

February 3, 2020

Vonette Richter, Legal Division Director
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code chapters 75-03-12 and 75-03-14
Foster Parent Grievance Procedure and Family Foster Home for Children

Dear Ms. Richter:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, March 20, 2020, beginning at 9:00 a.m. and continuing until 10:30 a.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Advisory Unit

JA/rv

cc: Cory Pederson, CFS
Dean Sturn, CFS
Kelsey Bless, CFS

Enclosures

LEGAL ADVISORY UNIT

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | www.nd.gov/dhs

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTERS 75-03-12 AND 75-03-14
FOSTER PARENT GRIEVANCE PROCEDURE AND FAMILY FOSTER HOME FOR
CHILDREN

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code Chapters 75-03-12 and 75-03-14 at 9:00 a.m. on Friday, March 20, 2020, in Bismarck, N.D. in AV Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code Chapters 75-03-12 and 75-03-14, Foster Parent Grievance Procedure and Family Foster Home for Children, are necessary to comply with 2019 Senate Bill No. 2124.

The proposed changes are as follows:

Section 75-03-12-01 is amended to remove the definition and reference to “regional foster care director”, as the department is undergoing redesign efforts specific to state law changes and 2019 Senate Bill No. 2124, the role and responsibility of a department employee in this capacity was no longer necessary as the human service zone will accommodate grievances locally. That definition was replaced with a definition for “grievance”, which was defined as 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.

Section 75-03-12-03 is amended to reassign who a foster parent grievance must be filed. Due to state law changes and 2019 Senate Bill No. 2124, the role and responsibility of a county social service board was replaced with the human service zone.

Section 75-03-12-04 is amended to offer consistency with state law changes and 2019 Senate Bill No. 2124 in amending references from a county social service board and county directors to human service zone team member and human service zone director. This section is also amended to clarify who may approve those included in the informal

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meeting by adding “upon approval of the agency having care, custody, and control of the foster child”.

Section 75-03-12-05 is amended to offer consistency with state law changes and 2019 Senate Bill No. 2124 in amending references from a county social service board to a human service zone with regard to the process in requesting a formal hearing. In addition, a conflict-free human service zone director is now required, pursuant to North Dakota Century Code section 50-11.2-02, to conduct the formal hearing, previously that was the responsibility of the regional foster care director.

Section 75-03-12-06 is amended to offer consistency with state law changes and 2019 Senate Bill No. 2124 in amending references from a county social service board to a human service zone. A conflict-free human service zone director is now required, pursuant to North Dakota Century Code section 50-11.2-02, to conduct the formal hearing, previously that was the responsibility of the regional foster care director.

Section 75-03-12-07 is amended to offer consistency with state law changes and 2019 Senate Bill No. 2124 in amending references from a county social service board to a human service zone. In addition, a conflict-free human service zone director is required to prepare a written decision for the hearing based on evidence received.

Section 75-03-14-01 is amended to remove the definition and reference to “regional center” as the use of the term was not used in the chapter. In addition, further clarity was offered to “Supervising agency” in response to 2019 Senate Bill No. 2124. Additionally, the division of juvenile services or tribe were included within the list of parties capable of 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.

Subsection 6 of Section 75-03-14-04 is amended to further clarify 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. In addition, further clarification was required to ensure that foster parents licensed prior to October 1, 2019 were exempt from having to submit a declaration of good health. The examination became a state requirement after federal Family First Prevention Services (PL 115-123) passed in February 2018.

Subsection 1 of Section 75-03-14-06 is amended to remove the reference to county social service board and replace with the human service zone in response to 2019 Senate Bill No. 2124. In addition, this section proposes to remove the requirement of department employees co-chairing the quarterly foster care child and family team meetings. This will allow the department to redesign efforts specific to state law changes and 2019 Senate Bill No. 2124, to ensure each role and responsibility of department employees is efficiently utilized, while requiring the human service zone to accommodate requirements of quarterly child and family team meetings quarterly to best meet the needs of children and families.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones (formally known as county social services) offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, March 30, 2020.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 3rd day of February, 2020.

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Foster Parent Grievance Procedure and Family Foster Home for Children

TO WHOM IT MAY CONCERN:

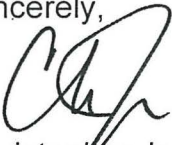
The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-12 and 75-03-14, Foster Parent Grievance Procedure and Family Foster Home for Children. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, March 30, 2020.

The department has scheduled an oral hearing for Friday, March 20, 2020. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones,
Executive Director

CDJ/rv

Enclosures

cc: Vonette Richter, Legislative Council
Cory Pederson, CFS
Dean Sturn, CFS
Kelsey Bless, CFS

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones