

Fifty-ninth  
Legislative Assembly  
of North Dakota

## REENGROSSED 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 sections 25-03.2-03.1 and 50-11-02.3 of the  
4 North Dakota Century Code, relating to extending the moratorium on expansion of residential  
5 treatment center for children bed capacity and residential child care facility or group home bed  
6 capacity; to provide an effective date; and to declare an emergency.

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

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

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

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

18 **Placement of children - Least restrictive care.** The department and county social  
19 service boards shall thoroughly explore the option of kinship care when a child is unable to  
20 return home due to safety concerns. Absent kinship options, the department and county social  
21 service boards shall provide permanency options that are in the least restrictive care and near  
22 the family's home as required by the federal Adoption and Safe Family Act of 1997 [Pub. L.  
23 105-89; 111 Stat. 2115; 42 U.S.C. 671]. Before January 1, 2006, the department of human  
24 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. AMENDMENT.** Section 50-11-02.3 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5       **50-11-02.3. (Effective through ~~June 30, 2005~~ July 31, 2007) Moratorium on**  
6 **expansion of residential child care facility or group home bed capacity.** Notwithstanding  
7 sections 50-11-02 and 50-11-09, unless a needs assessment conducted by the department  
8 indicates a need for the licensing of additional bed capacity, the department may not issue a  
9 license under this chapter for any additional bed capacity for a residential child care facility or a  
10 group home above the state's gross number of beds licensed as of June 30, 2003.

11       **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on July 1, 2005.

12       **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.