Sixty-fifth Legislative Assembly of North Dakota

SENATE BILL NO. 2114

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact subsection 15 of section 27-20-02, subsection 2 of

2 section 27-20-32.2, subsection 9 of section 50-11-00.1, and section 50-11-03.3 of the North

3 Dakota Century Code, relating to the definition of permanency hearing, reasonable efforts for

4 sibling placement, definition of group home, and liability coverage to foster homes for children.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 SECTION 1. AMENDMENT. Subsection 15 of section 27-20-02 of the North Dakota
7 Century Code is amended and reenacted as follows:

8	15.	"Permanency hearing" means a hearing, conducted with respect to a child who is in
9		foster care, to determine the permanency plan for the child which includes:

10 a. Whether and, if applicable, when the child will be returned to the parent;

- b. Whether and, if applicable, when the child will be placed for adoption and the
 state will file a petition for termination of parental rights;
- c. Whether and, if applicable, when a fit and willing relative or other appropriate
 individual will be appointed as a legal guardian;
- d. Whether and, if applicable, to place siblings in the same foster care, relative,
 guardianship, or adoptive placement, unless it is determined that the joint
 placement would be contrary to the safety or well-being of any of the siblings;
- e. Whether and, if applicable, in the case of siblings removed from their home who
 are not jointly placed, to provide for frequent visitation or other ongoing
 interaction between the siblings, unless it is determined to be contrary to the
 safety or well-being of any of the siblings;
- f. In cases in which a compelling reason has been shown that it would not be in the
 child's best interests to return home, to have parental rights terminated, to be
 placed for adoption, to be placed with a fit and willing relative, or to be placed

2 older, will be placed in another planned permanent living arrangement. The court 3 shall: 4 (1) Ask the child whether the child has a desired permanency outcome of 5 another planned permanent living arrangement, 6 (2) Make a judicial determination explaining why another planned permanent 7 living arrangement is the best permanency plan for the child, and 8 (3) Identify the compelling reasons it continues not to be in the best interest of 9 the child to return home, be placed for adoption, be placed with a legal 10 guardian, or be placed with a fit and willing relative; 11 g. In the case of a child who has been placed in foster care outside the state in 12 which the home of the parents is located, or if the parents maintain separate 13 homes, outside the state in which the home of the parent who was the child's 14 primary caregiver is located, whether out-of-state placement, the court shall 16 determine whether the placement continues to be appropriate and in the child's 17 best interests; and 18 h. In the case of a child who has attained age sixteenfourteen, the services needed 19 to assist the child to make the transition from foster care to independent-livingto <t< th=""><th>1</th><th></th><th>with a legal guardian, whether and, if applicable, when the child, aged sixteen or</th></t<>	1		with a legal guardian, whether and, if applicable, when the child, aged sixteen or
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31 and	30		placement would be contrary to the safety or well-being of any of the siblings;
	31		and

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1		d.	In the case of siblings removed from their home who are not jointly placed, to				
2			provide for frequent visitation or other ongoing interaction between the siblings,				
3			unless it is contrary to the safety or well-being of any of the siblings.				
4	SEC	стю	N 3. AMENDMENT. Subsection 9 of section 50-11-00.1 of the North Dakota				
5	Century Code is amended and reenacted as follows:						
6	9.	"Gro	oup home" means a licensed or approved residence in which foster care is				
7		regi	ularly provided for more thanto at least four, but fewer than thirteen, unrelated				
8		chil	dren.				
9	SEC	SECTION 4. AMENDMENT. Section 50-11-03.3 of the North Dakota Century Code is					
10	amended and reenacted as follows:						
11	50-11-03.3. Department to provide liability coverage to foster homes for children.						
12	1.	The	e department shall provide liability coverage for acts or omissions of foster children				
13		plac	ced in the care of foster families. The department may provide this liability coverage				
14		thro	bugh self-insurance.				
15	2.	The	liability coverage under this section:				
16		a.	Must provide coverage for damage to property which is caused by the act of a				
17			foster child. This coverage must be for the lesser of the reasonable cost to repair				
18			or to replace the damaged property.				
19		b.	Is secondary to any other coverage.				
20		C.	MayExcept as provided in subdivision d, may not exceed five thousand dollars				
21			per claim, with an annual maximum of ten thousand dollars per year per claimant.				
22			The coverage under this subsection must include a deductible not to exceed one				
23			hundred dollars per claim.				
24		<u>d.</u>	In cases in which the property damage per event total exceeds twenty-five				
25			thousand dollars. the department may further review the claim. The department				
26			may cover twenty-five percent of the remaining property damage after any				
27			insurance reimbursement, not to exceed ten thousand dollars.				
28	3.	The	e department may provide for exclusions from liability coverage provided under this				
29		sec	tion.				