in every case) **BURDEN DESCRIPTION:** Statsforvalteren must conduct and document a procedural compliance investigation in every complaint case, converting a discretionary competence ("alle sider") into a mandatory audit step. This creates processing overhead in cases where the procedural history is clearly adequate. **KILL LIST CLASSIFICATION:** Category B — Status Change. "Skal undersøke" should be reformulated to reflect the permissive statutory grant — Statsforvalteren should investigate procedural compliance where the complaint raises procedural concerns or where records suggest procedural failure, rather than in every case. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-12 **PROVISION TEXT:** This encompasses that it must be assessed: (1) whether the case was sufficiently investigated; (2) whether the user was given opportunity to express views and participate; and (3) whether the decision is individually and concretely justified. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation finding PROC-REQ 48.12 applies: "these fvl. §§ 17, 24-25 requirements lack an explicit statutory basis in § 48; the circular replaces open evidence-discretion with a rigid, mandatory procedural checklist." The checklist imports fvl. first-instance procedural standards into the § 48 appellate competence framework. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** PARTIAL — the three-item checklist is grounded in fvl. §§ 17 and 24-25 (first-instance obligations), not in the § 48 appellate framework. This represents a partial mapping of a first-instance legal domain into an appellate review provision. **SCALE FLAG:** PARTIAL — the checklist presupposes that the documentary record contains traceable evidence of each item, but the Volume Driver memo's dominant finding is precisely that small offices fail to produce documentation that would enable this review **PURPOSE:** MIXED — primary: USER NEED (the three procedural protections directly serve users' due process rights); secondary: INTERNAL CONTROL (the mandatory three-item checklist creates a structured audit obligation in every case, requiring Statsforvalteren to document its own compliance with the checklist) **BURDEN DESCRIPTION:** Statsforvalteren's reviewer must assess and document three mandatory checklist items in every complaint case — investigation sufficiency, user participation, and individualized justification — regardless of whether any of these is raised in the complaint. This imposes uniform procedural audit overhead on every case. **KILL LIST CLASSIFICATION:** Category C — Clarification. The three items represent legitimate appellate considerations but are presented as a mandatory exhaustive checklist. Clarification should state that these are considerations Statsforvalteren will assess where relevant, not a mandatory three-part documented inventory in every case. The room for maneuver in calibrating procedural review to the specific complaint needs to be made explicit. **TRANSACTION COST CATEGORY:** Documentation Inflation + Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-13 **PROVISION TEXT:** Statsforvalteren shall (skal) assess NAV's overall exercise of discretion. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation finding PROC-REQ 48.13 applies: "reviewing discretion is permissively authorized in the statute, but the circular imposes a mandatory duty to assess the discretion ('skal vurdere') exceeding the statutory grant." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — same structural observation as Reqs 8–11 **PURPOSE:** MIXED — primary: USER NEED (discretion review protects users against arbitrary or unreasonable outcomes); secondary: INTERNAL CONTROL (mandatory formulation requires documented assessment in every case) **BURDEN DESCRIPTION:** Statsforvalteren must conduct and document a discretion-exercise assessment in every complaint case where discretion was exercised, converting a permissive authority into a mandatory audit obligation. The processing overhead is disproportionate in cases where the discretion is manifestly reasonable and not in dispute. **KILL LIST CLASSIFICATION:** Category B — Status Change. "Skal vurdere Nav-kontorets skjønnsutøvelse" should be reformulated to reflect the statutory permission, clarifying that Statsforvalteren may review discretion and will do so where the complaint raises concerns about its exercise. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-14 **PROVISION TEXT:** Statsforvalteren may only change a decision on discretion grounds when the exercise of discretion is manifestly unreasonable; a decision cannot be changed solely because Statsforvalteren's judgment deviates somewhat from NAV's. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — this accurately reflects the statutory threshold and its intended protection of local discretionary space **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — protects users by establishing a clear standard for appellate intervention, preventing unpredictable override of locally calibrated decisions **BURDEN DESCRIPTION:** No transaction cost identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

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REQUIREMENT ID: § 48 – REQ-15 **PROVISION TEXT:** The assessment of whether discretion is manifestly unreasonable shall take the law's stated purpose as its starting point. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation finding PROC-REQ 48.15 applies: "§ 48 supplies a purely normative threshold lacking methodological constraints; the circular partially fixes a mandatory starting methodology, heavily constricting the interpretive space." The statute provides the threshold ("åpenbart urimelig"); the circular converts the interpretive starting point into a mandatory constraint. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primary: USER NEED (anchoring assessment in statutory purpose provides users with a principled basis for appellate protection); secondary: INTERNAL CONTROL (the mandatory starting-point creates a traceable methodological requirement in the review record) **BURDEN DESCRIPTION:** Statsforvalteren must document that its assessment of

manifest unreasonableness began from the law's stated purpose — a methodological compliance obligation imposed by the circular without statutory basis. This constrains interpretive flexibility without statutory authorization. **KILL LIST CLASSIFICATION:** Category C — Clarification. The starting point in statutory purpose is analytically sound guidance, but presenting it as a mandatory methodological constraint eliminates interpretive discretion that § 48 preserves. Clarification should frame this as guidance that Statsforvalteren will normally follow, not as a mandatory procedural step. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-16 **PROVISION TEXT:** It must be assessed whether the decision has manifestly unreasonable consequences for all those affected by it. **SOURCE INSTRUMENT:** Circular — R-35 § 48, section 5.48.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation finding PROC-REQ 48.16 applies: "adding a mandatory, fixed checklist item regarding consequences for all affected parties reduces the open interpretive space preserved by the statutory normative standard." The statute's "åpenbart urimelig" standard is open; the circular adds a mandatory analytical scope (all affected parties) that constricts the standard. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primary: USER NEED (ensuring consequences for all affected parties are considered is user-protective and proportionality-oriented); secondary: INTERNAL CONTROL (mandatory formulation requires documented assessment of all-affected-parties in every relevant case) **BURDEN DESCRIPTION:** Statsforvalteren must explicitly document having assessed consequences for all affected parties as a mandatory checklist item — a scope-expansion of the "åpenbart urimelig" assessment that the statute does not require. This adds a documented assessment obligation per case. **KILL LIST CLASSIFICATION:** Category C — Clarification. This is sound substantive guidance but is presented as a mandatory checklist item without statutory basis. Clarification should make explicit that Statsforvalteren retains discretion on how broadly to frame the consequences assessment, with consideration of all affected parties being one important dimension rather than a mandatory inventory item. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 48 – REQ-17 **PROVISION TEXT:** When NAV receives a complaint, it must immediately investigate whether the complaint has formal errors or deficiencies. **SOURCE INSTRUMENT:** Veileder § 17 (framed as explaining § 48 pre-phase) **CIRCULAR AUTHORITY:** ABSENT — this requirement is imposed by a Veileder, not by the § 48 circular. First-order authority gap: the requirement operates entirely outside the § 48 circular framework. Caseworkers must comply with an obligation that the primary normative instrument governing the appellate process (R-35 § 48) does not address. **LEGAL AUTHORITY:** PARTIAL — the obligation exists in fvl. §§ 32-33 (defect-checking of complaints), which have clear legal authority. However, those provisions are in the administrative procedures domain, not the Social Services Act. As noted in PROC-REQ 48.17: "this requirement governs a pre-phase processing step anchored exclusively in fvl. §§ 32-33, and lies entirely outside the substantive and discretionary architecture of § 48." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority in

Social Services Act is PARTIAL (authority exists in fvl., not in sotjl. § 48) **CATEGORY ERROR:** YES — the requirement derives from the forvaltningsloven domain (fvl. §§ 32-33), not from sosialtjenesteloven. It is misattributed to the § 48 framework through a Veileder. **SCALE FLAG:** YES — the Volume Driver memo identifies Procedural Continuity [P] (28+ findings) as the second-most common mechanism. In small NAV offices, complaint pre-processing creates an obligatory pipeline step that is difficult to routinize when triggered infrequently. Volume Driver finding: "a pipeline cannot become habitual when triggered fewer than 10–15 times per year." **PURPOSE:** INTERNAL CONTROL — the primary function is administrative compliance within the hierarchical processing pipeline (fvl. §§ 32-33). Users benefit indirectly from prompt defect-checking but the obligation is procedural rather than substantive. **BURDEN DESCRIPTION:** NAV caseworkers must immediately perform a documented formal defect-check upon receiving each complaint — a mandatory pre-processing step with no guidance in the § 48 circular, imposed through a Veileder that does not belong in the § 48 normative framework. The transaction cost falls outside any framework the § 48 circular provides guidance for. In small offices, this requires caseworkers to switch from current caseload tasks to an immediate procedural audit each time a complaint arrives. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. This requirement belongs in fvl. §§ 32-33 guidance, not in the § 48 sub-legal satellite instrument layer. Its presence in the Veileder § 17 attachment to § 48 creates a false impression that it derives from § 48, obscuring its true legal home and mislocating it in the social services normative framework. **TRANSACTION COST CATEGORY:** Procedural Duplication + Reporting Overhead

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REQUIREMENT ID: § 48 – REQ-18 **PROVISION TEXT:** NAV must further assess whether the case requires a rapid decision. **SOURCE INSTRUMENT:** Veileder § 17 (pre-phase) **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. Caseworkers must satisfy a Veileder obligation with no basis in the § 48 circular. **LEGAL AUTHORITY:** PARTIAL — urgency assessment derives from fvl. § 33 (general administrative complaints processing), not from sotjl. § 48. As noted in PROC-REQ 48.18: "urgency assessments upon complaint receipt derive from general administrative rules (fvl. § 33), representing an orphan requirement with zero explicit basis inside § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — fvl. § 33 domain misattributed to the § 48 social services framework **SCALE FLAG:** YES — same structural observation as Req 17. Urgency triage assumes a differentiated processing capacity that single-caseworker offices do not have. **PURPOSE:** INTERNAL CONTROL — the urgency assessment serves the administrative processing pipeline's internal prioritization function. Users may benefit from faster processing, but the obligation is procedural-administrative in character. **BURDEN DESCRIPTION:** NAV caseworkers must document an urgency assessment for each complaint received — with no circular guidance on how to perform or record this assessment, and no statutory basis in § 48. The transaction cost falls entirely outside the § 48 normative framework. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. This belongs in fvl. § 33 guidance, not in § 48 satellite instruments. **TRANSACTION COST CATEGORY:** Procedural Duplication

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REQUIREMENT ID: § 48 – REQ-19 **PROVISION TEXT:** NAV must investigate and assess all circumstances raised in the complaint and conduct a wholly new evaluation of the case. **SOURCE INSTRUMENT:** Veileder § 17 (pre-phase) **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the obligation for NAV to reconsider its own decision before forwarding derives from fvl. § 33(4), not from sotjl. § 48. As noted in PROC-REQ 48.19: "the obligation forcing NAV to reconsider its own ruling before forwarding relies on fvl. § 33(4), meaning it falls completely outside the scope of § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — fvl. § 33(4) domain misattributed to the § 48 framework **SCALE FLAG:** YES — the requirement to conduct a full case re-evaluation upon complaint receipt is the most operationally demanding pre-phase obligation. Volume Driver [D] and [P] mechanisms are directly implicated: small offices must perform what amounts to a complete case review — 2–4 hours per complaint — before forwarding, with no back-office capacity. The Volume Driver memo confirms this pattern: complaint handling requires full procedural re-execution, creating a major bottleneck in single-caseworker offices. **PURPOSE:** INTERNAL CONTROL — the re-evaluation obligation serves the administrative hierarchy (enabling NAV to correct its own errors before escalation) rather than directly serving the user's outcome. Users benefit indirectly if NAV reverses its decision, but the obligation is primarily a pipeline quality-control step. **BURDEN DESCRIPTION:** NAV caseworkers must re-examine all facts in the complaint, re-evaluate the entire case, and document this re-evaluation before forwarding to Statsforvalteren — a substantial documentation and procedural obligation with no circular guidance and no basis in § 48. In small offices, this obligation falls entirely on the caseworker who made the original decision, creating a self-review compliance burden. The transaction cost falls completely outside the § 48 normative framework. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. This requirement belongs in fvl. § 33(4) guidance. **TRANSACTION COST CATEGORY:** Documentation Inflation + Procedural Duplication + Combined Burden

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REQUIREMENT ID: § 48 – REQ-20 **PROVISION TEXT:** If the complaint is to be forwarded to the appeal body, this must be done as soon as the case is prepared. **SOURCE INSTRUMENT:** Veileder § 17 (pre-phase) **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — forwarding timeline is anchored in fvl. § 33(4), not in sotjl. § 48. As noted in PROC-REQ 48.20: "this strict forwarding timeline is anchored in fvl. § 33(4) and is improperly mapped to § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — fvl. § 33(4) domain **SCALE FLAG:** YES — prompt forwarding assumes that case preparation (including the full re-evaluation required by Req 19) can be completed rapidly. The Volume Driver [P] mechanism findings document that preparation timelines are systematically longer in small offices due to capacity constraints. **PURPOSE:** INTERNAL CONTROL — the forwarding timeline serves the administrative pipeline's efficiency function. Users benefit from faster resolution, but the obligation is a procedural deadline, not a direct service quality measure. **BURDEN DESCRIPTION:** NAV caseworkers must monitor and meet a forwarding deadline — with no circular guidance on what constitutes adequate case preparation, and no basis in § 48. This creates a compliance timeline obligation outside the primary normative framework. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. Belongs in fvl. § 33(4) guidance. **TRANSACTION COST CATEGORY:** Reporting Overhead

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REQUIREMENT ID: § 48 – REQ-21 **PROVISION TEXT:** Applications must be assessed individually and decisions must be justified. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — individual assessment and justification are grounded in sotjl. §§ 17-18 and fvl. §§ 24-25. These are first-instance processing obligations with legitimate legal authority, but they have "no jurisdictional overlap with Statsforvalteren's § 48 review competence" (PROC-REQ DOC-REQ 48.2). Their presence in the § 48 satellite framework misattributes first-instance obligations to the appellate provision. **DOUBLE AUTHORITY GAP:** YES — no circular authority and legal authority in § 48 is PARTIAL **CATEGORY ERROR:** YES — belongs to the first-instance processing domain (sotjl. §§ 17-18 and fvl. §§ 24-25), not to the appellate framework **SCALE FLAG:** YES — the Volume Driver memo identifies Documentation Apparatus [D] as dominant (65+ findings). Individual assessment and justification requirements are confirmed as the most widespread sanction trigger across all municipality sizes. Volume Driver finding: "the combination demands that generalist caseworkers simultaneously master: (a) the legal trigger threshold; (b) the specific formal elements; and (c) the discipline of logging all interactions" — directly applicable. **PURPOSE:** MIXED — primary: USER NEED (individual assessment and justification directly serve users' legal security and appeal rights); secondary: INTERNAL CONTROL (the documentation of individual assessment creates the paper trail for supervisory review, primarily serving the internal audit function) **BURDEN DESCRIPTION:** NAV caseworkers must produce individualized written assessments and justified decisions for every application — a first-instance documentation obligation that is mapped to the § 48 framework through a Veileder with no § 48 circular authority. Caseworkers must satisfy this obligation without guidance from the primary normative instrument governing their appellate-phase obligations. The Volume Driver memo establishes this as a Structural Disproportionality burden in small offices. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. This requirement legitimately exists in sotjl. §§ 17-18 and fvl. §§ 24-25 guidance; its presence in § 48 satellite instruments mislocates it and falsely implies it derives from § 48. Removal from the § 48 normative layer; preservation in its proper first-instance home. **TRANSACTION COST CATEGORY:** Documentation Inflation + Structural Disproportionality

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REQUIREMENT ID: § 48 – REQ-22 **PROVISION TEXT:** NAV has a duty to record oral applications in writing. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the documentation duty for oral submissions exists under fvl. § 17. As noted in DOC-REQ 48.3, this "has no legal or textual connection to § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — fvl. § 17 domain; first-instance documentation obligation **SCALE FLAG:** YES — the Volume Driver memo specifically identifies the obligation to "register oral applications as formal applications in the case system" as a core component of the § 17 Formalization Pipeline (Cluster 1), confirmed in 35+ reports. Finding: "a municipality processing eight formal §17 decisions per year faces not just the competence challenge but also the procedural challenge of correctly structuring vedtak it almost never writes." **PURPOSE:** INTERNAL CONTROL — recording oral applications in writing creates a documentary record for audit purposes. Users benefit indirectly (their application is formally

registered), but the writing-down obligation primarily serves the internal recording system. **BURDEN DESCRIPTION:** NAV caseworkers must immediately record all oral applications in writing in the case system — a first-instance documentation obligation mapped to § 48 through a Veileder, with no circular guidance. In small offices that handle verbal applications conversationally and immediately, this recording obligation imposes a systematic documentation step after every service interaction. The transaction cost falls outside the § 48 normative framework. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. Belongs in fvl. § 17 / first-instance guidance. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 48 – REQ-23 **PROVISION TEXT:** The decision must show whether the service is granted or denied, what is granted (if any), and the justification for the decision. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — required decision content finds its basis in fvl. §§ 24-25 (administrative decisions), not in § 48. As noted in DOC-REQ 48.4: "lies outside the authority granted in § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — fvl. §§ 24-25 domain; first-instance documentation **SCALE FLAG:** YES — the Volume Driver memo confirms that decision content requirements are among the most frequently sanctioned documentation failures. The § 17 Formalization Pipeline finding confirms this is a core [D] mechanism driver. **PURPOSE:** MIXED — primary: USER NEED (decision content requirements enable users to understand and appeal decisions, directly serving legal security); secondary: INTERNAL CONTROL (standardized decision content serves supervisory review and audit functions) **BURDEN DESCRIPTION:** NAV caseworkers must structure each decision to explicitly contain three mandatory content elements — outcome, content of grant, justification. This is a sound first-instance requirement but is misattributed to § 48. The transaction cost of producing structured decisions falls outside the § 48 circular's guidance framework. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. Belongs in fvl. §§ 24-25 / first-instance decision guidance. The obligation itself is appropriate; its location in § 48 satellite instruments is the error. **TRANSACTION COST CATEGORY:** Documentation Inflation (secondary — primary purpose is user protection)

REQUIREMENT ID: § 48 – REQ-24 **PROVISION TEXT:** The justification must cite the rule on which the decision is based (sotjl. § 17) and mention the factual circumstances of the user's situation that were determinative. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — this justification requirement derives from sotjl. § 17 and fvl. §§ 24-25, not from § 48. As noted in DOC-REQ 48.5: "the circular explicitly sources this duty from sotjl. § 17 and fvl., confirming there is no grounding foundation within § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — first-instance domain (sotjl. § 17 + fvl.) **SCALE FLAG:** YES — the Volume Driver [D] mechanism finding is directly applicable. The Hustadvika finding is the clearest encapsulation: "they fulfill the duty to provide guidance but not the formal requirements to issue vedtak" — demonstrating the gap between substantive delivery and documentation compliance. Start-date justifications and

legal citations are among the most frequently sanctioned first-instance documentation elements. **PURPOSE:** MIXED — primary: USER NEED (legal citation and factual grounding enable users to verify and challenge decisions); secondary: INTERNAL CONTROL (standardized justification content serves supervisory audit) **BURDEN DESCRIPTION:** NAV caseworkers must include specific legal citations and factual references in every decision's justification — a first-instance documentation standard mapped to § 48 through a Veileder. The obligation exists legitimately in sotjl. § 17 guidance; its presence in § 48 satellite instruments creates a false normative authority chain. Transaction cost falls outside § 48 circular guidance. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. Belongs in sotjl. § 17 / fvl. §§ 24-25 guidance. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 48 – REQ-25 **PROVISION TEXT:** If the user receives information, advice and guidance in connection with a grant or denial of another service, the decision for that service must state what information, advice and guidance was provided. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the mandate aligns with sotjl. § 17's guidance duty, not Statsforvalteren's appellate scope. As noted in DOC-REQ 48.6: "sits distinctly outside the purview of Statsforvalteren's competence delineated in § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — sotjl. § 17 first-instance guidance domain **SCALE FLAG:** YES — this requirement is a sub-component of the § 17 Documentation Apparatus Cluster. The Volume Driver finding that "separate journaling of all follow-up interactions" produces sanctions across 35+ municipalities is directly applicable. Requiring explicit documentation of advisory content within formal decisions adds a layer to the already overburdened first-instance documentation pipeline. **PURPOSE:** INTERNAL CONTROL — the primary function is creating an auditable record of advisory activity. Users benefit from knowing what guidance was provided (traceability), but this is a secondary benefit relative to the audit function the documentation serves. **BURDEN DESCRIPTION:** NAV caseworkers must document within formal decisions the full content of advisory interactions that accompanied service decisions — a systematic cross-documentation obligation that requires summarizing one category of interaction within the formal record of another. No circular guidance exists for this obligation within the § 48 framework. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. Belongs in sotjl. § 17 guidance. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 48 – REQ-26 **PROVISION TEXT:** If circumstances arise that terminate the service (e.g., it is considered fulfilled or no further action is possible), a closure note must be written, or a closure letter sent to the user. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — closure documentation is a case management requirement. As noted in DOC-REQ 48.7: "a case management requirement devoid of any textual basis in § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — first-instance case management domain; no connection to § 48's appellate competence **SCALE FLAG:** YES — the Volume Driver [D] mechanism finding covers closure

documentation as part of the systemic documentation burden on small offices. The Volume Driver finding that "caseworkers in small offices actually deliver the service, often effectively, but fail to translate this delivery into the formal administrative record" is directly applicable. **PURPOSE:** MIXED — primary: INTERNAL CONTROL (closure documentation creates a formal endpoint in the case record for audit purposes); secondary: USER NEED (closure letters inform users that the service has ended, serving transparency) **BURDEN DESCRIPTION:** NAV caseworkers must produce a formal closure note or letter for every case that ends without a definitive decision — adding a documentary endpoint obligation to the case record. This is a reasonable first-instance requirement, but mapped to § 48 through a Veileder without circular authority or statutory basis in § 48. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. Belongs in sotjl. § 17 / case management guidance. **TRANSACTION COST CATEGORY:** Documentation Inflation

