

Introduced by

Human Services Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to amend and reenact section 27-20-38 of the North Dakota Century Code,  
2 relating to the rights and duties of a legal custodian.

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

4 **SECTION 1. AMENDMENT.** Section 27-20-38 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **27-20-38. Rights and duties of legal custodian.**

7 A custodian to whom legal custody has been given by the court under this chapter has:

- 8 1. The right to the physical custody of the child and the right to determine the nature of  
9 the care, placement, and treatment of the child, including ordinary medical care as well  
10 as medical or surgical treatment for a serious physical condition or illness which in the  
11 opinion of a licensed physician requires prompt treatment, except for any limits the  
12 court may impose.
- 13 2. The right and duty to provide for the care, protection, training, and education and the  
14 physical, mental, and moral welfare of the child, subject to the conditions and  
15 limitations of the order and to the remaining rights and duties of the child's parents or  
16 guardian.
- 17 3. A duty within thirty days after the removal of a child from the custody of the parent or  
18 parents of the child for the purpose of placement into foster care, to exercise due  
19 diligence to identify and provide notice to all parents, grandparents, and any other  
20 adult relative suggested by the parents and grandparents, subject to exceptions due to  
21 family or domestic violence, that:
  - 22 a. Specifies that the child has been or is being removed from the custody of the  
23 parent or parents of the child;

- 1           b. Explains the options the relative has under federal, state, and local law to
- 2           participate in the care and placement of the child, including any options that may
- 3           be lost by failing to respond to the notice;
- 4           c. Describes the requirements and standards to become a foster family home and
- 5           the additional services and supports that are available for children placed in that
- 6           home; and
- 7           d. Describes how the relative of the child may enter into an agreement with the
- 8           department to receive a subsidized guardianship payment.