

**CHAPTER 75-03-12
FOSTER PARENT GRIEVANCE PROCEDURE**

Section	
75-03-12-01	Definitions
75-03-12-02	Who May File Grievance
75-03-12-03	Grievance to be in Writing - Contents - Time for Filing
75-03-12-04	Informal Meeting
75-03-12-05	Request for Formal Hearing
75-03-12-06	Formal Hearing
75-03-12-07	Hearing Decision
75-03-12-08	Confidentiality

SECTION 1: Section 75-03-12-01 is amended as follows:

75-03-12-01. Definitions.

1. "Department" means the North Dakota department of human services.
2. ~~"Regional foster care director" means the regional supervisor of county social services located in the regional human service centers~~"Grievance" means an objection made by a licensed foster parent regarding any placement decisions made by the department or human service zone which substantially affects the foster parent or the needs of the foster child.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

SECTION 2: Section 75-03-12-03 is amended as follows:

75-03-12-03. Grievance to be in writing - Contents - Time for filing.

The grievance must be in writing. It must contain a succinct statement of the grievant's reasons for objections to a decision and the grievant's proposed substitute decision. A grievance must be filed with the human service zone director or the director's designee within ten days of the grievant's receipt of the written decision of the department ~~or county social service board~~human service zone.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

SECTION 3: Section 75-03-12-04 is amended as follows:

75-03-12-04. Informal meeting.

1. The agency which has made the grieved decision shall schedule an informal meeting with the foster parents. This meeting shall be held within ten days of receipt of the written grievance. When the decision which is the subject of the grievance is a decision made by a ~~county social service board staff~~human service zone team member, a member of the ~~county social service board~~human service zone shall preside at the informal meeting.
2. The informal meeting may include, ~~but is not limited to~~upon approval of the agency having care, custody, and control of the foster child, the following participants:
 - a. Foster parents.
 - b. ~~County social service board~~human service zone team members and staff.
 - c. ~~County~~human service zone directors.
 - d. ~~State youth authority staff.~~
 - e. ~~—~~Juvenile court staff.
 - f.~~e.~~ State's attorneys.
 - g.~~f.~~ Natural parents of the foster child.
 - h.~~g.~~ Foster child.
 - i.~~h.~~ Staff of the agency having care, custody, and control of the foster child.
 - j.~~i.~~ Any other person having information concerning the decision which is the subject of the grievance.
3. Within two working days after conclusion of the informal meeting, the ~~agency~~human service zone which has made the grieved decision shall prepare a written summary of the meeting and any resolution of the grievance. The summary must be submitted to the grievants for approval and signing. If the grievants do not approve of the summary or any stated resolution, they shall, within two working days of receipt of the agency summary, prepare a written grievants' summary of the meeting and any resolution. If the parties cannot agree to the contents of a summary, the proposed summary of each must be made a part of the record of any formal hearing.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

SECTION 4: Section 75-03-12-05 is amended as follows:

75-03-12-05. Request for formal hearing.

If the grievants and the ~~department or the county social service board~~human service zone do not resolve the grievance at the informal meeting, the grievants may submit a written request for a formal hearing to ~~the regional foster care director~~to be held at a conflict-free human service zone office. This request must be received by the ~~regional foster care supervisor~~human service zone director within three working days after receipt by the foster parents of the written summary of the informal meeting.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

SECTION 5: Section 75-03-12-06 is amended as follows:

75-03-12-06. Formal hearing.

1. The ~~department or the county social service board~~human service zone involved shall provide the ~~regional foster care director~~conflict-free human service zone office with pertinent files and records for the review by the ~~regional foster care~~conflict-free human service zone director.
2. The ~~regional foster care~~conflict-free human service zone director, or the director's designee, shall conduct the hearing, swear witnesses, and maintain order.
3. Testimony taken at the hearing shall be preserved by a suitable recording device. Any party may receive a transcribed copy of the testimony upon request and payment of the transcription costs; provided, that the request is received within ninety days of the hearing.
4. The statements received at the hearing must be limited to those probative of the grievance under review.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

SECTION 6: Section 75-03-12-07 is amended as follows:

75-03-12-07. Hearing decision.

The ~~regional foster care~~conflict-free human service zone director shall prepare a

written decision upon the files, records, and testimony received at the hearing. The decision constitutes the final determination of the grievance. The findings and conclusions of the ~~regional foster care~~conflict-free human service zone director must be sent to the grievants and the ~~county social service board~~human service zone within five working days of the hearing.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

**CHAPTER 75-03-14
FAMILY FOSTER HOME FOR CHILDREN**

Section	
75-03-14-01	Definitions
75-03-14-02	License
75-03-14-03	Minimum Physical Standards for the Family Foster Home for Children
75-03-14-04	Qualifications of Persons Residing in the Family Foster Home for Children
75-03-14-04.1	Criminal Conviction - Effect on Licensure
75-03-14-05	Operation of the Family Foster Home for Children
75-03-14-06	Child and Family Team Meeting
75-03-14-07	Background Checks Required
75-03-14-08	Fingerprints Excused
75-03-14-09	Relative Licensing Waiver

SECTION 7: Section 75-03-14-01 is amended as follows:

75-03-14-01. Definitions.

Those definitions set forth in North Dakota Century Code section 50-11-00.1 are applicable to this chapter. Additionally, in this chapter, unless the context or subject matter requires otherwise:

1. "Background check" means a fingerprint-based criminal history record investigation inclusive of a child abuse and neglect index check in each state or tribal jurisdiction that the individual has resided in the previous five years.
2. "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child participating in extracurricular, enrichment, cultural, and social activities.
3. "~~Regional center~~" means the ~~regional human service center~~.
4. ~~—~~ "Supervising agency" means the ~~agency or person~~ human service zone, division of juvenile services or tribe having care, custody, and control of the foster child as ordered by a court of competent jurisdiction or the designee of that agency or person.

History: Effective December 1, 1984; amended effective January 1, 2014; April 1, 2016; October 1, 2019; July 1, 2020.

General Authority: NDCC 50-11-03

Law Implemented: NDCC 50-11-00.1, 50-11-06.8

SECTION 8: Subsection 6 of section 75-03-14-04 is amended as follows:

6. Prior to the department approving a license, the applicant shall submit the results of a physical examination dated within twelve months of the date of application. All foster parents, annually thereafter, shall submit a declaration of good health, including all residents of the family foster home for children, except any foster child, in a manner and form required by the department. The authorized agent is the payer of last resort whenever any other benefit or source of third-party payment is available for the cost of any physical examinations required pursuant to this subsection is the responsibility of the authorized agent. Any foster parent continuously licensed prior to October 1, 2019, is exempt from having to submit a declaration of good health.

History: Effective December 1, 1984; amended effective April 1, 2004; July 1, 2006; January 1, 2014; April 1, 2016; October 1, 2019; July 1, 2020.

General Authority: NDCC 50-11-03, 50-11-03.4

SECTION 9: Subsection 1 of section 75-03-14-06 is amended as follows:

1. Every foster child shall have a permanency plan reviewed by a child and family team that meets not less than once each quarter in which the ~~county social service board,~~ human service zone, division of juvenile services, or tribe acts as a supervising agency to the foster child. ~~The child and family team will be cochaired by the department and the supervising agency director or designee.~~

History: Effective December 1, 1984; amended effective April 1, 2004; July 1, 2006; January 1, 2014; October 1, 2019; July 1, 2020.

General Authority: NDCC 50-11-03

Law Implemented: NDCC 50-11-02