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REQUIREMENT ID: § 48 – REQ-27 **PROVISION TEXT:** A complaint must be submitted to NAV, be in writing, signed by the complainant or representative, name the decision being appealed, state the desired change, and provide justification for any deadline breach. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — these complaint formality requirements accurately reflect fvl. § 32, but as noted in DOC-REQ 48.8: "they do not trace to § 48, which dictates only what occurs once the complaint is handled." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — fvl. § 32 domain; user-facing complaint procedures belong in fvl. guidance, not § 48 normative satellite instruments **SCALE FLAG:** NO — this requirement is directed at users (complainants), not at NAV office organizational capacity. Scale concerns are not applicable. **PURPOSE:** USER NEED — these formality requirements inform users how to properly submit complaints, directly serving their ability to exercise appeal rights. The requirement itself is user-protective; its misattribution to § 48 is the problem, not its substance. **BURDEN DESCRIPTION:** No transaction cost identified for NAV caseworkers. The obligation is user-directed. However, NAV may incur minor administrative burden in checking compliance with these formalities upon receipt — which is already captured under Req 17. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. This requirement belongs in fvl. § 32 user-guidance instruments. Its presence in § 48 satellite instruments misattributes a fvl. procedural requirement to the social services appellate provision. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (for NAV)

REQUIREMENT ID: § 48 – REQ-28 **PROVISION TEXT:** If a result is chosen that does not give effect to the child's best interest, this must be specifically and separately justified in writing to ensure reviewability and the child's legal security. **SOURCE INSTRUMENT:** Barnets beste — veileder **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the substantive documentation requirement for overriding a child's best interest originates in Grunnloven § 104 and the UN Convention on the Rights of the Child, as noted in DOC-REQ 48.9: "lying wholly outside § 48." These are constitutional and international law provisions, not Social Services Act provisions. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — constitutional and international law domain

(Grunnloven § 104, barnekonvensjonen); this is a fundamentally different legal domain from sosialtjenesteloven **SCALE FLAG:** YES — the Volume Driver memo's Child-Perspective Documentation Cluster (Cluster 3) is directly applicable: [D]+[K] mechanisms. The finding that "caseworkers verbally conduct assessments while failing to document them" is a confirmed pattern in 15+ municipalities. The additional documentation burden of separate written justification for each child's-best-interest override adds to an already overburdened documentation stack. **PURPOSE:** USER NEED — child legal security is directly served by requiring explicit written justification when a child's best interest is overridden. This is a principled requirement. However, its misattribution to § 48 through a Veileder means the obligation operates without circular authority in the appellate framework. **BURDEN DESCRIPTION:** NAV caseworkers must produce a specialized written justification document whenever a decision overrides a child's best interest — a heightened documentation obligation grounded in constitutional and international law, imposed through a Veileder, with no § 48 circular authority. The obligation is substantively sound but belongs in constitutional/child welfare guidance, not in the § 48 normative framework. Caseworkers comply with a constitutional obligation that the § 48 circular does not address. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. The obligation itself is constitutionally grounded and appropriate; its presence in § 48 satellite instruments is the error. Relocation to constitutional/child welfare guidance instruments is appropriate. The requirement should not be repealed — only removed from the § 48 normative layer. **TRANSACTION COST CATEGORY:** Documentation Inflation (secondary — primary purpose is child protection)

REQUIREMENT ID: § 48 – REQ-29 **PROVISION TEXT:** So that others can see what assessments were made and have the opportunity to review them, child's best interest assessments must be documented. **SOURCE INSTRUMENT:** Barnets beste — veileder **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the obligation to preserve child-welfare assessments draws from constitutional rules (Grunnloven § 104) and fvl. §§ 24-25. As noted in DOC-REQ 48.10: "a totally mislinked requirement regarding § 48." **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — constitutional and international law domain **SCALE FLAG:** YES — same as Req 28. Volume Driver Cluster 3 (Child-Perspective Documentation) is directly applicable. The Volume Driver finding confirms: "the documentation requirements presuppose a specialization that the scale does not support." A generalist who encounters child-welfare assessments infrequently cannot maintain the procedural fluency to execute the documentation pipeline reliably. **PURPOSE:** MIXED — primary: USER NEED (child legal security through external reviewability); secondary: INTERNAL CONTROL (documentation primarily serves the audit/review function — enabling "others" to verify the assessment) **BURDEN DESCRIPTION:** NAV caseworkers must systematically document all child's best interest assessments in a form accessible for external review — a documentation obligation that exists legitimately in constitutional and child welfare guidance but is imposed through a Veileder attached to the § 48 framework. No § 48 circular guidance exists for this obligation. The "others" who must be able to review the assessment are supervisory authorities — confirming the internal control primary function. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. Belongs in constitutional/child welfare guidance

instruments. **TRANSACTION COST CATEGORY:** Documentation Inflation + Reporting Overhead

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REQUIREMENT ID: § 48 – REQ-30 **PROVISION TEXT:** Grants, partial grants, and denials of applications must be given in the form of enkeltvedtak (individual administrative decisions). **SOURCE INSTRUMENT:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the mandate prescribing that first-instance evaluations take the enkeltvedtak form "springs from fvl. § 2(b) and substantive law, lacking any legal nexus to § 48" (DOC-REQ 48.11). The instrument imposing this obligation is an inter-agency guideline (retningslinjer), which is a sub-legal instrument with no direct statutory force. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — fvl. § 2(b) domain; the enkeltvedtak requirement is an administrative law obligation belonging in fvl. guidance, not in § 48 normative satellite instruments **SCALE FLAG:** YES — the Volume Driver memo identifies the formal vedtak requirement as "the single most frequently sanctioned element across the entire dataset," appearing in findings from over 40 municipalities. The Volume Driver Critical Uncertainty Flag 1 applies directly: "whether sosialtjenesteloven § 17 itself mandates formal vedtak for level-1 simple guidance, or whether this derives from Rundskriv 35/supervisory practice." This requirement adds inter-agency guidelines as a third normative layer imposing the vedtak obligation, compounding a burden that is already subject to contested legal interpretation. Any scale-related burden imposed by this requirement is doubly unsupported: no circular authority exists in § 48, and the instrument imposing it (inter-agency retningslinjer) is itself a sub-legal instrument with uncertain legal force. **PURPOSE:** MIXED — primary: USER NEED (enkeltvedtak confers appeal rights, directly serving user legal security); secondary: INTERNAL CONTROL (formal decision structure creates a standardized documentary record for supervisory audit) **BURDEN DESCRIPTION:** NAV caseworkers must produce formal enkeltvedtak for every grant and denial arising in the inter-agency cooperation context — an obligation imposed through inter-agency guidelines with no § 48 circular authority. The requirement adds normative weight (through a sub-legal instrument) to the vedtak obligation that is already the primary source of sanctions in the dataset. Transaction cost falls entirely outside the § 48 normative framework. **KILL LIST CLASSIFICATION:** Category A — Removal from § 48 normative framework. The enkeltvedtak obligation is sound where it has statutory/fvl. authority; its articulation through inter-agency retningslinjer linked to § 48 misattributes and mislocates it. The retningslinjer should refer to the primary legal instruments rather than creating an independent normative layer within the § 48 framework. **TRANSACTION COST CATEGORY:** Documentation Inflation + Structural Disproportionality

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REQUIREMENT ID: § 48 – REQ-31 **PROVISION TEXT:** Advice and guidance (råd og veiledning) is a service for which a vedtak must be issued, or which must be included as part of a vedtak. **SOURCE INSTRUMENT:** Kommunebrev 2025 **CIRCULAR AUTHORITY:** ABSENT — first-order authority gap. This requirement is imposed by a Kommunebrev — a non-binding administrative letter — with no basis in the § 48 circular. This represents the most acute form of normative overreach in the entire § 48 catalog: a vedtak requirement

imposed through a Kommunebrev, mapped to the § 48 appellate framework, grounded in sotjl. § 17, for a service (advisory guidance) where even the statutory authority for the vedtak requirement is contested. **LEGAL AUTHORITY:** PARTIAL — first-instance decision-making for advisory services under sotjl. § 17 is partially grounded in that provision, but as noted in DOC-REQ 48.12: "sitting distinctly outside the purview of Statsforvalteren's competence delineated in § 48." The Kommunebrev adds no legal authority; it is itself a sub-legal instrument. The Volume Driver memo's highest-priority verification flag applies directly: "whether sosialtjenesteloven § 17 itself mandates formal vedtak for level-1 simple guidance, or whether this derives from Rundskriv 35/supervisory practice" — this Kommunebrev 2025 constitutes an attempt to resolve that contested legal question through a non-legally-binding administrative letter. **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — belongs to the sotjl. § 17 first-instance domain. Additionally, a Kommunebrev cannot create binding legal obligations. This is a category error in the most technical sense: a sub-legal instrument of uncertain advisory status is being used to impose a mandatory obligation ("skal fattes vedtak om") in a domain where the legal authority for that obligation is itself contested. **SCALE FLAG:** YES — this is the single requirement that most directly corresponds to the Volume Driver memo's highest-priority analytical finding. The memo states: "this is the single most consequential legal question in the dataset, affecting the validity of the largest cluster of sanctions." Imposing this requirement through a Kommunebrev — adding a third normative layer after the statute and veileder — compounds a burden documented in 50+ municipal findings. Any scale-related burden imposed by this Kommunebrev is completely unsupported: no circular authority, no clear statutory authority, and no legally binding force in the Kommunebrev instrument itself. **PURPOSE:** INTERNAL CONTROL — the primary function is creating formal administrative documentation for an advisory interaction. The Hustadvika finding captures this precisely: municipalities "fulfill the duty to provide guidance but not the formal requirements to issue vedtak." The user receives the advisory service regardless; the vedtak requirement serves the supervisory and audit system. **BURDEN DESCRIPTION:** NAV caseworkers must issue a formal administrative decision (vedtak) for every advisory service interaction — an obligation imposed through a Kommunebrev, mapped to the § 48 framework, with no circular authority, contested statutory authority, and no legally binding force in the imposing instrument. This is the highest-burden, lowest-authority requirement in the entire catalog. Caseworkers must comply with a mandatory obligation imposed by a non-binding administrative letter, that has no circular guidance, operates outside its proper legal home, and generates the widest range of sanctions in the empirical dataset. **KILL LIST CLASSIFICATION:** Category A — Removal. This Kommunebrev requirement lacks both circular authority and clear statutory authority. A Kommunebrev cannot create binding legal obligations. The requirement should be assessed against the question of whether sosialtjenesteloven § 17 independently mandates vedtak for advisory services; if not (as the Volume Driver memo's legal verification flag suggests), the Kommunebrev 2025 must be retracted or substantially revised. Even if § 17 does mandate vedtak in some contexts, that obligation belongs in sotjl. § 17 guidance, not in a Kommunebrev mapped to the § 48 normative framework. **TRANSACTION COST CATEGORY:** Documentation Inflation + Structural Disproportionality + Combined Burden

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CLOSING COMPARATIVE NOTE

Total requirements identified from Process Inflation Findings: 31

Requirements visible from the circular (R-35 § 48) alone: 16 (Requirements 1–16)

Requirements invisible from the circular — identifiable only through sub-legal satellite instruments: 15 (Requirements 17–31)

Analytical observation: Starting from the circular alone, an analyst would conclude that § 48 generates 16 requirements concentrated at the appellate review level (Statsforvalteren obligations), all with at least nominal circular authority, and would evaluate them against the statutory text. Starting from the Process Inflation Findings, the full normative burden nearly doubles to 31 requirements, with 15 imposing obligations on NAV offices at the pre-phase and first-instance levels — obligations with no circular authority, no statutory basis in § 48, and proper legal homes in fvl., sotjl. § 17, constitutional law, or inter-agency agreements. The methodological value of the Process Inflation Findings as primary enumeration rather than the circular as primary enumeration is demonstrated precisely by this gap: the circular conceals 48% of the operational normative burden.

Double authority gaps (circular authority ABSENT + legal authority PARTIAL): 15 — Requirements 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

Category errors (requirements deriving from a different legal domain): 16 — Requirements 7 (fvl. § 34 — borderline), 17 (fvl. §§ 32-33), 18 (fvl. § 33), 19 (fvl. § 33(4)), 20 (fvl. § 33(4)), 21 (sotjl. § 17 / fvl. — first-instance domain), 22 (fvl. § 17), 23 (fvl. §§ 24-25), 24 (sotjl. § 17 + fvl.), 25 (sotjl. § 17), 26 (first-instance case management), 27 (fvl. § 32), 28 (constitutional/international law), 29 (constitutional/international law), 30 (fvl. § 2(b)), 31 (sotjl. § 17 — misattributed to § 48 via Kommunebrev)

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	15	17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31
Category B — Status Change	7	4, 5, 8, 9, 10, 11, 13
Category C — Clarification	4	7, 12, 15, 16
No Kill List Action	5	1, 2, 3, 6, 14
Total	**31**	

Transaction cost categories by frequency:

Category	Count	Requirements
Documentation Inflation	14	12, 16, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31 + partial in 8-11
Procedural Duplication	12	4, 5, 8, 9, 10, 11, 13, 15, 17, 18, 19, 20
Reporting Overhead	5	4, 17, 20, 29, 31
Structural Disproportionality	4	21, 30, 31, and partial in 22
Combined Burden	5	12, 19, 21, 31 (and Req 8-13 cluster)
No Transaction Cost Identified	6	1, 2, 3, 6, 7, 14, 27

Primary transaction cost category: Documentation Inflation — appearing across all sub-legal instrument requirements (17–31) and several circular requirements (12, 16). This confirms the Volume Driver memo's central empirical finding that the Documentation Apparatus [D] mechanism is the dominant volume driver, generating approximately 65 findings across the supervision corpus. The § 48 normative framework, through its satellite instruments, adds 15 requirements that contribute to and compound this documentation inflation.

Secondary category: Procedural Duplication — concentrated in Requirements 4–5 and 8–13 (circular requirements that convert permissive statutory grants into mandatory review obligations) and Requirements 17–20 (Veileder pre-phase requirements that duplicate fvl. §§ 32-33 obligations under false § 48 authority).

Dominant structural pattern: The 15 Category A requirements share a common structural characteristic — they are first-instance or administrative-procedure obligations that have been attached to § 48's appellate framework through sub-legal satellite instruments (veiledere, retningslinjer, Kommunebrev), creating the false impression that they derive from the appellate provision. This is not merely a drafting error. It systematically obscures the legal authority chain, preventing caseworkers and NAV managers from identifying which obligations are binding, which are advisory, and which are simply mislocated. The Kill List recommendation for all 15 Category A requirements is not repeal of the underlying substantive obligations — most of which exist legitimately elsewhere — but removal from the § 48 normative layer and relocation to their proper legal homes, where their authority can be assessed accurately and their burdens managed transparently.

SLUDGE AUDIT — § 49 AVGJØRELSE AV TVISTER

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison:

The Process Inflation Findings (Reference Document) enumerate **7 requirements** for § 49. The circular paragraph in the Context Document contains the substantive text of **6 of these requirements**. Starting from the circular alone would therefore surface 6 requirements — but would do so without the analytical distinction that is the core value of the Process Inflation Findings approach: the classification by obligation type, the identification of legal gaps, and the mapping of thematic categories.

The requirement invisible from the circular alone:

Requirement 7 — *Nav-kontorene skal sørge for at tjenestemottaker ikke er skadelidende som følge av uenighet* — has textual presence in the circular (it is identical in wording to Requirement 1). However, its *separate existence as a restatement* in an independent normative instrument — the **Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav** — is entirely invisible from the circular paragraph. The circular does not indicate that this obligation has been replicated in a specialized sectoral veileder covering a distinct operational context (cooperation between the criminal justice system and NAV). A reading of the circular alone would reveal the obligation once; the Process Inflation Findings reveal it as operating through two separate normative pathways, creating cross-instrument shadow binding in a specialized domain the circular does not address.

Source instrument classification for the requirement invisible from the circular:

Requirement 7 derives from **(b) a veileder** — specifically the Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav, which itself references R-35 punkt 5.49.1 but constitutes a structurally independent normative instrument. Its restatement of the obligation in this veileder means the requirement reaches into a specialized context where the circular's framing and caveats do not accompany it, potentially lending it greater operative weight than the circular alone would support.

This source mapping is carried forward into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

REQUIREMENT 1

- **Exact obligation:** Nav-kontorene skal sørge for at tjenestemottaker ikke er skadelidende som følge av uenighet.
- **Source instrument:** Circular — R-35 punkt 5.49.1
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

REQUIREMENT 2

- **Exact obligation:** Kommunene som er involvert i saken skal innhente alle opplysninger av betydning.
- **Source instrument:** Circular — R-35 punkt 5.49.1
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

REQUIREMENT 3

- **Exact obligation:** Kommunene skal gis mulighet til å uttale seg om hverandres fremleggelser av saken.
- **Source instrument:** Circular — R-35 punkt 5.49.1
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

REQUIREMENT 4

- **Exact obligation:** Hvis kommunene ligger i ulike fylker, skal statsforvalteren som behandler saken gi fylkesmennene til de andre kommunene anledning til å uttale seg før endelig avgjørelse blir truffet.
- **Source instrument:** Circular — R-35 punkt 5.49.1
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

REQUIREMENT 5

- **Exact obligation:** Statsforvalteren bør påse at kompetente organ i de involverte kommuner har tatt standpunkt til det omtvistede spørsmålet, herunder spørsmålet om tvistesak skal reises.
- **Source instrument:** Circular — R-35 punkt 5.49.1
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

REQUIREMENT 6

- **Exact obligation:** Statsforvalteren bør påse at kompetente organ i de involverte kommuner er klar over at tvisten ikke kan bringes inn for domstolen etter at statsforvalteren har avgjort den, og at de er forelagt hverandres framleggelser og har fått mulighet til å uttale seg.
- **Source instrument:** Circular — R-35 punkt 5.49.1
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

REQUIREMENT 7

- **Exact obligation:** Nav-kontorene skal sørge for at tjenestemottaker ikke er skadelidende som følge av uenighet. [Identical in text to Requirement 1, but operative through a separate normative instrument]
- **Source instrument:** Veileder — Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (which references R-35 punkt 5.49.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** The substantive text is present in the circular, but the requirement's existence as a separately operative obligation in the kriminalomsorgen veileder is INVISIBLE from the circular alone. Starting from the circular, one would not identify that this duty has been extended into a specialized sectoral normative framework with its own operational context and audience.

STEP 2 — LEGAL AUTHORITY CHECK

REQUIREMENT 1

Direction 1 — Circular authority: YES. The text appears in R-35 punkt 5.49.1 in identical form.

Direction 2 — Statutory authority: PARTIAL. Section 49 of sosialtjenesteloven establishes the dispute resolution mechanism and grants municipalities the right to trigger it, but contains no language addressing the interim protective duty toward service recipients during the dispute process. The obligation must be derived inferentially from the general municipal service responsibility in § 3, which the circular makes explicit. The Process Inflation Findings classify this requirement as a substantive legal obligation precisely because it has a defensible normative anchor in § 3 even absent a direct textual basis in § 49. The statutory authority is therefore present but indirect.

Double authority gap: NO. Circular authority is present. *Category error:* NO.

REQUIREMENT 2

Direction 1 — Circular authority: YES. The text appears in R-35 punkt 5.49.1.

Direction 2 — Statutory authority: PARTIAL. Section 49 explicitly leaves the manner of processing open — *"Departementet kan gi nærmere regler om behandlingsmåten"* — and delegates formal rule-making to the Department. The Context Document itself states: *"Departementet har ikke gitt nærmere regler om behandlingsmåten."* The Department has not exercised this delegation. The circular therefore fills a space the statute left open for formal regulation, doing so through a sub-legal administrative instrument rather than through the Departmental rule-making the statute contemplated. The Process Inflation Findings flag this explicitly: the circular displaces open normative space with a specific, mandatory, universal information-gathering obligation. The statutory authority for the specific obligation is therefore not derived from § 49 directly but from the circular's interpretation of open

regulatory space. This constitutes a partial statutory authority gap: the obligation has no explicit statutory text, and the mechanism intended to provide it (Departmental regulation) has never been activated.

Double authority gap: NO (circular authority present). But note: the circular's authority to impose binding obligations in a space the statute reserved for formal Departmental regulation is itself analytically uncertain — the Department was given the power to make rules, not the circular.

Category error: NO.

REQUIREMENT 3

Direction 1 — Circular authority: YES. Text in R-35 punkt 5.49.1.

Direction 2 — Statutory authority: PARTIAL. The statute is entirely silent on hearing obligations between the involved municipalities. The Process Inflation Findings state: the statute leaves procedure wholly open, but the circular imposes a specific, absolute hearing right tied to mutual review, sidestepping formal rule-making by the Department. The legal gap is identical in structure to Requirement 2: the obligation derives from the circular's occupation of a regulatory space the Department never filled.

Double authority gap: NO. *Category error:* NO.

REQUIREMENT 4

Direction 1 — Circular authority: YES. Text in R-35 punkt 5.49.1.

Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings are explicit: Section 49 mentions no cross-county procedures and delegates rule-making to the Department. The cross-county consultation requirement is manufactured entirely from open normative space. It is a procedural construction of the circular with no statutory anchor whatsoever — not even an inferable connection to the general service duty. The specific structural mechanism (one Statsforvalter must consult other Statsforvalters in their respective counties before deciding) is a circular creation with no equivalent in the statute.

Double authority gap: NO (circular authority present). However, the specific imperative character of this requirement — it uses *"skal"* (shall) language — combined with the total absence of statutory foundation and the Department's non-exercise of its delegated authority, creates a situation structurally close to a double authority gap: an imperative obligation imposed by the circular in a space neither the statute nor the Department's exercise of delegated power has ever addressed.

