

PUBLIC WELFARE

CHAPTER 419

S. B. No. 427
(Nething, Lips, Kelly)

FOSTER FAMILY CARE HOMES FOR ADULTS AND CHILDREN

AN ACT

To provide for the establishment, licensing, and supervision of foster family care homes for adults; to amend and reenact sections 50-11-01, 50-11-02, 50-11-03, 50-11-04, 50-11-05, 50-11-06, 50-11-07, 50-11-08, 50-11-09 and 50-11-10 of the North Dakota Century Code, relating to the establishment, licensing and supervision of children's homes.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 50-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-01. Foster Family Care Home for Children—License Required.) Any person, partnership, voluntary association, or corporation owning or operating a home or institution receiving for day care or full-time foster family care for children or otherwise during the calendar year, one or more children under the age of eighteen years shall procure annually from the public welfare board a license so to do. The provisions of this section shall not apply when the children received by such person are related to him by blood or marriage, nor shall it apply to any home or institution under the management and control of the state.

Section 2. Amendment.) Section 50-11-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-02. License Granted—Term.) A license for the operation of a home or institution for receiving children shall

be granted by the public welfare board to reputable and responsible persons upon showing that:

1. The premises to be used are in fit sanitary condition and properly equipped to provide good care for all children who may be received;
2. The persons in active charge of such home or institution and their assistants are properly qualified to carry on efficiently the duties required of them;
3. The home or institution is likely to be conducted for the public good in accordance with sound social policy and with due regard to the health, morality, and well-being of all children cared for therein; and
4. The institution or home will be maintained according to the standards prescribed for its conduct by the rules and regulations of the public welfare board. Such license shall be in force and effect for a period of not more than one year.

Section 3. Amendment.) Section 50-11-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-03. Public Welfare Board To Make Rules and Regulations—Children Registered.) The public welfare board may prescribe forms for the registration and record of all children and adults cared for in any home or institution licensed under this chapter and shall make such reasonable rules and regulations for the conduct of such place as are necessary to carry out the purposes of this chapter.

Section 4. Amendment.) Section 50-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-04. Inspection by the Public Welfare Board.) The public welfare board and its authorized agents at any time may inspect any home or institution licensed under the provisions of this chapter. The board and its agents shall have full and free access to every part of such home or institution. All records of the home or institution shall be open for the

inspection of the board or its agents and they may see and interview all children and adults cared for therein.

Section 5. Amendment.) Section 50-11-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-05. Contents of Records Not Disclosed—Exception.) No agent of the public welfare board shall disclose the contents of the records of homes or institutions licensed under the provisions of this chapter or of reports which may be received therefrom, except:

1. In a judicial proceeding;
2. To officers of the law or other legally constituted boards or agencies; or
3. To persons having a definite interest in the well-being of the child or children concerned and who are in a position to serve their interests should that be necessary.

Section 6. Amendment.) Section 50-11-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-06. Children's Home Not to Hold Itself Out As Having Authority to Dispose of Child by Adoption Unless Licensed.) No licensee under the provisions of this chapter shall hold himself out as having authority to dispose of any child, nor shall he advertise that he will give children for adoption, or hold himself out directly or indirectly, as being able to dispose of children, unless he shall have been licensed so to do expressly by the public welfare board, according to law.

Section 7. Foster Family Care Home for Adults Defined.) As used in this chapter, the term foster family care home for adults shall mean any home in which four or less adults who are eligible for or receiving public assistance and not related by blood or marriage to the licensee of said home are received, kept and provided with food, shelter and care for hire or compensation.

Section 8. Public Welfare Board to Establish Standards—Licensing—Inspection—Prosecute Violations.) It shall be

the duty of the public welfare board of North Dakota, herein-after referred to as the board, to establish reasonable minimum standards for such homes. The board shall grant annual licenses to such homes as conformed to the standards established and to comply with the rules prescribed, inspect all places which are provided for in the preceding section, and prosecute all violation of this chapter. Upon request of the board, the county welfare board of the county wherein the home is located, shall inspect any place for which a license is applied for or issued and shall report these findings to the board.

Section 9. License Required—Term—Revocation.) No person shall keep, operate, conduct or manage a foster family care home for adults as defined in this chapter, without holding a valid license issued by such board as herein provided. License shall not be valid for more than one year. Any license may be revoked by the board for violation of the provisions of this chapter and the rules which may be prescribed by the board.

Section 10. Contents of License.) The license shall show the name of the owner or operator of the foster family care home for adults, its location and the maximum number of persons who may be received and kept in the home at any one time.

Section 11. Records Kept By Home.) A record of every adult person received and kept by any such foster family care home for adults shall be maintained by the owner or operator in the manner and form prescribed by the board at the place licensed.

Section 12. The Board to Furnish Information When Requested.) It shall be the duty of the board whenever called upon by any person, organization or corporation interested in establishing such a foster family care home for children or adults to furnish information concerning the minimum requirements for such home, and concerning the need for such foster family care home for children or adults in any given community.

