

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1072

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 50-11-03.2 and 50-11-07 of the North Dakota
2 Century Code, relating to foster care homes for children and adults.

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

4 **SECTION 1. AMENDMENT.** Section 50-11-03.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-11-03.2. Use of public funds.**

- 7 1. Public funds for the purchase of foster care for children or adults may be used only in
8 facilities licensed, certified, or approved by the department. No person acting on behalf
9 of any state, county, or local governmental entity may arrange for or promote care
10 provided in a facility that does not have a license, certification, or approval issued by
11 the department. This section does not apply to any home or institution under the
12 management and control of the state.
- 13 2. Nonfederal funds may be used to reimburse the costs of shelter care placements for
14 no more than seven days if the shelter care services are certified by the department. If
15 the entity has diligently pursued other placement, the department may grant an
16 extension for the health and safety of the child or due to unforeseeable circumstances.
- 17 3. Nonfederal funds may be used for maintenance payments to an unlicensed identified
18 relativesrelative or unlicensed kinship relativesrelative for no more than six months
19 and to a guardian with a subsidy approval made by the department.

20 **SECTION 2. AMENDMENT.** Section 50-11-07 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-11-07. Denial or revocation of license or certification.**

23 The department may deny or revoke the license or certification of any facility upon proper
24 showing of any of the following:

- 1 1. Any of the conditions set forth in section 50-11-02 as prerequisites for the issuance of
- 2 the license or certification do not exist.
- 3 2. The application contains false or misleading material information or the applicant
- 4 intentionally withheld material information.
- 5 3. The license or certification was issued upon false, misleading, or intentionally withheld
- 6 material information.
- 7 4. An operator, licensee, certification holder, caregiver, employee, or an agent of the
- 8 facility has violated a provision of this chapter or any of the rules of the department.
- 9 5. An applicant, licensee, or certification holder providing family foster care for children
- 10 has been involved in a court action in which a child in their household is currently or
- 11 within the last five years has been removed from the home due to a contrary to the
- 12 welfare ~~findings~~finding issued by a court.
- 13 6. An operator, applicant, licensee, certification holder, caregiver, employee, or agent of
- 14 the facility has been convicted of an offense determined by the department to have a
- 15 direct bearing upon the person's ability to serve the public or residents of the facility, or
- 16 the department determines, following conviction of any other offense, the person is not
- 17 sufficiently rehabilitated under section 12.1-33-02.1.