Category error: NO.

REQUIREMENT 5

Direction 1 — Circular authority: YES. Text in R-35 punkt 5.49.1, using *"bør"* (should) language.

Direction 2 — Statutory authority: PARTIAL. Section 49 grants the Statsforvalter authority to decide disputes. It contains no language imposing a supervisory checking mandate over the internal decision-making processes of the municipalities involved. The obligation that the Statsforvalter *verify* that competent municipal organs have formally deliberated and decided to raise the dispute is a circular construction. The Process Inflation Findings note: the Statsforvalter's decision-making authority under § 49 does not include supervisory authority over internal municipal authorization processes. The authority to decide the outcome of a dispute does not entail authority to police how municipalities internally authorized the raising of that dispute.

Double authority gap: NO. *Category error:* NO — but note that this requirement gives the Statsforvalter a de facto supervisory role over internal municipal processes that sits at the edge of the Statsforvalter's mandate under § 49.

REQUIREMENT 6

Direction 1 — Circular authority: YES. Text in R-35 punkt 5.49.1, using *"bør"* language.

Direction 2 — Statutory authority: PARTIAL. Section 49 contains no language addressing informational duties regarding decision finality, no text requiring the Statsforvalter to ensure municipalities are informed of appeal limitations, and no text requiring verification that mutual review has occurred. The Process Inflation Findings state: no textual anchor exists for these specific pre-decision checking and informing duties. These obligations are entirely circular in origin, constructed without statutory foundation.

Double authority gap: NO. *Category error:* NO.

REQUIREMENT 7

Direction 1 — Circular authority: ABSENT. This requirement does not appear in the circular paragraph; it appears in the Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav. While that veileder references R-35 punkt 5.49.1, the requirement operates as a standalone obligation within a different normative instrument. The obligation's separate existence in the veileder constitutes a first-order authority gap: it operates entirely outside the circular framework as a direct source of obligation.

Direction 2 — Statutory authority: PARTIAL. As with Requirement 1, this obligation can be derived inferentially from § 3 (general municipal service duty) but has no direct statutory anchor in § 49. The Process Inflation Findings confirm: identical justification to Requirement 1.

Double authority gap: YES. Circular authority is ABSENT, and statutory authority is PARTIAL. This is a double authority gap. The requirement operates as a standalone obligation in a veileder that has no direct statutory anchor and is outside the circular framework of R-35.

Category error: NO in the sense that social services obligations are within the social services domain. However, there is a structural misalignment: the veileder's primary domain is criminal justice–NAV cooperation, not inter-municipal dispute resolution under § 49. The § 49

obligation is being transplanted into a specialized operational context where its application may differ from the general case without any adaptation or contextual qualification. This is not a category error in the strict legal sense but constitutes a domain displacement that warrants flagging.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Preliminary note on the Anchor Document's scope: The Volume Driver Findings (Anchor Document) address §§ 17, 18, 19, and 20a — service delivery provisions involving routine case-processing. Section 49 governs a distinct type of administrative action (inter-municipal dispute resolution) that is by its nature episodic and rare rather than volume-driven in the conventional sense. No finding in the Anchor Document directly addresses § 49. However, the structural mechanisms identified in the Anchor Document — particularly [D] Documentation Apparatus, [C] Coordination Infrastructure, [K] Competence Sustainability, and [P] Procedural Continuity — are directly relevant by structural analogy to several § 49 requirements. Where such a structural connection exists, it is identified and explained.

REQUIREMENT 1

Scale flag: NO. This requirement imposes no documentation, reporting, or coordination obligation. It is a substantive protective duty that does not presuppose a particular organizational capacity. No Anchor Document finding is structurally connected.

REQUIREMENT 2

Scale flag: PARTIAL. The obligation to gather *all* relevant information in a dispute is structurally analogous to the [D] Documentation Apparatus and [C] Coordination Infrastructure mechanisms documented extensively in the Anchor Document. The Anchor Document establishes that small municipalities lack back-office capacity to execute comprehensive documentary obligations (see: the near-verbatim finding across Nordreisa, Nannestad, Skaun, Salangen, and others that caseworkers "knew more about the users' situations than the journals reflected"). A § 49 dispute requires compiling case records, service delivery histories, financial records, and legal arguments — a documentation task structurally analogous to, and potentially more demanding than, the routine documentation failures documented in Set B. The critical additional factor is that § 49 disputes are episodic: a small municipality that encounters a tvist once every several years will have no practiced routine for comprehensive document compilation. The [K] Competence Sustainability mechanism applies here — competence in dispute procedure cannot be sustained without regular exposure, which small municipalities structurally cannot achieve. The Anchor Document states that mechanisms such as [K] produce "competence decay as a function of case volume, not individual negligence." The structural connection is clear even if the Anchor Document does not address § 49 directly. Because circular authority is present but statutory authority is PARTIAL, the scale burden here is partially supported by the circular framework.

Anchor Document connection: Structural analogy to [D] Documentation Apparatus dominant mechanism (40–65 findings across Set B); [C] Coordination Infrastructure findings cluster around the formalization of information compilation; [K] Competence Sustainability.

REQUIREMENT 3

Scale flag: PARTIAL. The mutual hearing obligation creates a procedural step — review of opponent's submissions and formulation of a formal response — that is analogous to the [P] Procedural Continuity mechanism in the Anchor Document. The Anchor Document establishes that procedural pipelines triggered too rarely fail to become habitual (see: Midtre Gauldal, Skaun, Verdal — "a pipeline cannot become habitual when triggered fewer than 10–15 times per year"). A § 49 dispute is a lower-frequency event than even the rarest § 17 case clusters documented in Set B. The hearing obligation is therefore structurally more disproportionate in its rarity than any routine service delivery procedural requirement. Because circular authority is present but statutory authority is PARTIAL, the scale burden is partially unsupported.

Anchor Document connection: [P] Procedural Continuity (second dominant mechanism, ~25–32 Set B findings); direct structural analogy.

REQUIREMENT 4

Scale flag: YES. The cross-county consultation requirement presupposes a coordination infrastructure between county-level administrative bodies that is calibrated for larger, more institutionally differentiated contexts. It requires the handling Statsforvalter to identify other Statsforvalters, convey case materials, await responses, and integrate them before deciding. For a small municipality in a cross-county dispute, the absence of practiced routine for this type of inter-institutional coordination is a direct [C] Coordination Infrastructure failure risk. More significantly: because circular authority is present but statutory authority is entirely ABSENT (§ 49 does not mention cross-county procedures at all, and the Department never exercised its delegated rule-making), the scale burden this requirement imposes falls outside any regulatory framework the statute contemplated. The Anchor Document states: "where a requirement lacks circular authority, any scale-related burden it imposes is unsupported by the circular framework and therefore constitutes disproportionate burden without regulatory foundation." While the circular provides formal authority here, the gap between the circular's occupation of the Department's unexercised delegation space and the actual statutory framework is relevant. The procedural complexity of cross-county consultation is structurally disproportionate for the rare-event character of § 49 disputes.

Anchor Document connection: [C] Coordination Infrastructure (third dominant mechanism, ~20–26 Set B findings); [P] Procedural Continuity for the sequencing burden.

REQUIREMENT 5

Scale flag: PARTIAL. The supervisory checking obligation falls on the Statsforvalter rather than on the municipalities. However, it presupposes that the Statsforvalter has the capacity and procedural routine to investigate internal municipal authorization processes — a checking function that adds investigative overhead to what the statute frames as a decision-making function. The Anchor Document documents extensively that quality

assurance and oversight functions disproportionately burden small administrative structures when they are added to existing operational roles (see: the management overstretch pattern across Hjelmeland, Båtsfjord, Vik, Nav Numedal). While the Statsforvalter is a different type of actor, the structural dynamic is analogous: a decision-maker is being asked to perform pre-decision verification of internal governance processes that belong to the parties before them.

Anchor Document connection: Structural analogy to [C] Coordination Infrastructure (internal oversight functions added to primary roles); management overstretch pattern in Track C1 intersections.

REQUIREMENT 6

Scale flag: PARTIAL. The dual pre-decision checking obligation — verifying both that municipalities have been informed of appeal finality and that mutual review has occurred — requires the Statsforvalter to document completion of procedural preconditions before issuing the decision. This is structurally analogous to the pre-decision verification burden documented in the Anchor Document's [D] Documentation Apparatus and [P] Procedural Continuity clusters. Given the total absence of statutory authority for these duties, any burden they impose falls outside any framework the statute contemplated. The Anchor Document directly states: "where a requirement lacks circular authority, any scale-related burden it imposes is unsupported by the circular framework." While circular authority is technically present here, the statutory gap means the procedural burden is imposed without a higher-order normative foundation.

Anchor Document connection: [D] Documentation Apparatus; [P] Procedural Continuity.

REQUIREMENT 7

Scale flag: PARTIAL. As a double authority gap requirement (absent circular authority, partial statutory authority), any burden this requirement imposes falls entirely outside the circular framework. The Anchor Document's formulation is directly applicable: requirements lacking circular authority that impose scale-related burden do so without regulatory foundation. For the specialized context of kriminalomsorgen–NAV cooperation, the municipalities involved will typically be those already operating with complex coordination demands and potentially limited staff capacity. The duplicate normative pathway creates compliance tracking overhead — administrators must monitor obligations not only from R-35 but also from a specialized veileder — with no additional legal grounding.

Anchor Document connection: [D] Documentation Apparatus (compliance tracking overhead); structural analogy to the IT-system fragmentation burden (Compilo/ASYS inaccessibility — the problem of tracking obligations across multiple normative instruments is structurally analogous to tracking across multiple IT systems).

STEP 4 — PURPOSE CLASSIFICATION

REQUIREMENT 1

Classification: **[USER NEED]**

Justification: The Process Inflation Findings classify this as a substantive legal obligation and state that it creates "a specific mandatory duty on NAV offices to protect service recipients from harm." The source language — *"Nav-kontorene skal sørge for at tjenestemottaker ikke er skadelidende"* — is explicitly directed at the outcome for the person receiving services. The content of the obligation is protective, not administrative: it ensures that bureaucratic conflict between municipalities does not interrupt or harm the service the user has a legal right to receive. The entire practical purpose of the obligation is the user's continued welfare and legal security. No internal control or reporting function is served.

REQUIREMENT 2

Classification: **[MIXED]**

Primary function: [USER NEED] — The gathering of all relevant information serves the quality of the Statsforvalter's decision about which municipality bears responsibility. A well-informed decision directly affects which municipality will provide services to the user. Good information architecture therefore has a direct bearing on the user's case outcome.

Secondary function: [INTERNAL CONTROL] — The Process Inflation Findings describe this as converting open normative space into a specific, mandatory, comprehensive information-gathering obligation. The systematic and universal character of the obligation — *"alle opplysninger av betydning"* (all relevant information) — exceeds what a purely user-focused formulation would require and serves the documentary completeness of the administrative record and the integrity of the Statsforvalter's decision-making process as an institutional function.

Justification: The primary purpose is user-facing (ensuring the right municipality is identified), but the framing as a universal comprehensive mandate serves the administrative record beyond what individual case quality strictly requires.

REQUIREMENT 3

Classification: **[MIXED]**

Primary function: [USER NEED] — The hearing right ensures procedural fairness in the dispute resolution process, which determines which municipality bears the service obligation. A fair procedure protects the user's interest in having responsibility correctly allocated and prevents a one-sided process from producing an incorrect outcome.

Secondary function: [INTERNAL CONTROL] — The Process Inflation Findings describe this as establishing a "specific, fixed procedural requirement concerning administrative hearing rights and mutual review." The formalization of the hearing right as a mandatory procedural step serves the institutional legitimacy and legal defensibility of the Statsforvalter's decision. The requirement that municipalities are given the opportunity to review *each other's* submissions is an internal process integrity mechanism as much as a user protection.

Justification: Primary purpose is procedural fairness serving the user; secondary purpose is administrative legitimacy of the decision-making process.

REQUIREMENT 4

Classification: **[INTERNAL CONTROL]**

Justification: The cross-county consultation requirement between Statsforvalters has no direct bearing on the user's case outcome. The user is not party to the consultation; its results do not change the substantive legal question (which municipality bears responsibility); and the Process Inflation Findings describe it as "a complex mandatory inter-Statsforvalter consultation step" characterizing it as inter-agency coordination before a decision. Its purpose is to ensure institutional completeness and inter-governmental coordination within the administrative system. The Statsforvalter in the processing county consults the Statsforvalter in the other county to ensure consistency and organizational propriety — a function that serves the system's internal coherence, not the individual user's legal security. The user would receive the same decision whether or not this consultation occurred.

REQUIREMENT 5

Classification: **[INTERNAL CONTROL]**

Justification: The Process Inflation Findings describe this as "a supervisory checking role on the Statsforvalter regarding internal municipal decision-making procedures." The obligation is directed entirely at verifying that the internal governance process within the municipalities has been properly executed: that competent organs (kommunestyret or its delegate, per kommuneloven § 6) have formally deliberated and authorized the raising of the dispute. This has no bearing on the substantive question of which municipality bears service responsibility, and therefore no direct bearing on the user's case outcome. Its purpose is administrative legitimacy — ensuring that the dispute was properly authorized internally — which serves the institutional integrity of the process, not the user.

REQUIREMENT 6

Classification: **[INTERNAL CONTROL]**

Justification: The obligation has two components: (a) ensuring municipalities know the decision cannot be appealed to courts, and (b) verifying that they have seen each other's submissions and had the opportunity to comment. The Process Inflation Findings describe these as "informational notification and process verification duties directed exclusively at municipalities." Neither component bears directly on the outcome of the user's case. The finality notification serves the administrative system's need to close the dispute process cleanly. The mutual review verification duplicates Requirement 3 (which already imposed the hearing obligation) by adding a pre-decision checking step. Both components are administrative process management functions.

REQUIREMENT 7

Classification: **[USER NEED]**

Justification: Identical in substance to Requirement 1. The Process Inflation Findings confirm this creates "a substantive, mandatory protective duty on NAV offices to prevent harm to the service recipient." The obligation is user-facing and protective in character. The fact that it appears in the kriminalomsorgen veileder does not change its purpose: in the specialized context of released persons navigating NAV services, protection from harm caused by inter-municipal disputes is equally a user need. The domain displacement does not alter the purpose classification.

STEP 5 — TRANSACTION COST CHARACTERIZATION

REQUIREMENT 1 — [USER NEED]

No transaction cost burden is identified. This requirement imposes a substantive protective duty on NAV offices, not a documentation, reporting, or administrative recording obligation. The caseworker or NAV leader must ensure service continuity during a dispute — a substantive action — but the requirement does not prescribe documentation of that action or reporting of its execution. It generates no administrative overhead beyond the underlying service delivery obligation itself.

REQUIREMENT 2 — [MIXED]

Transaction cost description: A caseworker or municipal administrator involved in a § 49 dispute must systematically identify, compile, and formally present all information of significance to the dispute. In practice, this requires: (a) reviewing the service recipient's complete case history to identify relevant contact, assessments, and decisions; (b) compiling legal documentation regarding the municipality's claim to be released from or retain responsibility; (c) organizing and presenting this material to the Statsforvalter in a form adequate for decision-making; and (d) potentially coordinating with legal and administrative colleagues who may have relevant information. Because § 49 disputes are episodic events for which most municipalities have no practiced routine, this documentation task arrives without an established template or institutional procedure. The caseworker must construct the compilation framework from scratch each time.

Circular authority note: The circular provides authority for this obligation, but because the statutory foundation is only partial (the Department's unexercised delegation), the caseworker is complying with a mandate that was never formally authorized through the channel § 49 contemplated. The circular fills a regulatory gap without the authority the statute intended to create.

Transaction cost category: Documentation Inflation; Structural Disproportionality (for municipalities that encounter § 49 disputes rarely enough that no institutional routine forms).

REQUIREMENT 3 — [MIXED]

Transaction cost description: Municipal administrators must: (a) receive and review the opponent municipality's formal presentation of the dispute; (b) formulate and submit a formal

written response to that presentation; and (c) track whether the response has been received and processed. This creates a structured two-way written exchange that extends the dispute timeline and requires administrative coordination capacity. For small municipalities, this may require legal or administrative support that their regular staffing does not include. The formalized character of the mutual review — as distinct from informal communication between municipal administrators — imposes a procedural overhead calibrated for a more formal litigation-adjacent context than most inter-municipal communications ordinarily require.

Transaction cost category: Reporting Overhead; Procedural Duplication (the formalized written exchange duplicates what would occur in any good-faith inter-municipal dispute resolution without mandatory procedural scaffolding).

REQUIREMENT 4 — [INTERNAL CONTROL]

Transaction cost description: The handling Statsforvalter must: (a) identify which counties the other municipalities belong to; (b) formally contact the Statsforvalter(s) in those counties; (c) transmit the case materials and the involved municipalities' submissions to those Statsforvalters; (d) allow adequate time for their review and response; (e) receive and integrate those responses before issuing a decision; and (f) document that this cross-county consultation occurred and was completed. This is a multi-step inter-institutional coordination obligation that adds a significant procedural layer to the dispute resolution process and materially extends its duration. For the municipalities involved, it means waiting for an additional round of consultations before the Statsforvalter can decide — directly increasing the period during which the service recipient's situation remains unresolved.

Circular authority note: While the circular provides formal authority for this obligation, the statutory foundation is entirely absent — § 49 does not mention cross-county procedures, and the Department never exercised its delegated rule-making. The caseworker and NAV leader cannot find any guidance in the statute for this procedural layer; they face a mandatory obligation that the primary legal instrument governing their work does not address. The circular has created, in a space the statute left entirely open, a mandatory institutional coordination mechanism with no equivalent in the statutory framework.

Transaction cost category: Combined Burden (Reporting Overhead + Procedural Duplication + Structural Disproportionality).

REQUIREMENT 5 — [INTERNAL CONTROL]

Transaction cost description: The Statsforvalter must, before or during the dispute process: (a) verify that the relevant decision-making organ within each municipality (kommunestyret or its authorized delegate) has formally deliberated and decided to raise or engage with the dispute; (b) potentially contact the municipalities to obtain confirmation of this authorization; and (c) document that this verification has been performed. This pre-decision administrative checking function falls outside the adjudicative role § 49 assigns to the Statsforvalter and requires investigative steps into the internal governance of the parties. It extends the Statsforvalter's workload beyond what the dispute resolution function itself requires.

Transaction cost category: Reporting Overhead.

REQUIREMENT 6 — [INTERNAL CONTROL]

Transaction cost description: The Statsforvalter must, before issuing a decision: (a) document that both municipalities have been formally notified that the Statsforvalter's decision cannot be appealed to courts; (b) verify and document that the municipalities have received each other's submissions; and (c) verify and document that both have had a formal opportunity to comment. Components (b) and (c) overlap substantially with the obligations already created by Requirements 3 and 4, meaning this requirement adds a pre-decision verification checklist to obligations already imposed elsewhere. The caseworker-equivalent at the Statsforvalter level must create and maintain a procedural compliance log confirming that each of these preconditions has been satisfied before the decision is issued.

Circular authority note: The statutory foundation for these pre-decision verification duties is entirely absent. The caseworkers and Statsforvalter staff implementing this requirement must comply with an obligation the primary normative instrument (the statute) does not address and that the Department was invited but never authorized to create formally.

Transaction cost category: Documentation Inflation; Reporting Overhead.

REQUIREMENT 7 — [USER NEED]

No transaction cost burden is identified for the substantive obligation. The duty to protect service recipients from harm during municipal disputes is a substantive protective obligation, not a documentation or reporting requirement. As with Requirement 1, it generates no administrative overhead beyond the underlying service delivery obligation.

Note on indirect transaction cost: The existence of this obligation in a separate normative instrument (the kriminalomsorgen veileder) creates compliance monitoring overhead for NAV administrators working in the criminal justice cooperation context. These administrators must track obligations from both R-35 and the specialized veileder, verify that neither imposes distinct requirements despite the identical wording, and train staff accordingly. This is a second-order Documentation Inflation cost associated with the double-instrument structure, not with the content of the obligation itself. It is not a traditional transaction cost but merits flagging as a consequence of the double authority gap.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 49 — Requirement 1

PROVISION TEXT: NAV offices have a mandatory duty to ensure that service recipients are not harmed as a result of a dispute between municipalities about service responsibility.

SOURCE INSTRUMENT: Circular — R-35 punkt 5.49.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — The obligation must be derived inferentially from sosialtjenesteloven § 3 (general municipal service responsibility) rather than from § 49 directly. Section 49 addresses the dispute mechanism but does not impose an interim protective duty on NAV offices. The circular makes explicit what the statute leaves implicit by connecting the general service duty to the specific dispute situation. The connection is defensible but not direct. (Source: Process Inflation Findings — classified as SUBSTANTIVE LEGAL OBLIGATION with justification that it "concerns a legal obligation and outcome for the user.")

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — No Anchor Document finding directly addresses this requirement. No organizational capacity threshold is presupposed.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. This is a substantive protective duty that obligates NAV offices to act in the user's interest during a dispute; it imposes no documentation, recording, or reporting obligation.

KILL LIST CLASSIFICATION: No Kill List Action — The requirement is assessed as having sufficient authority (circular present, statutory basis inferrable from § 3) and imposes no disproportionate burden. It serves a genuine user protection function.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 49 — Requirement 2

PROVISION TEXT: All municipalities involved in a dispute under § 49 must gather all information of significance to the case.

SOURCE INSTRUMENT: Circular — R-35 punkt 5.49.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — Section 49 explicitly leaves the manner of processing ("behandlingsmåten") open and delegates formal procedural rules to the Department. The Department has not exercised this delegation. The circular's mandatory information-gathering obligation therefore fills a space the statute reserved for formal Departmental regulation. It operates as a binding obligation without the regulatory instrument § 49 contemplated as its source. (Source: Process Inflation Findings — "Section 49 leaves the manner of processing completely open and delegates formal procedural rules to the Department, whereas the circular displaces this open space with a specific, mandatory, universal information-gathering requirement.")

