

CHAPTER 75-03-36
LICENSING OF CHILD-PLACING AGENCIES

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SECTION 1: Section 75-03-36-01 is amended as follows:

75-03-36-01. Definitions - Application.

1. The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 50-12. In addition, as used in this chapter:
 - a. "Adoption disruption" means an interruption of an adoption prior to finalization in which the child is returned to foster care or placed with another family.
 - b. "Adoption services" is a coordinated program of services for the child, the child's birth parents, and the adoptive applicants and adoptive parents.
 - c. "Authorized agent" means the county social service board, unless another entity is designated by the department.
 - d. "Department" means the North Dakota department of human services.
 - e. "Family foster home" means an occupied private residence in which foster care for children is regularly provided by the owner or lessee of the home to no more than four children, unless all the children in foster care are related to each other by blood or marriage or unless the department approves otherwise for the placement of siblings, in which case the limitation in this subsection does not apply. For the purposes of this subsection, foster care for children applies to those agencies placing children that are in the custody of a county, a tribe, or the state in family foster homes.
 - f. "Foster care for children" means the provision of substitute parental child care for those children who are in need of care for which the child's parent, guardian, or custodian is unable, neglects, or refuses to provide, and includes the provision of food, shelter, security and safety, guidance, and comfort on a twenty-four-hour basis, to one or more children under twenty-one years of age to safeguard the child's growth and development and to minimize and counteract hazards to the child's emotional health inherent in the separation from the child's family.

- g. "Legal risk adoptive placement" means placement of a child with a prospective adoptive family when the child is not legally free for adoption.
 - h. "Life book" means a tool used with children in out-of-home care and children who have been adopted to record memories and life events as they move to different placements.
 - i. "Permanent adoption record" means all paper, records, and identifying and nonidentifying information related to an adopted individual, birth siblings, birth parents, or adoptive parents which pertains to an adoption.
 - j. ~~"Regional supervisor" means the regional supervisor of county social services located in each of the eight regional human service centers.~~
 - k. ~~—"Resident child-placing agency" means a child-placing agency that maintains an office within this state.~~
2. In these rules, the requirements for licensure for a child-placing agency apply to a new application for licensure as well as to an application for relicensure unless the context otherwise specifically implies.

History: Effective April 1, 2010; amended effective April 1, 2016; July 1, 2020.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12

SECTION 2: Subdivision a of subsection 1 of section 75-03-36-13 is amended as follows:

- a. An offense described in North Dakota Century Code chapter 12.1-16, homicide; 12.1-17, assaults - threats - coercion - harassment; 12.1-18, kidnapping; 12.1-27.2, sexual performances by children; or ~~12.1-40~~12.1-41, human traffickingUniform Act on Prevention of and Remedies for Human Trafficking; or in North Dakota Century Code section 12.1-20-03, gross sexual imposition; 12.1-20-03.1, continuous sexual abuse of a child; 12.1-20-04, sexual imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-05.1, luring minors by computer or other electronic means; 12.1-20-06, sexual abuse of wards; 12.1-20-07, sexual assault; 12.1-20-12.3, sexual extortion; 12.1-21-01, arson; 12.1-22-01, robbery; 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; 12.1-29-01, promoting prostitution; 12.1-29-02, facilitating prostitution; 12.1-31-05, child procurement; ~~or 12.1-31-07, endangering an eligible adult~~; 12.1-31-07.1, exploitation of an eligible adult; 14-09-22, abuse ~~or neglect~~ of a child; or 14-09-22.1, neglect of a child;

History: Effective April 1, 2010; amended effective April 1, 2016; July 1, 2020.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12, 50-11.3

SECTION 3: Section 75-03-36-17 is amended as follows:

75-03-36-17. Critical incident reporting.

The child-placing agency shall have written policy outlining the critical incident recording and reporting process to the ~~regional supervisor~~department, and parent or custodian of the child, if any, when any of the following occurs:

1. An incident requires the services of law enforcement, including in the case of a runaway or an absent child;
2. A serious injury or trauma of a child in foster care, including a child placed for adoption, that requires the services of a medical practitioner;
3. Damage to a foster parent's home which could affect compliance with licensing standards, including damage caused by fire, natural disaster, or other incident, which would cause any kind of major structural damage affecting the safety or shelter of the child or children in foster care;
4. Extended failures that are not repairable within a twenty-four-hour period, including heating, electrical, plumbing, or safety warning in the foster home or the home in which the child is placed for adoption;
5. The death of a child placed in a home by the child-placing agency;
6. Any attempt at suicide by a child placed in a foster home, including a child placed for adoption, by the licensed child-placing agency;
7. Pregnancy of a child placed in a foster home, including a child placed for adoption;
8. Criminal activity by the foster or adoptive parent;
9. An assault on a staff person or family foster home member by a foster child that requires medical attention by a medical practitioner;
10. Outbreak of a serious communicable disease;
11. Any condition requiring closure of the child-placing agency or family foster home; and

12. Any behavior involving a foster child, including a child placed for adoption, that results in a serious threatening situation of harm to the family members, staff, or other foster children.

History: Effective April 1, 2010; amended effective July 1, 2020.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12

SECTION 4: Subsection 6 of section 75-03-36-32 is amended as follows:

6. For a child in the custody of ~~county social services~~ a tribe or the department human service zone, the case plan must be directed by the child's child and family team.

History: Effective April 1, 2010; amended effective July 1, 2020.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12