

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1110

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota
2 Century Code, relating to duties of the department of human services with respect to least
3 restrictive care options; to amend and reenact section 25-03.2-03.1 of the North Dakota
4 Century Code, relating to extending the moratorium on expansion of residential treatment
5 center for children bed capacity; to provide an effective date; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 25-03.2-03.1 of the North Dakota Century Code
8 is amended and reenacted as follows:

9 **25-03.2-03.1. (Effective through ~~June 30, 2005~~ July 31, 2007) Moratorium on**
10 **expansion of residential treatment center for children bed capacity.** Notwithstanding
11 sections 25-03.2-03 and 25-03.2-08, unless a needs assessment conducted by the department
12 indicates a need for the licensing of additional bed capacity, the department may not issue a
13 license under this chapter for any additional bed capacity for a residential treatment center for
14 children above the state's gross number of beds licensed as of June 30, 2003.

15 **SECTION 2.** A new section to chapter 50-06 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Placement of children - Least restrictive care.** The department and county social
18 service boards shall thoroughly explore the option of kinship care when a child is unable to
19 return home due to safety concerns. Absent kinship options, the department and county social
20 service boards shall provide permanency options that are in the least restrictive care and near
21 the family's home as required by the federal Adoption and Safe Family Act of 1997 [Pub. L.
22 105-89; 111 Stat. 2115; 42 U.S.C. 671]. Before January 1, 2006, the department of human
23 services shall issue a request for proposal for the provision of residential treatment services to

- 1 meet the needs of youth with a history of sexual offenses within the state and explore options of
- 2 therapeutic foster care for those youth who would benefit from this service level.

3 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on July 1, 2005.

4 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.