DOUBLE AUTHORITY GAP: NO — Circular authority is present.

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — Structurally analogous to the [D] Documentation Apparatus mechanism (dominant driver, 40–65 Set B findings) and [C] Coordination Infrastructure mechanism. Small municipalities encountering § 49 disputes episodically will have no practiced routine for comprehensive document compilation, creating a [K] Competence Sustainability risk by structural analogy. The rarity of § 49 disputes means the pipeline never becomes habitual, directly paralleling the Anchor Document's finding that procedures "cannot become habitual when triggered fewer than 10–15 times per year." (Anchor Document connections: Documentation Apparatus dominant mechanism; Cluster 1 Documentation-Competence-Specialization Trap structural analogy.)

PURPOSE: MIXED — Primary: USER NEED (comprehensive information enables correct identification of the responsible municipality, directly affecting the user's service outcome). Secondary: INTERNAL CONTROL (the universal and comprehensive mandate serves documentary completeness of the administrative record beyond what individual case quality alone requires).

BURDEN DESCRIPTION: Municipal administrators must identify, compile, and formally present all case-relevant documentation — including case history, assessment records, service delivery logs, and legal arguments — in a form adequate for Statsforvalter decision-making. Because § 49 disputes are episodic, no routine exists, and the compilation must be constructed from scratch. The obligation's mandatory character ("skal" language) operates in a space the statute left open for Departmental regulation that never came; caseworkers face an imperative obligation without the higher-order regulatory foundation § 49 intended to create.

KILL LIST CLASSIFICATION: Category C — Clarification. The requirement is substantively defensible but operates in regulatory space the statute reserved for formal Departmental rule-making that was never exercised. The circular should clarify that this obligation fills a delegation gap rather than deriving from direct statutory mandate, and that the room for maneuver in defining what constitutes "all information of significance" is broader than the mandatory framing implies.

TRANSACTION COST CATEGORY: Documentation Inflation; Structural Disproportionality

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REQUIREMENT ID: § 49 — Requirement 3

PROVISION TEXT: Municipalities involved in a § 49 dispute must be given the opportunity to review and comment on each other's submissions.

SOURCE INSTRUMENT: Circular — R-35 punkt 5.49.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — Section 49 is silent on hearing obligations between municipalities. The statute leaves procedure wholly open and delegates rule-making to the Department. The Department has not acted. The circular imposes a specific, absolute

hearing right tied to mutual review in a space the statute left entirely open for formal regulation. (Source: Process Inflation Findings — "The statute is silent on hearing obligations and leaves procedure wholly open, but the circular imposes a specific, absolute hearing right tied to mutual review, sidestepping formal rule-making by the Department.")

DOUBLE AUTHORITY GAP: NO — Circular authority is present.

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — Structurally analogous to [P] Procedural Continuity mechanism (second dominant driver, ~25–32 Set B findings). The formalized written exchange requirement presupposes a procedural infrastructure for inter-municipal written communication in dispute contexts that small municipalities will rarely need and therefore never routinize. (Anchor Document: [P] mechanism confirmed across Skaun, Verdal, Sogndal, Høyanger — pipeline cannot sustain when triggered rarely.)

PURPOSE: MIXED — Primary: USER NEED (fair hearing ensures correct municipal responsibility allocation, directly affecting service delivery to the user). Secondary: INTERNAL CONTROL (the mandatory, formalized character of the hearing right serves institutional legitimacy and the legal defensibility of the Statsforvalter's decision as an administrative function).

BURDEN DESCRIPTION: Municipal administrators must receive the opponent municipality's formal submission, review it substantively, formulate a written formal response, and submit that response within the dispute process. This creates a two-stage documentary exchange that extends the dispute resolution timeline and requires formal administrative coordination capacity. For small municipalities, the absence of practiced routine means each step must be reconstructed from scratch. As with Requirement 2, the obligation fills a delegation gap the statute left open.

KILL LIST CLASSIFICATION: Category C — Clarification. The requirement is procedurally sound and serves user protection, but the mandatory framing obscures that it derives from an unexercised Departmental delegation rather than from direct statutory text. The room for maneuver — including flexibility in format, timing, and modality of the hearing — should be made explicit to reduce shadow binding.

TRANSACTION COST CATEGORY: Reporting Overhead; Procedural Duplication

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REQUIREMENT ID: § 49 — Requirement 4

PROVISION TEXT: In cases where the involved municipalities are located in different counties, the handling Statsforvalter must give the Statsforvalters in the other municipalities' counties the opportunity to comment before issuing a final decision.

SOURCE INSTRUMENT: Circular — R-35 punkt 5.49.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — Section 49 contains no mention of cross-county procedures. It delegates rule-making to the Department, which has not acted. The cross-county consultation requirement is manufactured entirely from open normative space without a statutory anchor of any kind. The Process Inflation Findings describe it as "a complex, mandatory inter-Statsforvalter consultation step out of entirely open normative space." There is no provision in § 49 that implies, permits, or requires this specific coordination mechanism. It is a circular construction with no equivalent in primary law.

DOUBLE AUTHORITY GAP: NO (circular authority is technically present). Note, however, that the mandatory "shall" language imposed in a space where § 49 is entirely silent and the Department's delegated authority was never exercised creates a situation structurally equivalent to a double authority gap: an imperative obligation in a space with no statutory and no formally delegated regulatory foundation.

CATEGORY ERROR: NO

SCALE FLAG: YES — This requirement presupposes inter-institutional coordination capacity across county-level administrative bodies that is calibrated for an organizational scale and case frequency that small municipalities will rarely encounter. Because the statutory foundation is entirely absent, any scale-related burden imposed by this requirement is unsupported by the statutory framework. The circular has created a mandatory procedural mechanism in a space where the statute was silent; the burden falls on a process architecture built without a higher-order normative foundation. The Anchor Document's documentation of [C] Coordination Infrastructure failures across 20–26 Set B municipalities confirms that cross-institutional coordination without clear organizational scaffolding is systematically burdensome. (Anchor Document: [C] Coordination Infrastructure; [P] Procedural Continuity; Cluster 2 Role-Separation Impossibility analogy for cross-institutional coordination demands.)

PURPOSE: INTERNAL CONTROL — The cross-county Statsforvalter consultation has no direct bearing on the user's case outcome. The user is not party to this consultation, its results do not change the substantive legal question, and the purpose is institutional completeness and inter-governmental coordination. The Process Inflation Findings classify this as "a specific, complex mandatory procedural step for inter-agency cross-county consultation before an administrative decision is reached" — a characterization that places it firmly in the administrative process management domain.

BURDEN DESCRIPTION: The handling Statsforvalter must identify the relevant county Statsforvalters, formally transmit case materials and submissions to them, await their review and response, integrate those responses, and document that the consultation occurred before issuing a decision. Each step extends the dispute timeline and introduces additional procedural dependencies. The mandatory "shall" character of the obligation means there is no discretion to proceed without completing the consultation cycle, even when it materially delays resolution for the service recipient whose case remains open during the dispute. The caseworker and NAV leader at the municipal level face an extended waiting period — and additional compliance documentation requirements — for an obligation that the primary normative instrument governing their work (§ 49 of sosialtjenesteloven) does not address and that the Department was authorized but never invited to create in binding form.

KILL LIST CLASSIFICATION: Category B — Status Change. This requirement uses mandatory "shall" language for a procedure entirely absent from the statute and created in a space the Department was authorized but never used to formally regulate. The imperative framing exceeds the circular's authority to impose binding obligations in unlegislated procedural space. The requirement should be reformulated from mandatory to permissive language ("kan" or "bør"), restoring local discretion to the Statsforvalter about whether cross-county consultation is warranted in a specific case — while maintaining the good practice standard the circular intended to establish.

TRANSACTION COST CATEGORY: Combined Burden (Reporting Overhead + Procedural Duplication + Structural Disproportionality)

REQUIREMENT ID: § 49 — Requirement 5

PROVISION TEXT: The Statsforvalter should ensure that competent organs within the involved municipalities have formally taken a stance on the dispute, including on whether a case should be raised.

SOURCE INSTRUMENT: Circular — R-35 punkt 5.49.1

CIRCULAR AUTHORITY: PRESENT (note: obligation is framed in advisory "bør" language, not mandatory "skal" language)

LEGAL AUTHORITY: PARTIAL — Section 49 grants the Statsforvalter the authority to decide disputes between municipalities. It does not establish any supervisory mandate over the internal decision-making processes of the municipalities. The Process Inflation Findings note: "Section 49 grants the Statsforvalter authority to decide the dispute but specifies no supervisory mandate or checking role over internal municipal authorization and decision-making bodies." The verification role is a circular creation without statutory foundation. (Source: Process Inflation Findings — classified as [PROCEDURAL/DOCUMENTATION] with justification that it "imposes a supervisory checking role on the Statsforvalter regarding internal municipal decision-making procedures.")

DOUBLE AUTHORITY GAP: NO — Circular authority is present.

CATEGORY ERROR: NO — but note: the obligation implicitly assigns to the Statsforvalter a governance oversight role over internal municipal processes that approaches the boundary of the Statsforvalter's mandate under § 49. It is structurally proximate to a category issue but remains within the social services domain.

SCALE FLAG: PARTIAL — Structural analogy to [C] Coordination Infrastructure and management oversight burden documented in the Anchor Document. The pre-decision verification function adds investigative overhead to the Statsforvalter's adjudicative role, analogous to the management overstretch pattern documented across small offices (Hjelmeland, Båtsfjord, Vik) where quality assurance and oversight functions are added to

primary operational roles. (Anchor Document: [C] Coordination Infrastructure; Track C1 management overstretch finding.)

PURPOSE: INTERNAL CONTROL — The obligation is directed entirely at verifying that the municipalities' internal governance process was properly executed before the dispute was raised. This has no bearing on the substantive question of which municipality bears service responsibility and therefore no direct bearing on the user's case outcome. The Process Inflation Findings describe this as "external supervisory checking requirement to verify the administrative competence of municipal bodies."

BURDEN DESCRIPTION: The Statsforvalter must verify, before or during the dispute process, that each municipality's legally competent organ (kommunestyret or authorized delegate under kommuneloven § 6) has formally deliberated and authorized the raising of or engagement with the dispute. In practice, this requires contacting each municipality to confirm internal authorization, potentially reviewing municipal meeting minutes or delegation records, and documenting that this verification was performed. This extends the pre-decision workload into internal municipal governance territory that belongs to the municipalities as self-governing entities.

KILL LIST CLASSIFICATION: Category C — Clarification. The "bør" language already signals advisory rather than binding character, but the checking role remains embedded in the circular without clarification that it is discretionary guidance for best practice rather than a procedural precondition for issuing a decision. The room for maneuver — including that the Statsforvalter may proceed without verification where authorization is evident from the fact of the dispute having been raised — should be made explicit to prevent shadow binding.

TRANSACTION COST CATEGORY: Reporting Overhead

REQUIREMENT ID: § 49 — Requirement 6

PROVISION TEXT: The Statsforvalter should further ensure that the involved municipalities are aware that the dispute cannot be brought before courts after the Statsforvalter has decided it, and that they have been presented with each other's submissions and have had the opportunity to comment.

SOURCE INSTRUMENT: Circular — R-35 punkt 5.49.1

CIRCULAR AUTHORITY: PRESENT (note: obligation is framed in advisory "bør" language)

LEGAL AUTHORITY: PARTIAL — Section 49 contains no language addressing informational duties regarding decision finality or requiring pre-decision verification of mutual review. The Process Inflation Findings state: "Section 49 contains no language addressing informational duties regarding decision finality or ensuring mutual review, yet the circular creates specific pre-decision checking and informing duties absent a textual anchor." The obligations are entirely circular in origin. (Source: Process Inflation Findings — classified as [PROCEDURAL/DOCUMENTATION] as "informational notification and process verification duties directed exclusively at municipalities.")

DOUBLE AUTHORITY GAP: NO — Circular authority is present.

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — Structural analogy to [D] Documentation Apparatus and [P] Procedural Continuity. The pre-decision verification checklist — confirm notification, confirm mutual review, confirm hearing opportunity — creates an additional documentary layer on an already complex process. The second component (verifying mutual review and hearing opportunity) substantially overlaps with what Requirements 3 and 4 already imposed, generating Procedural Duplication. Any burden imposed falls outside the statutory framework § 49 contemplated. (Anchor Document: [D] Documentation Apparatus; [P] Procedural Continuity.)

PURPOSE: INTERNAL CONTROL — Both components of this obligation serve the administrative process management and legal closure of the dispute, not the user's case outcome. The finality notification serves the administrative system's need to conclude the dispute cleanly; the mutual review verification duplicates obligations already imposed by Requirements 3 and 4 and functions as an administrative pre-decision checklist. The Process Inflation Findings classify this as notification and process verification "directed exclusively at municipalities."

BURDEN DESCRIPTION: The Statsforvalter must, before issuing a decision: (a) formally notify both municipalities that the decision will be final and not appealable to courts; (b) verify and document that each municipality has received the other's submissions; and (c) verify and document that each has had a formal opportunity to comment. Components (b) and (c) overlap with what Requirements 3 and 4 already imposed, meaning this requirement adds a pre-decision compliance log to obligations that were already procedurally required. The Statsforvalter staff must maintain a checklist confirming all preconditions are satisfied before the decision is issued — a documentation and process management burden for which the statute provides no foundation.

KILL LIST CLASSIFICATION: Category C — Clarification. The "bør" language preserves nominal discretion, but the detailed specification of pre-decision duties creates a de facto checklist that Statsforvalter staff will treat as mandatory in practice. The room for maneuver — including that verification of mutual review and hearing opportunity is inherent in the procedural steps already mandated by Requirements 3 and 4 and need not be separately documented — should be made explicit. Additionally, the overlap with Requirements 3 and 4 should be flagged as Procedural Duplication that can be resolved by consolidating these obligations into a single, clearly discretionary procedural note.

TRANSACTION COST CATEGORY: Documentation Inflation; Reporting Overhead

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REQUIREMENT ID: § 49 — Requirement 7

PROVISION TEXT: NAV offices have a mandatory duty to ensure that service recipients are not harmed as a result of a dispute between municipalities about service responsibility.

[Restatement of Requirement 1 operative through a separate normative instrument in the criminal justice–NAV cooperation context.]

SOURCE INSTRUMENT: Veileder — Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (referencing R-35 punkt 5.49.1)

CIRCULAR AUTHORITY: ABSENT — This requirement does not appear in the circular as a separately stated obligation; it appears in a specialized sectoral veileder. The veileder references R-35 but constitutes a structurally independent normative instrument. This constitutes a first-order authority gap: the obligation operates outside the circular framework as a direct source of duty.

CONSEQUENCE OF ABSENCE: The requirement creates a second normative pathway for an obligation already established by Requirement 1 in R-35. Because circular authority is absent, any caseworker or NAV administrator reading only the circular will not perceive this separate obligation in the kriminalomsorgen context. Conversely, those working in the kriminalomsorgen–NAV interface will encounter the obligation from the veileder without the contextual framing and qualifications that the circular provides for § 49 more broadly. The double-pathway structure increases compliance tracking obligations and creates potential for shadow binding — the veileder restatement may be perceived as independently strengthening or extending the obligation beyond what R-35 intends.

LEGAL AUTHORITY: PARTIAL — Same analysis as Requirement 1: the obligation is defensible by inference from sosialtjenesteloven § 3 but has no direct anchor in § 49. The veileder adds no new statutory authority; it merely restates an obligation already in R-35. (Source: Process Inflation Findings — confirmed as SUBSTANTIVE LEGAL OBLIGATION, identical justification to Requirement 1.)

DOUBLE AUTHORITY GAP: YES — Circular authority is ABSENT, and legal authority is PARTIAL. This constitutes a double authority gap. The obligation operates in a veileder with no circular authority and only indirect statutory authority.

CATEGORY ERROR: NO in the strict legal-domain sense. However, a structural domain displacement is present: the veileder's primary domain is criminal justice–NAV cooperation, and the § 49 inter-municipal dispute resolution obligation is transplanted into this specialized context without contextual adaptation. The restatement creates a standalone obligation in a domain-specific instrument that may be read as extending or intensifying the duty beyond the general case.

SCALE FLAG: PARTIAL — As a double authority gap requirement, any compliance burden this obligation imposes falls entirely outside both the circular and the statutory frameworks. The Anchor Document's formulation applies directly: requirements lacking circular authority that impose scale-related burden do so without regulatory foundation. The secondary compliance tracking burden — monitoring the obligation across two normative instruments — creates Documentation Inflation overhead without additional legal grounding. (Anchor Document: [D] Documentation Apparatus by structural analogy to multi-instrument compliance tracking.)

PURPOSE: USER NEED — The substantive content is identical to Requirement 1: a protective duty toward service recipients during municipal disputes. The criminal justice context does not change the purpose; released persons navigating NAV services have the same need for protection from inter-municipal dispute harm as any other service recipient. Classification is unaffected by the instrument source.

BURDEN DESCRIPTION: No transaction cost burden is identified for the substantive obligation — it is a user-protective duty, not a documentation requirement. However, the double authority gap creates an indirect compliance monitoring burden: administrators working in the kriminalomsorgen–NAV interface must track this obligation across both R-35 and the specialized veileder, verify that the two instruments impose no distinct requirements despite identical wording, and train staff accordingly. This second-order Documentation Inflation cost is a consequence of the double-instrument structure.

KILL LIST CLASSIFICATION: Category B — Status Change. The veileder should not restate this obligation as a standalone mandatory requirement without circular authority and with only partial statutory foundation. It should be reformulated from a direct imperative restatement to a cross-reference or pointer to R-35 punkt 5.49.1 and sosialtjenesteloven § 49, making explicit that the obligation's source and authority derive from those instruments rather than from the veileder independently. This removes the double normative pathway without eliminating the substantive protective function.

TRANSACTION COST CATEGORY: Documentation Inflation (second-order, from double-instrument compliance tracking); otherwise No Transaction Cost Identified for the substantive obligation.

CLOSING COMPARATIVE NOTE

Requirements identified starting from the Process Inflation Findings: 7

Requirements that would have been visible starting from the circular alone: 6 The Process Inflation Findings reveal one requirement invisible from the circular — Requirement 7's separate existence in the Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav. Starting from the circular, an analyst would identify 6 requirements and miss the cross-instrument replication that creates a double authority gap and a second normative pathway in a specialized operational domain.

Analytical value of starting from the Process Inflation Findings: Substantially greater, even for a provision as compact as § 49. The Process Inflation Findings surface: (a) the critical legal gap created by the Department's unexercised delegation across Requirements 2–4; (b) the distinction between the user-protective substantive obligations (Requirements 1 and 7) and the administrative process management obligations (Requirements 4–6); and (c) the double-instrument structure of Requirement 7, which would be entirely invisible starting from the circular alone.

Double authority gaps: 1 (Requirement 7 — absent circular authority and partial statutory authority)

Note on near-double authority gaps: Requirements 2, 3, and 4 have circular authority present but statutory authority only PARTIAL, with the specific character that the statute explicitly delegated rule-making to the Department (§ 49 last sentence) and the Department never acted. The circular's occupation of this regulatory space with mandatory obligations is structurally analogous to a double authority gap even though it technically avoids one. This structural near-gap is analytically significant for the main report.

Category errors (requirements belonging to a different legal domain): 0

Kill List breakdown:

- Category A (Removal): 0
- Category B (Status Change): 2 — Requirement 4 (reformulation from mandatory to permissive for cross-county consultation); Requirement 7 (reformulation from standalone veileder obligation to cross-reference/pointer)
- Category C (Clarification): 4 — Requirements 2, 3, 5, 6 (clarification of room for maneuver, explicit acknowledgment of delegation gap, prevention of shadow binding)
- No Kill List Action: 1 — Requirement 1

Primary transaction cost categories by frequency:

1. **Reporting Overhead** — 4 requirements (Requirements 3, 4, 5, 6)
2. **Documentation Inflation** — 3 requirements (Requirements 2, 4 as part of combined burden, 6; plus second-order burden from Requirement 7)
3. **Procedural Duplication** — 3 requirements (Requirements 3, 4, 6)
4. **Structural Disproportionality** — 2 requirements (Requirements 2, 4)
5. **Combined Burden** — 1 requirement (Requirement 4 — the most acute single obligation)
6. **No Transaction Cost Identified** — 2 requirements (Requirements 1 and 7 for substantive obligation)

Primary analytical finding for the main report: Section 49 presents a structurally distinctive pattern relative to the service delivery provisions in §§ 17–20a analyzed in the Anchor Document. The dominant volume-sensitive mechanisms documented in the Anchor Document (Documentation Apparatus, Procedural Continuity, Specialization) manifest here in an episodic rather than routine form — which makes them structurally *more* disproportionate, not less, because the pipeline is triggered too rarely to ever become institutional routine. The critical Kill List priority is Requirements 4 (mandatory cross-county consultation with no statutory foundation, using "shall" language) and the cross-instrument double authority gap in Requirement 7. The four Category C requirements share a common root: the Department's unexercised delegation under § 49's final sentence has been occupied by circular obligations whose mandatory framing is not authorized by the statutory channel the statute contemplated. Clarification across Requirements 2, 3, 5, and 6 should address this root cause rather than treating each provision in isolation.

SLUDGE AUDIT — § 49a Oppfyllelse av enkeltvedtak som er kjent ugyldig

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PRELIMINARY METHODOLOGICAL NOTE

Requirements visible from the Process Inflation Findings: 5 (PROC-REQ-5.49a.1.1 through PROC-REQ-5.49a.1.5)

Requirements that would be visible from the circular paragraph alone: All 5 requirements have textual presence in the circular paragraph. Unlike several other provisions in this audit series, § 49a does not produce requirements that are invisible from the circular itself.