Section 13. Amendment.) Section 50-11-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-07. Revocation of License.) The public welfare board may revoke the license of any foster family care home or institution for children or adults upon proper showing that:

1. Any of the conditions set forth in section 50-11-02 as prerequisites for the issuance of the license no longer exist;
2. The license was issued upon fraudulent or untrue representations;
3. The owner or proprietor of such home or institution has violated any of the rules and regulations of the public welfare board; or
4. The owner or proprietor of such home or institution has been guilty of moral turpitude.

Section 14. Amendment.) Section 50-11-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-08. Denial or Revocation of License—Hearing.) Before any application for a license under the provisions of this chapter shall be denied, or before revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee. Such applicant or licensee shall have the right to a hearing before the public welfare board if such hearing is requested within ten days after service of the written charges.

Section 15. Amendment.) Section 50-11-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-09. Appeal from Decision of Public Welfare Board Denying or Revoking License.) The applicant for a license to operate a foster family care home for children or adults or institution receiving children or adults and a person holding such license may appeal to the district court from any decision of the public welfare board denying an application or revoking a license. An appeal shall be taken in the manner provided in chapter 28-32 of the title Judicial Procedure, Civil.

Section 16. Amendment.) Section 50-11-10 of the North

Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-10. Penalty.) Any person, whether owner, manager, operator or representative of any owner, operator or manager, who violates any of the provisions of this chapter, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Approved March 29, 1969.

CHAPTER 420

S. B. No. 435

(Kautzmann, Stafne, Litten)

COMPENSATION OF CHILD-PLACING AGENCIES

AN ACT

To amend and reenact section 50-12-09 of the 1967 Supplement to the North Dakota Century Code, relating to compensation of child-placing agencies.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 50-12-09 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-12-09. Compensation for Child-Placing.) A child-placing agency in making an adoptive placement may be reimbursed by the adoptive couple for the cost of making the adoptive study of the home and the supervision and evaluation of any placement which may be made prior to the legal adoption. No couple shall be deprived of receiving a child for adoption on the basis of inability to pay any portion of such expense.

Approved March 26, 1969.

CHAPTER 421

S.B. No. 244
(G. Larson)

LOANS TO NURSING HOMES AND HOMES FOR AGED**AN ACT**

To amend and reenact section 50-21-03 of the 1967 Supplement to the North Dakota Century Code, relating to the Bank of North Dakota loans to nursing homes and homes for the aged.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 50-21-03 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-21-03. Amount of Loan—Terms and Conditions.) Loans in an amount not exceeding one-half of the cost of construction or reconstruction including the cost or value of real estate upon which the facility is located and in no event exceeding one hundred fifty thousand dollars to any one applicant shall be made by the Bank of North Dakota to nonprofit corporations to be used in the construction or reconstruction in this state of nursing homes and homes for the aged and infirm, or combination nursing homes and homes for the aged and infirm. Such loans shall bear interest at the rate of seven percent per annum and shall be repayable in the manner prescribed by the manager of the Bank of North Dakota within a period of not more than twenty-five years. In addition, in consideration of the granting of the loans, each nonprofit corporation shall execute a contract with the state to operate such home for a period of not less than twenty years, and to operate and maintain the home in accordance with the standards prescribed for the licensing of such home by the state health department or public welfare board, as the case may be. Such contract shall also require the nonprofit corporation to maintain facilities for not less than five persons referred to such home by any county welfare board. Such contract shall also provide that if the use of such home is discontinued or if it shall be diverted to other purposes, the full amount of the loan provided under this chapter shall immediately become due and payable. Loans shall be made only to an applicant who is not receiv-

ing other loans or grants of funds from this state for such construction or reconstruction. Payments of interest and principal upon such loans shall be made to the Bank of North Dakota and credited to the revolving fund.

Approved February 22, 1969.

CHAPTER 422

S. B. No. 472

(Committee on Delayed Bills)

TERMINATION OF NURSING HOME CONSTRUCTION LOANS

AN ACT

To terminate the making of loans by the Bank of North Dakota to nonprofit corporations for use in the construction or reconstruction of nursing homes and homes for the aged and infirm and to transfer the balance of the revolving loan fund and repayments to such fund to the general fund, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Termination of the Making of Loans by the Bank of North Dakota to Nursing Homes—Transfer of Funds to General Fund.) Notwithstanding the provisions of sections 50-21-01, 50-21-02, 50-21-02.1, 50-21-03, 50-21-04, and 50-21-05, the Bank of North Dakota shall make no new loans from the revolving loan fund to nursing homes and homes for the aged and infirm. It is the intent of the legislative assembly that loans made pursuant to the provisions of this chapter be discontinued beginning with the effective date of this Act. The balance in the revolving loan fund on July 1, 1969, shall be transferred to the general fund and all payments made to the revolving loan fund after that date shall be transferred monthly by the manager of the Bank of North Dakota to the general fund.

Section 2. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 17, 1969.