Critical distinction — the analytical value of the Process Inflation Findings nevertheless holds: The value of using the Process Inflation Findings as the reference document here is not that they surface requirements invisible in the circular, but that they surface **authority questions invisible from a plain reading of the circular**. Specifically:

- PROC-REQ-5.49a.1.1 through PROC-REQ-5.49a.1.3 appear in the circular and map cleanly to statutory authority. A plain reading would identify these correctly.
- PROC-REQ-5.49a.1.4 appears in the circular with mandatory framing ("*må saken i tillegg framstå slik*"), but the Process Inflation Findings flag that this causality test **may not have an express textual basis in the statute**, making the mandatory framing a potential circular addition. This authority question is **invisible from the circular alone** — the circular presents the requirement as settled, not ambiguous.
- PROC-REQ-5.49a.1.5 appears in the circular as a straightforward extension of reversal authority, but the Process Inflation Findings flag that whether the extension to other fvl § 35 grounds is permitted or excluded under § 49a's structure is **an interpretive question not resolved by the statutory text**. Again invisible from the circular alone.

Requirements with no textual presence in the circular: Zero. No source-mapping under categories (a)–(e) is required.

Structural observation: § 49a is a narrow, judicially-triggered provision with a fundamentally different normative architecture from §§ 17–20a. It does not generate the layered documentation infrastructure that produces sludge in the service-delivery provisions. The analytical significance of the Process Inflation Findings for this paragraph lies in identifying **interpretive overreach in mandatory framing**, not invisible sub-legal instruments.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

REQ-1 (PROC-REQ-5.49a.1.1) Obligation: The municipality has a duty to fulfill a decision from a state administrative body granting a private party rights to services, even where the court has found the decision invalid through a lawsuit under tvisteloven § 1-4a. Source instrument: Circular R-35 pkt. 5.49a.1 (directly replicating sosialtjenesteloven § 49a first sentence) Explicit or implicit: Explicit Textual presence in circular: YES

REQ-2 (PROC-REQ-5.49a.1.2) Obligation: The municipality may file a lawsuit under tvisteloven § 1-4a to have a state administrative body's decision declared invalid. Source instrument: Circular R-35 pkt. 5.49a.1 (explanatory; the right derives from tvisteloven § 1-4a) Explicit or implicit: Explicit (permissive — this is a legal power, not a mandatory obligation) Textual presence in circular: YES

REQ-3 (PROC-REQ-5.49a.1.3) Obligation: A decision found invalid may only be reversed to the detriment of the private party under forvaltningsloven § 35 first paragraph letter c if the invalidity results from the party, or someone acting on their behalf, having intentionally or with gross negligence provided false information or withheld information. Source instrument: Circular R-35 pkt. 5.49a.1 (directly replicating sosialtjenesteloven § 49a second sentence) Explicit or implicit: Explicit Textual presence in circular: YES

REQ-4 (PROC-REQ-5.49a.1.4) Obligation: To reverse the decision to the private party's detriment, it is not sufficient that the misrepresentation condition is met; the case must additionally appear such that the decision would not have had the same content if the correct information had been provided or the withheld information had been disclosed (mandatory causality test). Source instrument: Circular R-35 pkt. 5.49a.1 (circular elaboration; the Process Inflation Findings flag the statutory anchor as genuinely ambiguous) Explicit or implicit: Explicit in the circular; ambiguous in its statutory derivation Textual presence in circular: YES — but the Process Inflation Findings identify the mandatory framing ("*må saken i tillegg framstå slik*") as potentially exceeding what § 49a expressly requires

REQ-5 (PROC-REQ-5.49a.1.5) Obligation: The provision does not restrict the municipality's general power to reverse decisions under other rules in forvaltningsloven § 35, including its final paragraph; and general reversal rules apply in full when the municipality does not bring the matter before the courts. Source instrument: Circular R-35 pkt. 5.49a.1 (interpretive elaboration; the Process Inflation Findings flag that the extension to other fvl § 35 grounds is an interpretive question not resolved by the statutory text) Explicit or implicit: Explicit in the circular; statutory relationship ambiguous Textual presence in circular: YES — but authority is contested

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STEP 2 — LEGAL AUTHORITY CHECK

REQ-1 Direction 1 — Circular authority: YES Direction 2 — Statutory authority: YES — sosialtjenesteloven § 49a first sentence states this obligation directly and without qualification. Finding from Reference Document: PROC-REQ-5.49a.1.1 classified as [SUBSTANTIVE LEGAL OBLIGATION]; "dictates a purely prescriptive statutory duty." No authority gap in either direction. Double authority gap: NO Category error: NO

REQ-2 Direction 1 — Circular authority: YES Direction 2 — Statutory authority: YES — the right to file a lawsuit under tvisteloven § 1-4a derives from that provision directly. The circular correctly describes a pre-existing permissive legal power. Finding from Reference Document: PROC-REQ-5.49a.1.2 classified as [SUBSTANTIVE LEGAL OBLIGATION]; "concerns the legal right and authority of the municipality to file a lawsuit, which is an implicit permissive legal power assumed by the law." Note on legal domain: The operative authority here derives from civil procedure law (tvisteloven), not sosialtjenesteloven. The circular accurately situates a procedural right that belongs to a different legal domain. This is not a category error in the problematic sense — the circular is explanatory rather than constitutive — but the home domain of REQ-2 is civil procedure, not social services. Double authority gap: NO Category error: PARTIAL — see above; domain observation noted, not analytically disqualifying

REQ-3 Direction 1 — Circular authority: YES Direction 2 — Statutory authority: YES — sosialtjenesteloven § 49a second sentence states this threshold condition expressly, with direct reference to forvaltningsloven § 35 first paragraph letter c. Finding from Reference Document: PROC-REQ-5.49a.1.3 classified as [SUBSTANTIVE LEGAL OBLIGATION]; "establishes the substantive legal threshold and conditions bounding the authority's discretionary power to reverse a decision." Double authority gap: NO Category error: NO

REQ-4 Direction 1 — Circular authority: YES — the requirement is textually present in the circular with mandatory framing. Direction 2 — Statutory authority: PARTIAL — the Process Inflation Findings state that "whether this mandatory causality test requires a separate legal source or is implied is genuinely ambiguous." The statute does not expressly impose a causality test as a distinct mandatory step; the circular adds the framing "*må saken i tillegg framstå slik*" as if it were settled law, when it may be an interpretive elaboration. Finding from Reference Document: PROC-REQ-5.49a.1.4 classified as [PROCEDURAL/DOCUMENTATION]; "genuine ambiguity exists — recommend human legal review." Legal Gap stated as: "the circular imposes a wholly new, mandatory fixed causality criterion that lacks an express textual basis in the statute." Note: Because circular authority IS present, this does not constitute a double authority gap. The concern is the mandatory framing in the circular exceeding what the statute expressly requires. Double authority gap: NO (circular authority present; statutory authority PARTIAL) Category error: NO

REQ-5 Direction 1 — Circular authority: YES — textually present in the circular as an interpretive statement. Direction 2 — Statutory authority: PARTIAL — the Process Inflation Findings state that "whether non-detrimental reversal pathways remain available is an interpretive question not resolved by the text" and that "genuine ambiguity exists." The statute limits detrimental reversal narrowly; whether other fvl § 35 grounds are available for all types of reversal in the court-challenge scenario is not expressly addressed by the statute. Finding from Reference Document: PROC-REQ-5.49a.1.5 classified as [PROCEDURAL/DOCUMENTATION]; Legal Gap stated as: "The text does not resolve whether the extension to other rules in forvaltningsloven § 35 authorized by the circular is permitted or excluded." Note on legal domain: This requirement operates primarily through forvaltningsloven § 35 as its operative source. The circular's statement is interpretive guidance about the interaction between sosialtjenesteloven § 49a and forvaltningsloven's general regime. The home domain is general administrative law. Double authority gap: NO

(circular authority present; statutory authority PARTIAL) Category error: PARTIAL — operative authority derives from forvaltningsloven, not sosialtjenesteloven directly

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STEP 3 — SCALE AND PROPORTIONALITY CHECK

Preliminary note: The Anchor Document (Volume Driver Findings) addresses §§ 17, 18, 19, 20a, and the general internkontroll framework. It contains no findings directly addressing § 49a. This is structurally expected: § 49a is a judicially-triggered provision that arises only when the municipality has initiated litigation under tvisteloven § 1-4a and a court has declared a decision invalid. It does not generate routine casework volume and is therefore outside the structural analysis performed in the Anchor Document.

REQ-1: SCALE FLAG: NO — No Anchor Document finding applies. The obligation arises in a specific judicial scenario with no routine volume implications.

REQ-2: SCALE FLAG: NO — No Anchor Document finding applies. The decision to file a lawsuit is episodic and handled at leadership/legal counsel level.

REQ-3: SCALE FLAG: NO — No Anchor Document finding applies. The threshold condition is self-executing within the judicial scenario.

REQ-4: SCALE FLAG: NO directly. Indirect note: the Anchor Document's extensive findings on small municipalities' incapacity to perform complex legal assessments (see e.g., [K] mechanism findings for § 17 and § 19, Alstahaug finding on standardized reasoning failures) suggest that complex causality analysis requiring legal discretion would strain small generalist offices. However, the § 49a scenario is sufficiently rare and sufficiently episodic that no structural volume driver is identified. The indirect concern is noted but does not rise to a PARTIAL flag in the absence of direct evidence.

REQ-5: SCALE FLAG: NO — No Anchor Document finding applies. The interpretive complexity of the forvaltningsloven § 35 framework is a legal competence concern in principle, but no volume driver evidence from the Anchor Document maps to this specific provision.

STEP 4 — PURPOSE CLASSIFICATION

REQ-1: [USER NEED] The obligation directly serves the legal security of the service recipient. By requiring the municipality to continue fulfilling the decision despite the court's invalidity finding, the provision ensures that the private party can rely on a decision granting them services and arrange their life accordingly. The specific language from the circular ("*tjenestemottaker skal kunne innrette seg etter vedtak om tildeling av tjenester*") explicitly states this user-protective rationale. No internal control or reporting function is served.

REQ-2: [MIXED] Primary function: institutional (grants the municipality a legal instrument to challenge decisions it regards as incorrectly issued by state bodies, serving the municipality's institutional interest in administrative correctness). Secondary function: user-protective (the legal framework within which this power operates — including § 49a's obligation to continue fulfilling the decision — structurally limits the harm this power can cause the user). The permissive right itself is neutral; its user-protective dimension is provided by the other requirements in § 49a, not by REQ-2 itself.

REQ-3: [USER NEED] The requirement directly and unambiguously protects the private party by establishing a high threshold (intentional or grossly negligent misrepresentation) before a favorable decision can be reversed to their detriment. The language operates as a constraint on municipal action in the user's favor. No documentation, reporting, or audit function is served.

REQ-4: [MIXED] Primary function: user protection — the causality test adds a further substantive hurdle before the municipality can use the misrepresentation condition to reverse a favorable decision. It protects users from reversal in cases where the misrepresentation was inconsequential to the decision's content. Secondary function: administrative integrity — the test ensures that reversal authority is only exercised where the link between the misrepresentation and the decision outcome is demonstrated, which serves the coherence of the administrative decision-making system. The primary function is user-protective; the secondary function serves administrative orderliness rather than documentation or reporting overhead. This requirement generates no sludge in the sense targeted by this audit.

REQ-5: [MIXED] Primary function: administrative flexibility — preserving the municipality's general reversal powers under forvaltningsloven § 35 outside the specific court-challenge scenario. Secondary function: implicit user protection, insofar as § 49a's limiting framework for detrimental reversal is not displaced by the circular's statement about other fvl § 35 grounds. The Process Inflation Findings classify this as [OTHER] — defining alternative legal avenues rather than imposing a process step — which is consistent with a [MIXED] classification where neither element is a documentation or internal-control function.

STEP 5 — TRANSACTION COST CHARACTERIZATION

REQ-1 [USER NEED]: No transaction cost burden identified. The obligation is self-executing within the judicial scenario; no documentation or reporting demand falls on caseworkers beyond fulfilling the existing service obligation.

REQ-2 [MIXED]: The permissive right to file a lawsuit generates significant but episodic legal administration costs when exercised — legal counsel, formal judicial proceedings, and strategic litigation decisions at leadership level. These are not casework documentation costs of the type this audit targets. No ongoing administrative burden on frontline caseworkers. When exercised, the cost falls on the municipality's legal function, not on social services casework infrastructure. No transaction cost of the sludge type identified.

REQ-3 [USER NEED]: No transaction cost burden identified. This is a protective constraint on municipal action, not a documentation or procedural demand.

REQ-4 [MIXED — primary USER NEED]: The mandatory causality analysis requires the municipality to conduct and document a counterfactual assessment: would the decision have had different content if the misrepresentation had not occurred? This is a substantive analytical obligation rather than a documentation or reporting obligation in the audit sense. When it arises, it requires legal reasoning at decision-making level. The Process Inflation Findings flag that this mandatory framing ("*må saken i tillegg framstå slik*") may exceed the statute's express requirements; if so, the analytical burden imposed by the circular's mandatory framing operates without a clear statutory foundation — but given that the scenario only arises post-litigation and the burden is user-protective in purpose, the transaction cost concern is low in priority. No circular guidance is absent here: the circular is the source of the requirement, and it provides the frame for the analysis.

REQ-5 [MIXED — primary administrative flexibility]: No direct documentation obligation falls on caseworkers. The requirement informs the municipality's legal toolkit. It demands legal literacy about the interaction between sosialtjenesteloven § 49a and forvaltningsloven § 35 — a competence demand at leadership and legal function level. This is not a routine casework burden. No transaction cost of the documentation-inflation type identified.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §49a-REQ-1

PROVISION TEXT: The municipality has a duty to fulfill a decision from a state administrative body granting a private party rights to services, even where the court has declared the decision invalid through a lawsuit under tvisteloven § 1-4a.

SOURCE INSTRUMENT: Circular (R-35 pkt. 5.49a.1); statutory basis sosialtjenesteloven § 49a first sentence

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Direct statutory basis in sosialtjenesteloven § 49a first sentence; confirmed as [SUBSTANTIVE LEGAL OBLIGATION] in Process Inflation Findings (PROC-REQ-5.49a.1.1)

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — No Anchor Document finding maps to this provision; the judicial trigger scenario removes this from routine volume analysis

PURPOSE: USER NEED — Directly protects the service recipient's right to rely on a decision granting them services and to arrange their circumstances accordingly; purpose stated explicitly in the circular ("*tjenestemottaker skal kunne innrette seg etter vedtak om tildeling av tjenester*")

BURDEN DESCRIPTION: No transaction cost burden identified. The obligation is substantive and self-executing within the judicial scenario; no documentation, reporting, or audit demand is generated for caseworkers.

KILL LIST CLASSIFICATION: No Kill List Action — sufficient legal authority, user-protective purpose, no disproportionate burden

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §49a-REQ-2

PROVISION TEXT: The municipality may file a lawsuit under tvisteloven § 1-4a to have a state administrative body's decision declared invalid.

SOURCE INSTRUMENT: Circular R-35 pkt. 5.49a.1 (descriptive/explanatory); operative legal authority in tvisteloven § 1-4a

CIRCULAR AUTHORITY: PRESENT (descriptive; the circular explains a procedural right that exists independently of the circular)

LEGAL AUTHORITY: YES — The right derives from tvisteloven § 1-4a; confirmed as [SUBSTANTIVE LEGAL OBLIGATION] in Process Inflation Findings (PROC-REQ-5.49a.1.2). Note: legal authority exists but in a different statutory domain (civil procedure) than sosialtjenesteloven.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: PARTIAL — The operative legal source is civil procedure law (tvisteloven), not social services law. The circular accurately explains a right that belongs to a different legal domain. This does not constitute a problematic category error — the circular is performing a legitimate explanatory function — but it is noted that the requirement's home domain is not sosialtjenesteloven.

SCALE FLAG: NO — No Anchor Document finding maps to this provision

PURPOSE: MIXED — Primary: institutional (grants the municipality a legal instrument to challenge state administrative decisions it regards as incorrectly issued); secondary: the legal framework within which this power operates serves user protection through the constraints imposed by § 49a as a whole

BURDEN DESCRIPTION: No routine casework documentation burden. When exercised, the right generates significant episodic legal administration costs (judicial proceedings, legal

counsel, formal resolution) at leadership level. This is not sludge in the sense targeted by this audit; it is a legal function that falls outside normal casework infrastructure.

KILL LIST CLASSIFICATION: No Kill List Action — this is a permissive legal power, not a mandatory obligation; no sludge is generated

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §49a-REQ-3

PROVISION TEXT: A decision found invalid by the court may only be reversed to the private party's detriment under forvaltningsloven § 35 first paragraph letter c if the invalidity results from the party, or someone acting on their behalf, having intentionally or with gross negligence provided false information or withheld information.

SOURCE INSTRUMENT: Circular R-35 pkt. 5.49a.1; statutory basis sosialtjenesteloven § 49a second sentence; forvaltningsloven § 35 first paragraph letter c

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Direct statutory basis in sosialtjenesteloven § 49a second sentence; confirmed as [SUBSTANTIVE LEGAL OBLIGATION] in Process Inflation Findings (PROC-REQ-5.49a.1.3) as "establishing the substantive legal threshold and conditions bounding the authority's discretionary power to reverse a decision to the detriment of a private party"

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — No Anchor Document finding maps to this provision

PURPOSE: USER NEED — Directly protects the private party by establishing a high threshold condition (intentional or grossly negligent misrepresentation) that must be met before any detrimental reversal is permissible; operates as a constraint on municipal action in the user's favor

BURDEN DESCRIPTION: No transaction cost burden identified. This requirement constrains municipal action rather than demanding documentation, reporting, or procedural compliance from caseworkers.

KILL LIST CLASSIFICATION: No Kill List Action — direct statutory basis, user-protective purpose, no disproportionate burden

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §49a-REQ-4

PROVISION TEXT: To reverse the decision to the private party's detriment, the misrepresentation condition alone is not sufficient; the case must additionally appear such that the decision would not have had the same content had the correct information been provided or the withheld information disclosed (mandatory causality test).

SOURCE INSTRUMENT: Circular R-35 pkt. 5.49a.1; statutory anchor in sosialtjenesteloven § 49a is flagged as genuinely ambiguous in Process Inflation Findings (PROC-REQ-5.49a.1.4)

CIRCULAR AUTHORITY: PRESENT — the circular states the requirement with mandatory language ("*må saken i tillegg framstå slik*")

LEGAL AUTHORITY: PARTIAL — the Process Inflation Findings state: "whether this mandatory causality test requires a separate legal source or is implied is genuinely ambiguous." The statute establishes the misrepresentation condition but does not expressly impose a separate mandatory causality step. The circular's mandatory framing may exceed what the statute expressly requires, or the causality requirement may be implied by the statute's protective purpose. Legal judgment is required to resolve this. Specific finding: PROC-REQ-5.49a.1.4, Legal Gap: "the circular imposes a wholly new, mandatory fixed causality criterion ('*må saken i tillegg framstå slik*') that lacks an express textual basis in the statute."

DOUBLE AUTHORITY GAP: NO — circular authority is present; the concern is partial statutory authority, not absent circular authority

CATEGORY ERROR: NO

SCALE FLAG: NO direct finding. Indirect observation: the Anchor Document's [K] mechanism findings document general competence decay for complex legal assessments in small municipalities, but no specific finding maps to § 49a's causality analysis. The episodic and post-litigation nature of this scenario removes it from routine volume analysis.

PURPOSE: MIXED — Primary: user protection (adds a further substantive hurdle before detrimental reversal; protects users from reversal where misrepresentation was inconsequential to the decision's content). Secondary: administrative integrity (ensures reversal authority is only exercised where the causal link between misrepresentation and decision outcome is demonstrated). Neither function is internal control or documentation overhead in the sludge sense.

BURDEN DESCRIPTION: When the scenario arises, the municipality must conduct a counterfactual causality analysis demonstrating that the decision's content would have differed without the misrepresentation. This is a substantive legal-analytical obligation at leadership and legal function level, not a routine casework documentation burden. The mandatory framing in the circular ("*must additionally*") creates an evaluative step whose statutory foundation the Process Inflation Findings flag as ambiguous. However, because circular authority is present and the purpose is user-protective, the transaction cost concern is of low priority. The burden is episodic and does not generate ongoing administrative overhead.

KILL LIST CLASSIFICATION: Category C — Clarification. The causality test is not assessed as lacking authority outright, but the mandatory framing in the circular may exceed what the statute expressly requires. Making explicit whether this is a legally implied condition or a circular addition — and what the room for maneuver is in applying it — would reduce interpretive shadow binding for municipalities navigating this rare but legally significant scenario.

TRANSACTION COST CATEGORY: No Transaction Cost Identified (the analytical burden is real but episodic, user-serving in purpose, and not of the documentation-inflation type)

REQUIREMENT ID: §49a-REQ-5

PROVISION TEXT: The provision does not restrict the municipality's general reversal powers under other rules in forvaltningsloven § 35, including its final paragraph; and ordinary reversal rules apply in full when the municipality does not bring the decision to court.

SOURCE INSTRUMENT: Circular R-35 pkt. 5.49a.1 (interpretive elaboration); operative authority in forvaltningsloven § 35; relationship to sosialtjenesteloven § 49a flagged as ambiguous in Process Inflation Findings (PROC-REQ-5.49a.1.5)

CIRCULAR AUTHORITY: PRESENT — textually stated in the circular as an interpretive clarification

LEGAL AUTHORITY: PARTIAL — the Process Inflation Findings state: "The Social Services Act § 49a specifically limits detrimental reversal to forvaltningsloven § 35 first paragraph letter c under specific conditions, and the text does not resolve whether the extension to other rules in forvaltningsloven § 35 authorized by the circular is permitted or excluded." Specific finding: PROC-REQ-5.49a.1.5, Legal Gap: the relationship between § 49a's limiting framework and the full scope of fvl § 35 is "an interpretive question not resolved by the text."

DOUBLE AUTHORITY GAP: NO — circular authority is present; the concern is partial statutory authority for the interpretive extension to other fvl § 35 grounds

CATEGORY ERROR: PARTIAL — the operative legal domain is general administrative law (forvaltningsloven § 35) rather than sosialtjenesteloven. The circular's statement operates as an interpretation of how two different legal frameworks interact. This is not a disqualifying error, but the source domain of the requirement is forvaltningsloven, not sosialtjenesteloven. Process Inflation Findings classify this as [OTHER] — "defines alternative legal avenues available for administrative processing and evaluation."

SCALE FLAG: NO — No Anchor Document finding maps to this provision

PURPOSE: MIXED — Primary: administrative flexibility (preserving the municipality's general discretion to use other reversal grounds under fvl § 35, ensuring that § 49a's specific limiting framework for detrimental court-challenge reversals does not inadvertently contract the municipality's broader administrative toolkit). Secondary: implicit user protection, in that clarity about when § 49a's constraints apply versus when general fvl § 35 rules govern benefits the orderly application of the legal framework.

BURDEN DESCRIPTION: No documentation or reporting obligation on caseworkers. The requirement informs the municipality's legal toolkit at a conceptual level, demanding legal competence in the interaction between sosialtjenesteloven § 49a and forvaltningsloven § 35 at leadership and legal function level. This is a legal literacy demand, not a casework processing demand. No circular guidance is absent from the caseworker's operative framework — the circular is the source of this statement.

KILL LIST CLASSIFICATION: Category C — Clarification. The interaction between § 49a's limiting framework for detrimental reversal and the broader scope of fvl § 35 reversal powers is not fully resolved by the circular's interpretive statement. Specifically: whether fvl § 35 siste ledd pathways are available in all circumstances or only when no court challenge has been initiated requires explicit statement. Reducing interpretive uncertainty here would benefit municipalities facing reversal decisions in the post-litigation scenario.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

CLOSING COMPARATIVE NOTE

Requirements identified from the Process Inflation Findings: 5

Requirements that would have been visible from the circular alone: 5 (all five requirements are textually present in the circular). However, the analytical value of the Process Inflation Findings as the reference document is not in revealing invisible requirements but in surfacing authority questions and interpretive ambiguities that a plain reading of the circular would not disclose. Without the Process Inflation Findings, requirements 4 and 5 would appear as settled interpretive statements; the authority ambiguities flagged for each would remain analytically invisible.

Double authority gaps: 0. All five requirements have circular authority present. Two requirements (REQ-4 and REQ-5) have partial statutory authority, but the combination of present circular authority and partial (rather than absent) statutory authority does not meet the double authority gap threshold.

Category errors (full or partial): 2 partial — REQ-2 (operative authority in tvisteloven / civil procedure rather than sosialtjenesteloven) and REQ-5 (operative authority in forvaltningsloven § 35 rather than sosialtjenesteloven). Neither constitutes a disqualifying error; both reflect the circular accurately describing cross-domain legal interactions.

Kill List breakdown:

- Category A (Removal): 0
- Category B (Status Change): 0
- Category C (Clarification): 2 (REQ-4 and REQ-5)
- No Kill List Action: 3 (REQ-1, REQ-2, REQ-3)

Primary transaction cost categories by frequency: No Transaction Cost Identified — across all five requirements. This is the distinctive structural result of this paragraph audit. §

49a generates no sludge in the documentation-inflation, reporting-overhead, or procedural-duplication sense. It is a substantive legal provision with user-protective purpose throughout, triggered only by a specific judicial scenario that falls entirely outside the routine casework volume that generates administrative burden in §§ 17–20a.

Synthesis observation for the main report and Kill List deliverables:

§ 49a is analytically clean from a sludge perspective. The two Category C items are not about documentation overhead but about interpretive clarity in a narrow, high-stakes legal scenario. The causality test in REQ-4 and the fvl § 35 interaction in REQ-5 both require clarification to reduce shadow binding — municipalities navigating a post-litigation reversal question need certainty about what the rules require, not merely the circular's confident-sounding but ambiguously-anchored statements. The Kill List recommendation for both is limited to explicit clarification of legal room for maneuver, not reformulation or repeal.

The broader significance of this audit for the main report is structural: § 49a confirms that the sludge problem is domain-specific rather than universal. Provisions that address substantive legal rights in judicial or quasi-judicial scenarios are architecturally different from the service-delivery provisions where documentation apparatus, procedural continuity requirements, and scale-dependent compliance stacks generate the volume drivers identified in the Anchor Document. This distinction supports a differentiated approach to the Kill List — the simplification target is the service-delivery normative layer, not the substantive rights-protection provisions, which are generally functioning as intended.

SLUDGE AUDIT — § 50 (LOVENS IKRAFTTREDELSE)

PRELIMINARY METHODOLOGICAL NOTE

Structural observation: § 50 in the CONTEXT DOCUMENT is a pure commencement provision. Its entire substantive content is: the law enters into force when the King determines, provisions on the qualification programme apply once a NAV partnership agreement is in place, and from 1 January 2010 the provisions apply to all municipalities. It contains **zero** procedural, documentation, or casework requirements. It imposes no obligations on caseworkers, NAV leaders, or municipal social services beyond acknowledging a temporal trigger.

From the circular paragraph alone: **0 requirements are visible.** From the Process Inflation Findings: **14 requirements are visible.**

All 14 requirements have zero textual presence in the circular paragraph under analysis. This is not the typical analytical situation in which a circular paragraph contains some requirements and a surrounding normative framework adds others. Here, the circular paragraph contributes nothing — the entire requirement load is carried by sub-legal instruments operating without any anchor in the source provision.

Source mapping of requirements invisible from the circular:

Req.	Source instrument	Type
1	Veileder om økonomisk stønad etter sosialtjenesteloven	(b) veileder
2	Veileder om økonomisk stønad	(b) veileder
3	Veileder om økonomisk stønad	(b) veileder
4	Veileder om økonomisk stønad	(b) veileder
5	Veileder om økonomisk stønad	(b) veileder
6	Veileder om økonomisk stønad	(b) veileder
7	Veileder om økonomisk stønad	(b) veileder
8	Veileder om økonomisk stønad	(b) veileder
9	Veileder om økonomisk stønad	(b) veileder
10	Veileder om økonomisk stønad	(b) veileder

11	Kommunebrev 2025	(a) Kommunebrev
12	Kommunebrev 2025	(a) Kommunebrev
13	Barnets beste — veileder	(b) veileder
14	Veileder lovlig opphold for EØS-borgere	(b) veileder

This structural asymmetry is the dominant analytical finding for this paragraph. Every requirement operating under § 50 is an orphan: the Process Inflation Findings tag each one as ORPHAN — PROC-REQ-18.x, meaning they have been attributed to § 50 in the normative mapping while their operative legal connection is to § 18 (and in some cases §§ 19, 20a, and Grunnloven § 104). The commencement provision has been used, evidently through accumulated normative practice, as a catch-all paragraph for requirements that belong to substantive provisions elsewhere in the Act. This constitutes a systemic attribution error, not merely an authority gap. All source mapping observations are carried forward into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 50-1

- **Obligation:** NAV-kontoret skal sikre at saken er så godt opplyst som mulig før det treffes en avgjørelse (the caseworker must ensure the case is as fully illuminated as possible before a decision is reached).
- **Source instrument:** Veileder om økonomisk stønad etter sosialtjenesteloven (operationalizing R-35 § 18)
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT — invisible from the circular alone

Requirement 50-2

- **Obligation:** Hvor mye som skal kartlegges må vurderes individuelt i hver sak (the extent of mapping required must be assessed individually in each case).
- **Source instrument:** Veileder om økonomisk stønad
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT

Requirement 50-3

- **Obligation:** NAV-kontoret bør innledningsvis i kartleggingen søke å avklare hvor lenge brukeren vil ha behov for hjelp fra NAV (at the start of the mapping process, the caseworker should seek to clarify the expected duration of the user's assistance need).
- **Source instrument:** Veileder om økonomisk stønad
- **Explicit or implicit:** Explicit

- **Textual presence in circular § 50:** ABSENT

Requirement 50-4

- **Obligation:** Hvis henvendelsen gjelder hjelp i en nødsituasjon, må søknaden vurderes raskt, helst samme dag (emergency applications must be assessed quickly, preferably on the same day).
- **Source instrument:** Veileder om økonomisk stønad
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT

Requirement 50-5

- **Obligation:** NAV-kontoret må gjøre en konkret og individuell vurdering av hvordan opplysningene skal dokumenteres (the caseworker must make a concrete individual assessment of how information should be documented).
- **Source instrument:** Veileder om økonomisk stønad
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT

Requirement 50-6

- **Obligation:** Behandling av søknader skal baseres på individuelle vurderinger basert på opplysninger fra kartleggingen (application processing must be based on individual assessments derived from mapping).
- **Source instrument:** Veileder om økonomisk stønad
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT

Requirement 50-7

- **Obligation:** Det skal foretas en skjønnsmessig vurdering i hver enkelt sak (a discretionary assessment must be conducted in every individual case).
- **Source instrument:** Veileder om økonomisk stønad
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT

Requirement 50-8

- **Obligation:** NAV-kontoret må alltid ivareta hjelpebehovet inntil andre muligheter kan benyttes (the caseworker must always meet the assistance need until alternatives are available).
- **Source instrument:** Veileder om økonomisk stønad
- **Explicit or implicit:** Explicit (classified in the Process Inflation Findings as SUBSTANTIVE LEGAL OBLIGATION)
- **Textual presence in circular § 50:** ABSENT

Requirement 50-9

- **Obligation:** Ved vurdering av søknad om stønad til familier skal det ikke tas hensyn til barnetrygd og barns inntekt (when assessing family benefit applications, child benefit and children's income must not be included).
- **Source instrument:** Veileder om økonomisk stønad
- **Explicit or implicit:** Explicit (classified as SUBSTANTIVE LEGAL OBLIGATION)
- **Textual presence in circular § 50:** ABSENT

Requirement 50-10

- **Obligation:** Det skal alltid vurderes om stønad kan innvilges etter denne bestemmelsen (it must always be assessed whether benefit can be granted under the applicable provision).
- **Source instrument:** Veileder om økonomisk stønad (invoking §§ 18 and 19)
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT

Requirement 50-11

- **Obligation:** Det skal stilles vilkår om aktivitet med mindre tungtveiende grunner taler mot det (activity conditions must be set unless weighty reasons oppose it).
- **Source instrument:** Kommunebrev 2025
- **Explicit or implicit:** Explicit (classified as SUBSTANTIVE LEGAL OBLIGATION)
- **Textual presence in circular § 50:** ABSENT

Requirement 50-12

- **Obligation:** Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet (the right to a qualification programme must be assessed before activity conditions are set).
- **Source instrument:** Kommunebrev 2025
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT

Requirement 50-13

- **Obligation:** Er barn berørt, må det vurderes hva som er til det beste for barnet i den enkelte saken (where children are affected, the best interests of the child must be assessed in each case).
- **Source instrument:** Barnets beste — veileder
- **Explicit or implicit:** Explicit
- **Textual presence in circular § 50:** ABSENT

Requirement 50-14

- **Obligation:** Nav-kontoret må alltid foreta en konkret vurdering av lovlig opphold med utgangspunkt i søknadstidspunktet (the caseworker must always make a concrete assessment of lawful residence anchored to the time of application).
- **Source instrument:** Veileder lovlig opphold for EØS-borgere
- **Explicit or implicit:** Explicit

- **Textual presence in circular § 50:** ABSENT

STEP 2 — LEGAL AUTHORITY CHECK

Direction 1 — Circular authority is ABSENT for all 14 requirements. § 50 is a commencement provision. It grants no authority for any of the substantive, procedural, or documentary obligations listed above. This constitutes a first-order authority gap in all 14 cases.

Direction 2 — Statutory authority:

Req. 50-1 (case illumination before decision): The obligation to ensure adequate factual basis before deciding has a recognised connection to general forvaltningslov principles of investigation duty (utredningsplikt) and to the substantive provisions of §§ 18 and 19. However, the Process Inflation Findings flag it as MANGLER_HJEMMEL specifically in relation to § 50, which has no connection to this obligation. Statutory authority exists — but under different provisions, not § 50. **PARTIAL.** No circular authority + PARTIAL statutory authority under § 50 = **DOUBLE AUTHORITY GAP.**

Req. 50-2 (individual assessment of mapping extent): Same analytical structure. The individual-assessment principle has a foundation in §§ 18–19 and the general principle of individual discretion, but this veileder operationalisation has no statutory anchor in § 50. **PARTIAL. DOUBLE AUTHORITY GAP.**

Req. 50-3 (clarify duration of assistance need at outset): This sequential obligation — to clarify expected duration at the start of the mapping process — has no specific statutory anchor in the Social Services Act as a mandatory step. It is a veileder construction. The underlying rationale connects loosely to efficient case management under § 18, but the specific sequential instruction lacks direct statutory basis. **NO** direct statutory authority; indirect connection only. **DOUBLE AUTHORITY GAP.**

Req. 50-4 (same-day assessment for emergency applications): An emergency-response obligation can be located in § 18 read in conjunction with the general principle that urgent situations require prompt action, and arguably in nødhjelpsplikten (duty of emergency assistance). However, the specific instruction "helst samme dag" is a veileder specification without explicit statutory basis. **PARTIAL** (the emergency response duty has statutory grounding; the time specification does not). **DOUBLE AUTHORITY GAP.**

Req. 50-5 (concrete individual assessment of documentation method): This is a documentation-method obligation: caseworkers must assess how to document information, not merely whether to document it. No statutory provision prescribes this specific meta-documentation layer. It is a pure veileder construction with no direct statutory basis. **NO. DOUBLE AUTHORITY GAP.**

Req. 50-6 (individual assessments based on mapped information): The individual assessment principle itself has statutory grounding in §§ 18–19. The specific articulation

linking it to kartlegging output is a veileder construction. **PARTIAL. DOUBLE AUTHORITY GAP.**

Req. 50-7 (discretionary assessment in every case): The duty to exercise skjønn (discretion) has a direct statutory basis in §§ 18–19 and in forvaltningsrettens general principles. The repeated *skal*-formulation of this in the veileder creates a presentation of mandatory discretion that tracks statutory intent. **PARTIAL** (discretion is required by law; the specific formulation and procedural anchoring in the veileder adds an obligatory tone that the statute does not itself specify). **DOUBLE AUTHORITY GAP** in relation to § 50.

Req. 50-8 (always meet help need until alternatives available): This has a clear statutory basis in the Social Services Act's emergency assistance provisions and the principle of subsidiarity combined with continuity of care. The Process Inflation Findings classify it as a SUBSTANTIVE LEGAL OBLIGATION. The authority exists — but under §§ 18 and nødhjelpbestemmelsene, not § 50. **YES** (statutory authority confirmed, but under the wrong paragraph). **First-order gap only** (no circular authority under § 50; statutory authority is present but attributionally misplaced).

Req. 50-9 (child benefit and children's income excluded from family assessment): This has a specific statutory and regulatory foundation — legislative amendments have directly addressed the treatment of child benefit in income calculations. The Process Inflation Findings classify it as SUBSTANTIVE LEGAL OBLIGATION. Authority is **YES**, but anchored in §§ 18 and relevant regulatory provisions, not § 50. **First-order gap only.**

Req. 50-10 (always assess whether benefit can be granted): Linked to §§ 18 and 19 in the Process Inflation Findings. The obligation to assess all applicable provisions before reaching a decision has a foundation in general forvaltningslov duty of care and in the benefit-conferring logic of §§ 18–19. **PARTIAL** (the always-assess obligation has indirect statutory grounding but the specific formulation linking §§ 18 and 19 is a veileder construction). **DOUBLE AUTHORITY GAP** in relation to § 50.

Req. 50-11 (activity conditions unless weighty reasons): This has a direct statutory basis in § 20a (activity duty for persons under 30) and the kommunebrev operationalises legislative intent. The Process Inflation Findings classify it as SUBSTANTIVE LEGAL OBLIGATION. Authority is **YES** — but the provision belongs under § 20a, not § 50. **First-order gap only** (no circular authority under § 50; statutory authority is present but misplaced).

Req. 50-12 (assess qualification programme before activity conditions): This sequential requirement — assess right to KVP before imposing vilkår — has a connection to §§ 20a and 29, but the specific sequential obligation is established by the Kommunebrev rather than the statute itself. The statute does not explicitly mandate this sequence; the Kommunebrev creates the ordering rule. **PARTIAL. DOUBLE AUTHORITY GAP.**

Req. 50-13 (best interests of child in affected cases): This has constitutional and international law basis in Grunnloven § 104 and FNs barnekonvensjon art. 3, and a social services grounding in § 18. The Process Inflation Findings flag it as linked to § 18 and Grunnloven § 104, neither present in § 50. The substantive obligation is legally real. **YES** (constitutional plus statutory authority), but the paragraph attribution is entirely wrong.

First-order gap only. However, the specific documentation and assessment operationalisation is a veileder construction. **Mixed authority profile.**

Req. 50-14 (lawful residence assessment anchored to application date): This has a connection to § 18 and the general criteria for entitlement, but the specific temporal anchor (søknadstidspunktet) and the procedural specifications derive from the EØS-veileder rather than the statute. **PARTIAL. DOUBLE AUTHORITY GAP.**

Summary — Direction 2:

- Requirements with YES statutory authority (but misplaced to § 50): 50-8, 50-9, 50-11, 50-13
- Requirements with PARTIAL statutory authority: 50-1, 50-2, 50-4, 50-6, 50-7, 50-10, 50-12, 50-14
- Requirements with NO direct statutory authority: 50-3, 50-5

Double authority gaps (ABSENT circular + NO or PARTIAL statutory under § 50): 50-1, 50-2, 50-3, 50-4, 50-5, 50-6, 50-7, 50-10, 50-12, 50-14 — **10 double authority gaps.**

First-order gaps only (ABSENT circular but YES statutory authority, misattributed): 50-8, 50-9, 50-11, 50-13 — **4 first-order attribution gaps.**

Category error: None of the requirements derive from a different legal domain (e.g. labour law or HMS). All connect to social services law, constitutional law, or international law as applied through social services. No category error in the strict sense. However, Req. 50-11 (activity conditions) and Req. 50-12 (KVP assessment sequence) belong under § 20a, not § 18 or § 50 — this constitutes a **provision-level attribution error** within the Social Services Act, which is noted but not classified as a cross-domain category error.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Cross-referencing against the ANCHOR DOCUMENT (Volume Driver Findings):

Req. 50-1 (case illumination before decision): The ANCHOR DOCUMENT's Cluster 3 (Child Perspective Documentation, §18) and the debt counseling compliance stack confirm that the caseworker's obligation to adequately illuminate cases before deciding is structurally undermined in small offices by low encounter frequency — caseworkers who process complex §18 cases rarely cannot maintain the competence to know what adequate illumination requires. The ANCHOR DOCUMENT notes (§ 19 analysis): *caseworkers use standardized rejection texts and cannot articulate how criteria are weighed* — a direct failure of adequate pre-decision illumination. **PARTIAL.** Since this requirement lacks circular authority under § 50, any scale-related burden it imposes is **unsupported by the circular framework and constitutes disproportionate burden without regulatory foundation.**

Req. 50-2 (individual assessment of mapping extent): The ANCHOR DOCUMENT's Cluster 3 (child-perspective documentation) and Section 2 documentation apparatus findings confirm that the obligation to individually calibrate mapping scope presupposes sufficient

case encounter frequency to form professional judgment about what each case requires. Small offices lack this frequency. **PARTIAL** — structurally related to [K] Competence Sustainability and [D] Documentation Apparatus. **Unsupported by circular framework** (no circular authority).

Req. 50-3 (clarify duration of assistance need at outset): The ANCHOR DOCUMENT does not directly address this sequential requirement, but the structural logic of [K] Competence Sustainability applies: maintaining the professional judgment to accurately assess a user's likely duration of need requires sufficient caseload experience. The ANCHOR DOCUMENT's finding that offices process 5–15 §17 cases per year — too few to sustain procedural competence — applies structurally to this obligation as well. **PARTIAL. Unsupported by circular framework.**

Req. 50-4 (same-day assessment for emergency applications): The ANCHOR DOCUMENT's Cluster 1 (Debt Counseling Compliance Stack) and Track C1 findings on management overstretch document that small offices with generalist staff absorbed in frontline work cannot consistently ensure capacity to accelerate processing on the day of application. The single-specialist bottleneck (Løten, Nav Vefsna, Sveio findings) directly confirms that timely processing of urgent matters is structurally compromised when one person covers all functions. **PARTIAL. Unsupported by circular framework.**

Req. 50-5 (concrete individual assessment of documentation method): The ANCHOR DOCUMENT's dominant finding is that the [D] Documentation Apparatus is the primary empirical driver of non-compliance across all municipal sizes. The requirement to conduct a meta-assessment of how information should be documented — before documenting it — adds a second-order procedural layer on top of the already burdensome primary documentation obligation. This is structurally disproportionate in small offices. **YES** — directly implicated by the [D] mechanism (Documentation Apparatus is the dominant empirical mechanism, ~42–65 findings). **Unsupported by circular framework.**

Req. 50-6 (individual assessments based on mapped information): The ANCHOR DOCUMENT confirms (§19 analysis, Alstahaug finding; Cluster 3) that the capacity to conduct genuine individualized assessment rather than standardized processing is volume-sensitive. Generalist offices encountering complex cases too rarely default to template responses. **PARTIAL. Unsupported by circular framework.**

Req. 50-7 (discretionary assessment in every case): Same as 50-6. The empirical pattern of standardized rejection texts (Alstahaug, Nav Skiptvet) is directly identified in the ANCHOR DOCUMENT as a symptom of [K]+[S] failure: the effective legal mandate for individualized discretion is nullified in small offices. **PARTIAL. Unsupported by circular framework.**

Req. 50-8 (always meet help need until alternatives available): The ANCHOR DOCUMENT's single-specialist bottleneck findings (Løten, Nav Vefsna, Nes, Sveio) document cases where the statutory obligation to continuously meet need cannot be fulfilled because the only competent person is absent. **YES** — this is the [S] Specialization mechanism at its most acute: the service collapses entirely during specialist absence, producing structural non-compliance with a continuity obligation. This requirement has statutory authority, but the scale burden is real and documented.

Req. 50-9 (child benefit excluded from family assessment): The ANCHOR DOCUMENT notes that Hammerfest was sanctioned specifically for failing to implement a 2022 change to child benefit treatment, attributed to poor practice rather than scale. The ANCHOR DOCUMENT classifies this as scale-neutral. **NO** scale flag. The requirement is confirmed as not volume-sensitive in principle, though short-term competence demands arise when calculation rules change.

Req. 50-10 (always assess whether benefit can be granted): The ANCHOR DOCUMENT's §19 analysis (Alstahaug, Nav Skiptvet) directly confirms that the obligation to always assess all applicable provisions — including §19 — is structurally undermined by the [K]+[S] mechanisms in small generalist offices. The effective mandate for mandatory cross-provision assessment is empirically documented as volume-sensitive. **PARTIAL. Unsupported by circular framework.**

Req. 50-11 (activity conditions unless weighty reasons): The ANCHOR DOCUMENT's §20a section (Nav Vestby finding) confirms that the structural capacity to set and enforce activity conditions is volume-sensitive: Vestby lost its municipal activity programme, creating structural dependency on state measures with waitlists that prevent timely condition-setting. **PARTIAL** (the obligation itself is scale-neutral in principle; the structural capacity to fulfil it is volume-sensitive). This requirement has statutory authority; the scale interaction is noted.

Req. 50-12 (assess qualification programme before activity conditions): The ANCHOR DOCUMENT confirms that the KVP/activity-duty intersection produces sequential compliance demands that are structurally burdensome in offices lacking specialist capacity in both domains simultaneously. **PARTIAL. Unsupported by circular framework** (Kommunebrev only, no circular authority under § 50).

Req. 50-13 (best interests of child): The ANCHOR DOCUMENT identifies child-perspective documentation as the second most concentrated empirical failure domain, appearing in ~15–25 findings. Cluster 3 documents that generalist offices cannot simultaneously maintain the specialist competence to identify barnets beste in legal terms [K/S] and execute the documentation pipeline [D]. **YES** — directly confirmed by the child-perspective documentation cluster. This requirement has constitutional/statutory authority, but its documentation and operational demands are volume-sensitive.

Req. 50-14 (lawful residence assessment anchored to application date): The ANCHOR DOCUMENT identifies the EØS residence assessment (Requirement A-2 in Volume Driver §18 section) as a **latent volume driver of potentially high severity** with zero Set B confirmation. The finding is explicit: *"The EØS population eligible for §18 is by definition geographically and demographically concentrated, meaning that the vast majority of small municipalities will encounter these cases so rarely that competence cannot be sustained."* **YES** (flagged as latent high-severity driver). **Unsupported by circular framework.**

STEP 4 — PURPOSE CLASSIFICATION

Req. 50-1: The obligation to ensure adequate illumination of a case before deciding directly protects the legal security and quality of the user's case assessment. It prevents decisions made on incomplete factual bases. **[USER NEED].** The language — "saken er så godt opplyst som mulig" — is oriented toward case quality, not recording, reporting, or audit.

Req. 50-2: Individually calibrating the scope of mapping per case reflects user-oriented proportionality — preventing either over-investigation (burdensome to user) or under-investigation (harmful to user's rights). **[USER NEED].** Framing is explicitly individualised and user-protective.

Req. 50-3: Clarifying expected duration of need at the outset has a dual function: it aids planning (USER NEED) but also serves case management efficiency and internal workflow prediction. The language — "bør ... søke å avklare" — is aspirational rather than strictly mandatory, and the purpose is framed around the user's trajectory. **[MIXED].** Primary: USER NEED (enables appropriate long-term planning for the user); secondary: INTERNAL CONTROL (facilitates administrative resource allocation and case flow management). The advisory register (bør) reduces but does not eliminate the procedural burden.

Req. 50-4: Same-day assessment of emergency applications is oriented entirely toward protecting the user from harm during urgent need. **[USER NEED].** The language — "må vurderes raskt, helst samme dag" — is driven entirely by user protection logic, not by administrative reporting needs.

Req. 50-5: The obligation to assess how information should be documented — a meta-documentation requirement — primarily serves the internal record-keeping system and the supervisory audit trail. There is no direct user benefit from the caseworker's deliberation about documentation method, as opposed to the documentation itself. **[INTERNAL CONTROL].** The language — "vurdering av hvordan opplysningene skal dokumenteres" — is oriented toward the form of the administrative record, not the substance of the user's case outcome.

Req. 50-6: Processing applications through individual assessments based on mapping directly protects the user's right to a decision based on their specific circumstances rather than standardized templates. **[USER NEED].** The framing — "individuelle vurderinger basert på opplysninger fra kartleggingen" — is explicitly user-protective.

Req. 50-7: The obligation to conduct a discretionary assessment in every case protects the user from rigid, mechanistic application of rules and ensures flexibility appropriate to individual circumstances. **[USER NEED].** Skjønnsmessig vurdering is a core legal protection for users, not an administrative reporting instrument.

Req. 50-8: The obligation to always meet the help need until alternatives are available is a pure protective obligation directed at the user. **[USER NEED].** This is classified in the Process Inflation Findings as a SUBSTANTIVE LEGAL OBLIGATION, confirming its user-protective character.

Req. 50-9: The exclusion of child benefit and children's income from family assessments directly determines the financial outcome for the user. This is a calculation rule that affects

the amount of benefit granted. **[USER NEED].** Classified in Process Inflation Findings as SUBSTANTIVE LEGAL OBLIGATION with direct bearing on case outcome.

Req. 50-10: The obligation to always assess whether benefit can be granted under the applicable provision ensures that users are not denied access to entitlements through bureaucratic omission. **[USER NEED].** The obligation is directed at ensuring completeness of the user's entitlement check, not at producing administrative records.

Req. 50-11: The activity condition obligation is a substantive legal obligation with direct bearing on the user's rights and duties under § 20a. **[USER NEED]** in the sense that it implements a legislatively determined duty-right structure. However, the mandatory framing — *skal stilles vilkår* unless weighty reasons — also serves systemic incentive and control functions in the NAV regime. **[MIXED].** Primary: USER NEED (the condition structure is part of the user's rights and obligations under the Act); secondary: INTERNAL CONTROL (the uniformity of the obligation serves systemic labour market activation policy, not individual user protection in every case).

Req. 50-12: The sequential obligation to assess the qualification programme before setting activity conditions protects the user's right to have the more comprehensive programme considered before the less intensive condition is imposed. **[USER NEED].** This is a sequencing rule designed to protect user access to rights.

Req. 50-13: Assessment of children's best interests in affected cases is a constitutional and Convention-based user-protective obligation directed at the welfare of the child. **[USER NEED].** The child is the user whose interests are assessed; the obligation exists entirely in the child's interest.

Req. 50-14: The obligation to assess lawful residence anchored to the time of application protects the user from arbitrary temporal shifting of the assessment basis and ensures that entitlement is evaluated on the correct factual basis. **[USER NEED].** The temporal anchor (søknadstidspunktet) is a legal protection, not an administrative reporting device.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [USER NEED] (50-1 through 50-4, 50-6 through 50-10, 50-12 through 50-14) and most of the primary purpose of [MIXED] requirements: **No transaction cost burden is identified for the user-protective core of these requirements.** The administrative work they require is the substantive work of social services casework itself — assessing, deliberating, and deciding. This is not sludge.

Requirements classified [INTERNAL CONTROL] or [MIXED] where transaction costs are identified:

Req. 50-5 [INTERNAL CONTROL]: The caseworker must perform a secondary deliberative act — assessing not just what information needs to be gathered, but how it should be documented. This generates a documentation-method deliberation layer that is distinct from

both the investigation (content) and the recording (form). In practice, this means a caseworker must decide, for each piece of information in a case, whether to capture it in a journal note, in the formal decision, in a separate mapping document, or in some combination. This deliberation must itself be traceable and demonstrable to supervision. The transaction cost is: **periodic meta-documentation assessments per case, producing no user-facing output, serving exclusively the audit trail.** For a caseworker in a small office processing 5–15 complex cases per year, this produces an overhead layer that is not habituated by volume and must be reconstructed from first principles each time. **Since this requirement lacks circular authority under § 50, the transaction cost it imposes falls entirely outside any framework the circular provides guidance for.** Caseworkers must comply with an obligation that the primary normative instrument governing this paragraph does not acknowledge.

Req. 50-3 [MIXED] — secondary INTERNAL CONTROL element: The secondary function of duration-of-need clarification is administrative resource allocation. The caseworker must record not only the user's current needs but also their predicted trajectory, producing a time-horizon entry in the administrative record. This serves the NAV office's portfolio management and resource planning functions. Transaction cost: **duration-prediction documentation at intake, serving internal case management systems.** Advisory register (bør) reduces burden, but the expectation is clearly operationally embedded. Since this requirement lacks circular authority under § 50, the internal-control dimension of this obligation falls outside any guiding framework.

Req. 50-11 [MIXED] — secondary INTERNAL CONTROL element: The uniform application of the activity condition obligation — *skal*, unless weighty reasons — requires caseworkers to document not only that a condition was set, but that no weighty reasons were found to exist, or conversely that weighty reasons were identified and why. This creates a refusal-to-waive documentation requirement alongside the condition-setting itself. Transaction cost: **mandatory documentation of the absence of weighty reasons in every case where a condition is set, plus mandatory documentation of weighty reasons in every case where a condition is not set.** This is a symmetrical documentation burden covering all cases touching § 20a regardless of outcome. The volume sensitivity is confirmed in the ANCHOR DOCUMENT (Nav Vestby). However, this requirement has statutory authority under § 20a; the transaction cost is thus supported by the normative framework — but not by the circular under § 50.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: 50-1

PROVISION TEXT: The caseworker must ensure the case is as fully illuminated as possible before a decision is reached.

SOURCE INSTRUMENT: Veileder om økonomisk stønad etter sosialtjenesteloven (veileder — type b)

CIRCULAR AUTHORITY: ABSENT. Consequence: This requirement operates entirely outside the circular framework for § 50. § 50 is a commencement provision with no substantive content. Caseworkers governed by this requirement receive no normative guidance from the source paragraph.

LEGAL AUTHORITY: PARTIAL. The obligation to investigate adequately before deciding has forvaltningslov grounding and connects to §§ 18–19 of the Social Services Act, but has no anchor in § 50. The Process Inflation Findings flag it as MANGLER_HJEMMEL in relation to § 50 (ORPHAN — PROC-REQ-18.1).

DOUBLE AUTHORITY GAP: YES — circular authority ABSENT, statutory authority PARTIAL under § 50.

CATEGORY ERROR: NO (remains within social services law, but attribution to § 50 is a provision-level error).

SCALE FLAG: PARTIAL. The ANCHOR DOCUMENT confirms that the [K] mechanism (competence sustainability) undermines the capacity for genuine pre-decision illumination in offices with very low case volume. Alstahaug finding directly relevant.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified — this obligation constitutes the substantive investigative work of casework, not a layer added for administrative reporting purposes.

KILL LIST CLASSIFICATION: Category C — Clarification. The requirement is legitimate in its content and has adequate legal grounding in the correct provisions (§§ 18–19). The problem is attribution: it has been mapped to § 50 (commencement) rather than to the substantive provisions it actually operationalises. The clarification required is correct mapping to its home paragraph. No removal or language change is needed; correct placement is.

TRANSACTION COST CATEGORY: No Transaction Cost Identified (for the user-protective core). Note: structural mismapping to § 50 may create confusion about the applicable normative framework.

REQUIREMENT ID: 50-2

PROVISION TEXT: The extent of mapping required must be assessed individually in each case.

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b)

CIRCULAR AUTHORITY: ABSENT. § 50 contains no guidance on case assessment methodology.

LEGAL AUTHORITY: PARTIAL. Individual assessment is legally grounded in §§ 18–19, not § 50. ORPHAN — PROC-REQ-18.2.

DOUBLE AUTHORITY GAP: YES

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL. The [K] mechanism confirms that calibrating appropriate mapping scope requires encounter-frequency-based professional judgment that erodes in low-volume offices.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. Calibrating mapping scope is substantive casework, not reporting overhead.

KILL LIST CLASSIFICATION: Category C — Clarification. Content is sound; attribution to § 50 is the error. Correct mapping to §§ 18–19 framework.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: 50-3

PROVISION TEXT: At the start of mapping, the caseworker should seek to clarify the expected duration of the user's assistance need.

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: NO direct statutory basis for this specific sequential step. The underlying principle (planning for user trajectory) has a loose connection to §§ 18–19 but the specific instruction has no statutory anchor. ORPHAN — PROC-REQ-18.3.

DOUBLE AUTHORITY GAP: YES

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL. Accurately predicting assistance duration requires the professional judgment that comes with sufficient caseload. Low-volume generalist offices cannot sustain this judgment reliably.

PURPOSE: MIXED — primary USER NEED (enables appropriate planning for the user); secondary INTERNAL CONTROL (supports portfolio management and resource allocation in the NAV system).

BURDEN DESCRIPTION: The caseworker must, at intake, make and record a prediction about the user's expected duration of need. This duration assessment must be documented in the case record. It serves internal workflow and planning functions in addition to the user's

case. The advisory register (bør) reduces but does not eliminate the operational expectation. Since this requirement lacks circular authority under § 50, the internal-control dimension falls outside any guiding framework — caseworkers are expected to produce duration assessments that serve system-level planning without normative guidance from the paragraph governing their work.

KILL LIST CLASSIFICATION: Category B — Status Change. The mandatory-facing language in the veileder operationalisation of this bør-requirement creates a shadow obligation without binding authority. Reformulation to explicitly permissive language would restore local discretion and clarify that duration assessment is a professional tool, not a compliance obligation.

TRANSACTION COST CATEGORY: Documentation Inflation (secondary element only — the internal-control dimension of duration recording).

REQUIREMENT ID: 50-4

PROVISION TEXT: Emergency applications must be assessed quickly, preferably on the same day.

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: PARTIAL. An emergency response obligation has statutory grounding in the nødhjelpsplikten and §§ 18–19 read in the light of the human dignity principle. The specific time specification "helst samme dag" is a veileder addition without direct statutory text. ORPHAN — PROC-REQ-18.4.

DOUBLE AUTHORITY GAP: YES (ABSENT circular; PARTIAL statutory — specific time specification lacks direct basis).

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL. The ANCHOR DOCUMENT's [S] and [C] findings on single-specialist configurations confirm structural capacity constraints on same-day processing in small offices, particularly during specialist absences.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified for the emergency response obligation itself. The time pressure it creates is directed at user protection, not recording or reporting.

KILL LIST CLASSIFICATION: Category C — Clarification. The emergency response obligation itself is legally grounded and user-protective. The "same day" specification should be clarified as a target rather than a binding threshold, given the absence of direct statutory

basis for that specific time standard. Correct mapping to the substantive emergency provisions, not § 50.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: 50-5

PROVISION TEXT: The caseworker must make a concrete individual assessment of how information should be documented.

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: NO. No statutory provision requires a caseworker to conduct a meta-assessment of documentation methodology as a distinct procedural step. The obligation to document information is legally grounded; the obligation to assess how to document it as a separate deliberate act is not. ORPHAN — PROC-REQ-18.5.

DOUBLE AUTHORITY GAP: YES

CATEGORY ERROR: NO

SCALE FLAG: YES. The ANCHOR DOCUMENT identifies the [D] Documentation Apparatus as the dominant empirical mechanism (~42–65% of findings). This requirement adds a second-order layer — documentation-method deliberation — on top of the primary documentation burden, compounding the [D] load without adding user value. This second-order obligation is structurally disproportionate in small offices where the primary documentation burden already exceeds capacity.

PURPOSE: INTERNAL CONTROL. The caseworker's deliberation about how to document information serves the audit trail and supervision verification function, not the user's case outcome. The language — "vurdering av hvordan opplysningene skal dokumenteres" — is oriented toward the form of the record, not its substance.

BURDEN DESCRIPTION: The caseworker must, for each case, conduct and (implicitly) be able to demonstrate a deliberate assessment of documentation methodology — distinguishing between journaling, formal decision, mapping document, etc. This is a recurring meta-documentation task adding administrative deliberation at the level of record design. It generates no user-facing output. In small offices, this obligation compounds the [D] mechanism: caseworkers who struggle to maintain the primary documentation pipeline (formal vedtak, journal notes) are required simultaneously to demonstrate methodological deliberation about that pipeline. Since this requirement lacks circular authority under § 50, the transaction cost falls entirely outside any framework the circular provides guidance for.

KILL LIST CLASSIFICATION: Category A — Removal. This requirement lacks direct legal authority in the Social Services Act as an independent procedural obligation. The documentation obligation itself is legally grounded; the requirement to assess how to

document as a distinct procedural step is a pure veileder construction that adds no user value and compounds the documentation burden without regulatory foundation. Candidate for repeal from the normative framework.

TRANSACTION COST CATEGORY: Documentation Inflation; Combined Burden (compounds the [D] mechanism).

REQUIREMENT ID: 50-6

PROVISION TEXT: Application processing must be based on individual assessments derived from the mapping.

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: PARTIAL. The individual assessment principle is legally grounded in §§ 18–19. The specific articulation linking processing to kartlegging output is a veileder construction. ORPHAN — PROC-REQ-18.6.

DOUBLE AUTHORITY GAP: YES

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL. The [K] mechanism (competence sustainability) and §19 findings (Alstahaug, Nav Skiptvet) confirm that individual assessment capacity is volume-sensitive and erodes toward standardized processing in low-volume generalist offices.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. Individual assessment based on mapped information is the substantive work of social services casework.

KILL LIST CLASSIFICATION: Category C — Clarification. Content is sound; attribution to § 50 is the error. Correct placement under §§ 18–19.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: 50-7

PROVISION TEXT: A discretionary assessment must be conducted in every individual case.

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: PARTIAL. The duty to exercise discretion is legally grounded in §§ 18–19 and forvaltningsrettens general principles. The specific repeated formulation in the veileder creates a procedural presentation of this duty that exceeds what the statute itself specifies. ORPHAN — PROC-REQ-18.7.

DOUBLE AUTHORITY GAP: YES

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL. The ANCHOR DOCUMENT confirms that genuine skjønn erodes toward standardized templates in low-volume generalist offices ([K]+[S] mechanisms). The effective mandate for individualized discretion is documented as volume-sensitive.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. Exercising discretion is the core professional and legal obligation of social services casework.

KILL LIST CLASSIFICATION: Category C — Clarification. The requirement is legally sound in substance; its attribution to § 50 and the procedural framing in the veileder should be corrected by mapping it to §§ 18–19.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: 50-8

PROVISION TEXT: The caseworker must always meet the assistance need until alternatives are available.

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b); underlying authority in §§ 18 and nødhjelpsplikten.

CIRCULAR AUTHORITY: ABSENT. § 50 contains no commencement-of-service obligation.

LEGAL AUTHORITY: YES. The Process Inflation Findings classify this as SUBSTANTIVE LEGAL OBLIGATION. Legal authority exists under §§ 18 and the nødhjelpsplikten, but is attributed to the wrong paragraph.

DOUBLE AUTHORITY GAP: NO — statutory authority is present (YES), though circular authority is ABSENT. First-order attribution gap only.

CATEGORY ERROR: NO

SCALE FLAG: YES. The ANCHOR DOCUMENT's [S] mechanism findings on single-specialist configurations (Løten, Nav Vefsna, Sveio, Nes) document that the obligation to continuously meet need fails structurally when the only competent person is absent. Service continuity collapses entirely.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. This is a substantive protective obligation whose fulfilment requires service delivery capacity, not documentation overhead.

KILL LIST CLASSIFICATION: No Kill List Action — the requirement has sufficient legal authority. Attribution to § 50 should be corrected to the home provisions (§§ 18 and nødhjelpsplikten) through a cross-referencing clarification.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: 50-9

PROVISION TEXT: When assessing benefit for families, child benefit and children's income must not be included in the calculation.

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b); underlying authority in §§ 18 and relevant regulatory amendments.

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: YES. Classified as SUBSTANTIVE LEGAL OBLIGATION with specific legislative/regulatory grounding. The 2022 legislative change on child benefit treatment is confirmed in the ANCHOR DOCUMENT (Hammerfest finding).

DOUBLE AUTHORITY GAP: NO — statutory authority is present. First-order attribution gap only.

CATEGORY ERROR: NO

SCALE FLAG: NO. The ANCHOR DOCUMENT classifies this as scale-neutral. Classification stands.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. This is a substantive calculation rule determining user benefit amounts.

KILL LIST CLASSIFICATION: No Kill List Action — sound legal authority. Attribution correction to §§ 18 and relevant regulatory provisions recommended.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: 50-10

PROVISION TEXT: It must always be assessed whether benefit can be granted under the applicable provision (§§ 18 and 19).

SOURCE INSTRUMENT: Veileder om økonomisk stønad (veileder — type b)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: PARTIAL. The obligation to assess all applicable provisions before deciding has a forvaltningslov grounding and indirect connection to §§ 18–19. The specific always-assess formulation linking both provisions as a mandatory cross-check is a veileder construction without explicit statutory text. ORPHAN — PROC-REQ-18.10.

DOUBLE AUTHORITY GAP: YES

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL. The [K]+[S] findings (§19 analysis, Alstahaug, Nav Skiptvet) confirm that the obligation to always apply §19 as a fallback provision erodes in generalist low-volume offices toward omission.

PURPOSE: USER NEED. Ensuring that all applicable benefit provisions are assessed protects the user from administrative omission of entitlements.

BURDEN DESCRIPTION: No transaction cost burden identified in the primary sense — this is a case-completeness obligation protecting user access to rights. However, the "always" formulation creates a structural documentation expectation: caseworkers must be demonstrably able to show they considered §19 even in cases where it was found inapplicable, creating a refusal-to-apply documentation layer. This secondary element carries a modest Documentation Inflation dimension.

KILL LIST CLASSIFICATION: Category C — Clarification. The substance is sound. The procedural operationalisation — particularly the implicit expectation that consideration of §19 must be demonstrable in every case record — should be clarified to make explicit that the always-assess obligation does not require a separate written §19 analysis in every routine case. Correct attribution to §§ 18–19, not § 50.

TRANSACTION COST CATEGORY: Documentation Inflation (minor, secondary element only).

REQUIREMENT ID: 50-11

PROVISION TEXT: Activity conditions must be set unless weighty reasons oppose it.

SOURCE INSTRUMENT: Kommunebrev 2025 (Kommunebrev — type a)

CIRCULAR AUTHORITY: ABSENT from § 50.

LEGAL AUTHORITY: YES. Classified as SUBSTANTIVE LEGAL OBLIGATION. Authority derives from § 20a (activity duty for persons under 30). The Kommunebrev operationalises legislative intent with binding *skal*-language. Authority is present but under the wrong paragraph.

DOUBLE AUTHORITY GAP: NO — statutory authority is present. First-order attribution gap only.

CATEGORY ERROR: NO (though this requirement belongs under § 20a, not § 18/§ 50 — provision-level attribution error within the Act).

SCALE FLAG: PARTIAL. The ANCHOR DOCUMENT (Nav Vestby, §20a analysis) confirms that structural capacity to set and fulfil activity conditions is volume-sensitive when municipal activity programmes close and state measures have long waitlists.

PURPOSE: MIXED — primary USER NEED (implements the legislatively determined rights and duty structure for the user); secondary INTERNAL CONTROL (the uniformity requirement — *skal* unless weighty reasons — serves systemic monitoring and accountability functions, requiring documentation of reason-assessment in every case).

BURDEN DESCRIPTION: The caseworker must, in every case involving a person under 30 receiving financial assistance, document either (a) that a condition was set and why it was appropriate, or (b) that weighty reasons against a condition were identified and articulated. This symmetrical documentation burden applies regardless of outcome and must be demonstrable to supervision. It competes for caseworker capacity with the primary task of case assessment. The obligation has statutory authority, but since it lacks circular authority under § 50, any normative guidance for applying it must be sourced from the § 20a framework — creating a normative gap in the paragraph under analysis.

KILL LIST CLASSIFICATION: No Kill List Action in relation to the substantive obligation. Provision-level attribution correction required: this requirement belongs under § 20a, not § 50 or § 18.

TRANSACTION COST CATEGORY: Documentation Inflation (secondary, from the reason-documentation obligation on both outcomes).

REQUIREMENT ID: 50-12

PROVISION TEXT: The right to a qualification programme must be assessed before activity conditions are set.

SOURCE INSTRUMENT: Kommunebrev 2025 (Kommunebrev — type a)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: PARTIAL. The sequential obligation — assess KVP before vilkår — has a connection to §§ 20a and 29, but the specific sequencing rule is established by the Kommunebrev rather than the statute. No statutory text explicitly mandates this ordering. ORPHAN — PROC-REQ-18.12.

DOUBLE AUTHORITY GAP: YES

CATEGORY ERROR: NO (though the requirement belongs under § 20a / § 29, not § 50 — provision-level attribution error).

SCALE FLAG: PARTIAL. The [S] and [C] mechanisms confirm that maintaining sufficient competence in both the KVP domain and the activity-duty domain simultaneously — as this sequential requirement demands — is structurally challenging in small generalist offices.

PURPOSE: USER NEED. The sequential assessment protects the user's right to have the more comprehensive programme (KVP) considered before the less intensive condition is imposed.

BURDEN DESCRIPTION: No primary transaction cost burden identified — this is a sequencing protection for the user's rights. Secondary burden: the caseworker must demonstrate that the KVP assessment was conducted before the condition was set, requiring a sequential record trail. Since this requirement lacks circular authority under § 50, the normative guidance for executing this sequence must be sought in the § 20a / § 29 framework.

KILL LIST CLASSIFICATION: Category C — Clarification. The sequencing obligation is user-protective and has partial legal grounding. The degree to which the Kommunebrev creates a binding obligation — rather than a recommended best-practice sequence — should be made explicit. Correct attribution to § 20a / § 29.

TRANSACTION COST CATEGORY: Procedural Duplication (minor — the sequential documentation of KVP assessment before vilkår-setting adds process steps).

REQUIREMENT ID: 50-13

PROVISION TEXT: Where children are affected, the best interests of the child must be assessed in each case.

SOURCE INSTRUMENT: Barnets beste — veileder (veileder — type b)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: YES (in substance). Constitutional authority in Grunnloven § 104, international law authority in barnekonvensjonen art. 3, and Social Services Act grounding in § 18. The Process Inflation Findings flag links to § 18 and Grunnloven § 104, neither present in § 50. The substantive obligation is constitutionally grounded; the documentation and operationalisation specifications are veileder constructions. ORPHAN — PROC-REQ-18.13.

DOUBLE AUTHORITY GAP: NO — constitutional and statutory authority is present. First-order attribution gap only.

CATEGORY ERROR: NO

SCALE FLAG: YES. The ANCHOR DOCUMENT's Cluster 3 (child-perspective documentation) is directly confirmed: the obligation to individually map and document

children's needs produces documented failures in ~15–25 supervision reports. Generalist offices cannot simultaneously maintain the specialist competence to identify barnets beste in legal terms and execute the documentation pipeline. The ANCHOR DOCUMENT identifies this as a Track A intersection: a specific statutory duty is being rendered inoperative by frequency-of-encounter failure.

PURPOSE: USER NEED. The child is the user whose interests are assessed. The obligation exists entirely in the child's interest and derives from constitutional and Convention-level sources.

BURDEN DESCRIPTION: No transaction cost burden identified for the substantive assessment. However, the documentation specification — the obligation to make the barnets beste assessment visible in the written case record — adds a Documentation Inflation element, confirmed as the dominant compliance failure in this domain. Since this requirement lacks circular authority under § 50, the normative guidance for executing the documentation dimension must be sourced from the § 18 / Grunnloven § 104 framework.

KILL LIST CLASSIFICATION: No Kill List Action for the substantive obligation (constitutional grounding). The documentation operationalisation layer should be reviewed under Category C — Clarification to explicitly distinguish the substantive assessment obligation (constitutionally mandatory) from the specific documentation specifications (sub-legal veileder constructions subject to proportionality review). Correct attribution to §§ 18 and the constitutional framework, not § 50.

TRANSACTION COST CATEGORY: Documentation Inflation (documentation operationalisation element); No Transaction Cost Identified (for the substantive user-protective core).

REQUIREMENT ID: 50-14

PROVISION TEXT: The caseworker must always make a concrete assessment of lawful residence anchored to the time of application.

SOURCE INSTRUMENT: Veileder lovlig opphold for EØS-borgere (veileder — type b)

CIRCULAR AUTHORITY: ABSENT.

LEGAL AUTHORITY: PARTIAL. The residence assessment obligation connects to § 18 as interpreted through EØS law. The specific temporal anchor (søknadstidspunktet) and procedural specifications are veileder constructions. ORPHAN — PROC-REQ-18.14.

DOUBLE AUTHORITY GAP: YES

CATEGORY ERROR: NO

SCALE FLAG: YES. The ANCHOR DOCUMENT explicitly flags EØS residence assessment (Requirement A-2) as a **latent volume driver of potentially high severity**: *"the vast majority of small municipalities will encounter these cases so rarely that competence cannot*

be sustained even as a latent capacity — yet the legal obligation is stated in mandatory terms." Zero Set B confirmation exists, but the latency of the driver makes it a high-risk undetected problem. Since this requirement lacks circular authority under § 50, the latent burden it imposes is entirely unsupported by the circular framework.

PURPOSE: USER NEED. The temporal anchor (søknadstidspunktet) protects the user from arbitrary retrospective reassessment of their residence basis and ensures the decision is grounded in the facts at the relevant moment.

BURDEN DESCRIPTION: The caseworker must conduct and document a concrete legal assessment of the user's residence status under EØS law, specifically referencing facts as of the application date. This requires maintaining sufficient legal competence in EØS immigration directives to distinguish between categories of residence entitlement — a specialist assessment that the ANCHOR DOCUMENT confirms cannot be sustained in small offices with rare encounters. Since this requirement lacks circular authority under § 50, the burden falls entirely outside any framework the circular provides guidance for. The EØS-veileder is the sole normative instrument governing this assessment.

KILL LIST CLASSIFICATION: Category C — Clarification. The obligation is user-protective and has legal grounding in § 18 / EØS law. The specific procedural operationalisation should be explicitly located in its home normative framework (§ 18 and the EØS-veileder) rather than in § 50. The latent scale vulnerability identified in the ANCHOR DOCUMENT should trigger a review of whether this obligation requires structural support (shared regional competence, intermunicipal specialist access) that current normative instruments do not address.

TRANSACTION COST CATEGORY: Structural Disproportionality (the obligation imposes specialist legal assessment demands on generalist staff who encounter it too rarely to sustain competence — a scale-driven structural disproportionality confirmed as latent in the ANCHOR DOCUMENT).

CLOSING COMPARATIVE NOTE

Requirements identified from the Process Inflation Findings: 14

Requirements visible from the circular paragraph (§ 50) alone: 0

Ratio of visibility: 14 : 0. § 50 is a commencement provision with zero substantive content. Every single requirement operating in this normative space is invisible from the circular. The analytical value of using the Process Inflation Findings as the reference document is absolute here — without it, there is nothing to audit.

Double authority gaps (ABSENT circular + NO or PARTIAL statutory authority under § 50): 10 (Requirements 50-1, 50-2, 50-3, 50-4, 50-5, 50-6, 50-7, 50-10, 50-12, 50-14)

First-order attribution gaps (ABSENT circular authority, but statutory authority exists under a different provision): 4 (Requirements 50-8, 50-9, 50-11, 50-13)

Category errors (requirements from a different legal domain): 0. All requirements operate within social services law, constitutional law, or international law as applied through social services. However, two provision-level attribution errors are identified within the Act: requirements 50-11 and 50-12 belong under § 20a / § 29, not § 18 or § 50.

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	1	50-5
Category B — Status Change	1	50-3
Category C — Clarification	8	50-1, 50-2, 50-4, 50-6, 50-7, 50-10, 50-12, 50-14
No Kill List Action	4	50-8, 50-9, 50-11, 50-13

Transaction cost categories by frequency:

Category	Count
No Transaction Cost Identified	10
Documentation Inflation	4 (50-3 secondary, 50-10 secondary, 50-11 secondary, 50-13 secondary)
Structural Disproportionality	1 (50-14)
Combined Burden	1 (50-5, primary)
Procedural Duplication	1 (50-12)
Reporting Overhead	0

Dominant analytical finding: The primary issue for § 50 is not process inflation in the ordinary sense — it is systemic misattribution. All 14 requirements have been mapped to a commencement provision that provides no normative foundation for any of them. Ten carry double authority gaps; four carry first-order attribution errors. The one removal candidate (50-5) is the only requirement that lacks both circular authority and direct statutory grounding for the specific obligation it imposes. The remaining Kill List items are clarification and status-change candidates where the substantive content has adequate legal grounding but resides in the wrong normative address.

The most consequential finding for the main report is the 14:0 visibility ratio. An auditor or caseworker working only from the circular text governing this paragraph would encounter no requirements at all — yet the Process Inflation Findings reveal a substantial obligation load, entirely sub-legal in origin, operating without any anchor in the provision they are nominally

associated with. This is the structural signature of an accumulated normative practice that has outgrown its textual moorings.

SLUDGE AUDIT — § 51 OVERGANGSBESTEMMELSER

Session reference: § 51 | Instrument: Rundskriv 35, § 51 mapping **Analytical framework:** Sludge Audit Protocol v.1

PRELIMINARY METHODOLOGICAL NOTE

Mandatory structural observation before Step 1.

Requirement count from Process Inflation Findings: 0 operational requirements.
Requirement count visible from the circular paragraph alone: 0 operational requirements.

The structural observation is therefore symmetrical and null: neither the Process Inflation Findings nor the circular paragraph yields any documentation requirements or procedural obligations on NAV staff or municipal administration. The core analytical value of using the Process Inflation Findings as the reference document — its capacity to surface requirements invisible from the circular alone — cannot be demonstrated for this paragraph, because the findings themselves confirm the absence of any requirement layer.

The single candidate item noted in the Process Inflation Findings (designated PROC-REQ-51.1 in the source analysis) was explicitly assessed and dismissed as a non-requirement. The finding characterizes it as *"a descriptive paraphrase of the law"* rather than a circular requirement imposing duties on case-processors. It is not a *Rundskriv-krav* within the meaning of the extraction framework.

Source mapping for requirements with no textual presence in the circular: Not applicable. There are no requirements in the Process Inflation Findings, and therefore no requirements to classify by instrument type (Kommunebrev, veileder, standard document, guidance document, or other sub-legal instrument).

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Reading the Process Inflation Findings in full, the enumeration of documentation requirements and procedural obligations is:

Total requirements identified: 0.

The Process Inflation Findings yield no obligations to carry forward into Steps 2 through 6.

For completeness, the analytical status of PROC-REQ-51.1 is recorded:

PROC-REQ-51.1 — *"Kongen kan gi forskrifter om lovens anvendelse for vedtak som er truffet etter lover som blir opphevet ved denne loven, og om saker som er under behandling etter disse lovene."*

Status: Rejected as a requirement by the Process Inflation Findings. This is a legislative authorization to the executive branch to issue transitional regulations. It confers a regulatory competence on the King in Council; it does not impose any documentation demand, reporting obligation, or procedural duty on caseworkers, NAV leaders, or municipal administration. It has no operational footprint in social services casework. It is not carried forward.

STEP 2 — LEGAL AUTHORITY CHECK

Not applicable. No requirements were identified in Step 1. There are no entries to subject to bi-directional authority analysis. No first-order authority gaps, double authority gaps, or category errors can be identified.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Not applicable. No requirements were identified in Step 1. Cross-reference against the Volume Driver Findings (Anchor Document) produces no matches. The Anchor Document covers volume-sensitive drivers under §§ 17, 18, 19, and 20a; none of those drivers have any structural connection to § 51, which is a purely transitional provision with no operational content.

STEP 4 — PURPOSE CLASSIFICATION

Not applicable. No requirements were identified in Step 1. No classification as [USER NEED], [INTERNAL CONTROL], or [MIXED] is possible.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Not applicable. No requirements classified as [INTERNAL CONTROL] or [MIXED] exist. No transaction cost burden is identified for this paragraph. § 51 imposes no casework burden, no documentation demand, and no reporting obligation on any actor in the social services administrative system.

STEP 6 — CATALOG ENTRIES

No catalog entries are produced. The requirement enumeration in Step 1 is exhaustive and yields zero entries. The catalog for § 51 is empty.

CLOSING COMPARATIVE NOTE

Synthesis output for main report and Kill List deliverables.

Metric	Count
Requirements identified from Process Inflation Findings	0
Requirements visible from the circular paragraph alone	0
Double authority gaps	0
Category errors (requirements from a different legal domain)	0
Kill List Category A (candidates for repeal)	0
Kill List Category B (candidates for reformulation)	0
Kill List Category C (candidates for clarification)	0
Transaction cost categories triggered	None

Primary analytical finding: § 51 is a pure delegation norm. It transfers regulatory authority over transitional arrangements to the King in Council. It neither grants rights to users nor imposes obligations on administrators. It generates no operational requirements, no documentation demands, no procedural obligations, and no burden of any kind on caseworkers or NAV leaders.

Significance for the main report: The null result for § 51 is itself analytically informative. The Sludge Audit protocol, applied to a paragraph with no operational content, correctly returns zero findings. This confirms that the methodology is sensitive to the distinction between legislative text that does normative work on the administrative system and legislative text that merely empowers further rulemaking. § 51 belongs entirely to the latter category.

Kill List contribution: Zero entries. § 51 requires no action under any Kill List category.

Volume Driver intersection: None. The Anchor Document's findings on scale-sensitive requirements — concentrated in debt counseling (§ 17), financial assistance (§ 18/19), activity duty (§ 20a), and internal control (§ 5) — have no structural connection to a transitional provision. The dominant mechanisms identified in the Anchor Document ([D] Documentation Apparatus, [P] Procedural Continuity, [C] Coordination Infrastructure) are all

operationalized through substantive service provisions; they are not implicated by a regulatory delegation clause.

SLUDGE AUDIT — § 51 a (Rundskriv 35, section 6.51a.1)

PRELIMINARY METHODOLOGICAL NOTE

Structural comparison between Process Inflation Findings and circular paragraph alone:

Starting from the circular paragraph (§ 51a / 6.51a.1) in the CONTEXT DOCUMENT, a direct reading would reveal: zero requirements directed at caseworkers or municipalities. The paragraph describes the legislative authority granted to the Ministry to issue temporary regulations during infectious disease emergencies, notes that such a regulation was issued during Covid-19, and states that it expired on 1 April 2022. No obligations, procedures, documentation duties, or behavioural commands are addressed to frontline staff or municipal leaders.

Starting from the Process Inflation Findings in the REFERENCE DOCUMENT, the structural observation is identical: **zero (0) extractable requirements**. The findings explicitly confirm that "no obligations, procedures, documentation duties, or behavioural commands directed at caseworkers or municipalities are stated."

Comparison result: There is no divergence between the two starting points in this case. Both yield zero requirements. This is itself analytically significant — it means § 51a is a pure enabling provision that has been correctly preserved in the circular as descriptive and historical commentary, without generating shadow obligations or procedural inflation.

Requirements with no textual presence in the circular: None applicable, as no requirements exist from either entry point.

Consequence for the audit: Steps 1 through 6 proceed as null-result entries. This is not an analytical failure; a null result is a substantive finding that § 51a is free of sludge by design.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

No requirements are identified. The Process Inflation Findings confirm that § 51a / 6.51a.1 contains no documentation requirements, procedural obligations, reporting duties, or behavioural commands directed at caseworkers or municipalities.

The paragraph performs three functions, none of which constitute requirements in the Sludge Audit sense:

- It delimits the scope of the enabling provision to situations involving outbreak or risk of outbreak of a dangerous communicable disease.
- It identifies which statutory provisions may be temporarily excepted by ministerial regulation (§ 20, § 20a, §§ 29–40, § 26).
- It records, in past tense, that a temporary regulation was issued during Covid-19 and expired on 1 April 2022.

None of these functions impose obligations on any administrative actor below the Ministry level.

Proceeding to Steps 2–5 is not applicable. No requirement exists to subject to authority checking, scale analysis, purpose classification, or transaction cost characterization.

STEP 6 — CATALOG ENTRY

REQUIREMENT ID: § 51a — No requirement identified

PROVISION TEXT: Not applicable. § 51a / 6.51a.1 contains no provision imposing obligations on caseworkers or municipalities.

SOURCE INSTRUMENT: Rundskriv 35, § 51a, section 6.51a.1

CIRCULAR AUTHORITY: Not applicable — no requirement exists against which to assess circular authority.

LEGAL AUTHORITY: Not applicable.

DOUBLE AUTHORITY GAP: NO — absence of a requirement means there is no gap to identify.

CATEGORY ERROR: NO

SCALE FLAG: NO — the Volume Driver Findings in the ANCHOR DOCUMENT contain no entries for § 51a, consistent with the null-requirement finding here.

PURPOSE: Not applicable.

BURDEN DESCRIPTION: No administrative burden is identified. No documentation demand, reporting obligation, or procedural compliance cost falls on caseworkers or NAV leaders from this paragraph.

KILL LIST CLASSIFICATION: No Kill List Action. The paragraph imposes no requirements and is therefore not a candidate for repeal, reformulation, or clarification in the Sludge Audit sense. The provision is structurally clean.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

CLOSING COMPARATIVE NOTE

Dimension	Count
Requirements identified from Process Inflation Findings	0
Requirements visible from circular paragraph alone	0
Double authority gaps	0
Category errors (requirements from a different legal domain)	0
Kill List — Category A (removal candidates)	0
Kill List — Category B (status change candidates)	0
Kill List — Category C (clarification candidates)	0
No Kill List Action	1 (the paragraph as a whole)
Primary transaction cost categories	None identified

Analytical interpretation:

§ 51a is the cleanest provision in the circular from a Sludge Audit perspective. It is a pure delegating provision — it grants the Ministry emergency regulatory authority and records that this authority was exercised and has since lapsed. It generates no documentation inflation, no procedural duplication, no reporting overhead, and no structural disproportionality.

The null result here has positive value for the main report in two respects. First, it confirms that the audit methodology is capable of returning a clean finding where one is warranted, establishing that the framework does not manufacture sludge where none exists. Second, it provides a baseline reference case: § 51a represents the structural form that an enabling provision should take — it operates at the Ministry level, does not reach down into frontline administrative practice, and imposes nothing on the municipal administrative layer that the social services system actually operates through.

The contrast with paragraphs in the circular that do generate sludge — particularly those concerning § 17 debt counseling formalization, internal control architecture, and the documentation apparatus — is analytically useful precisely because § 51a demonstrates that the problem identified elsewhere is not inherent to the circular as an instrument but is specific to how individual provisions have been drafted and operationalized.