

Introduced by

Representatives Bosch, J. Nelson

Senators Davison, Lee

1 A BILL for an Act to amend and reenact subsection 11 of section 50-11.1-02 and sections
2 50-11.1-06 and 50-11.1-13.1 of the North Dakota Century Code, relating to registration of
3 in-home providers of childhood services and a penalty for the provision of early childhood
4 services; to provide a penalty; and to provide for application.

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

6 **SECTION 1. AMENDMENT.** Subsection 11 of section 50-11.1-02 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 11. "In-home provider" means ~~any~~ any person ~~who that~~ who provides early childhood services to
9 children in the ~~children's provider's~~ provider's home or business for at least thirty hours per week.
10 The term does not include a provider who is related to the child within the third degree
11 of consanguinity.

12 **SECTION 2. AMENDMENT.** Section 50-11.1-06 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **50-11.1-06. In-home provider - Registration ~~voluntary required~~ - Prerequisites for**
15 **~~approval - Issuance of registration document Fees~~ - Term.**

16 1. An in-home provider shall hold a registration document, self-declaration, or license
17 issued by the department under this chapter. An in-home provider ~~may~~ who does not
18 hold a self-declaration or license shall apply for a registration document from the
19 department. ~~The~~ An applicant shall apply for a registration document at least sixty days
20 and no more than ninety days before the expiration date of the applicant's current
21 registration document, self-declaration, or license.

22 2. Within thirty days of timely receipt of a completed application and all support
23 documents, the department or the department's authorized agent shall determine
24 whether the applicant meets the standards and shall issue or deny a registration

1 document based upon that determination. A registration document for an in-home
2 provider may not be effective for longer than ~~one year~~ two years. The application and
3 supporting documents may not include any fraudulent or untrue representations. The
4 department may consider the early childhood services history of the applicant in
5 determining issuance of a registration document. The department may investigate an
6 applicant according to rules adopted by the department to determine whether the
7 applicant has a criminal record or has been the subject of a finding of services
8 required for child abuse and neglect. The department may issue a provisional in-home
9 provider registration document in accordance with the rules of the department.

10 3. An applicant for a registration document shall pay the department a nonrefundable fee
11 of fifteen dollars at the time the application is filed. If the nonrefundable fee and
12 application are submitted less than sixty days before the expiration of the applicant's
13 current registration document, license, or self-declaration, the applicant shall submit
14 with the application two times the regular nonrefundable fee. All fees collected under
15 this section must be paid to the department or the department's authorized agent and
16 the department shall use the fees collected to defray the cost of investigating,
17 inspecting, and evaluating applications for registration documents.

18 **SECTION 3. AMENDMENT.** Section 50-11.1-13.1 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **50-11.1-13.1. Penalty for provision of services - When applicable.**

- 21 1. An individual who provides early childhood services to any child, other than a child
22 who is a member of that individual's household, is guilty of a class B misdemeanor if:
- 23 a. Those services are provided after that individual is required to register as a
24 sexual offender;
 - 25 b. The department has denied that individual's application for licensure, or
26 self-declaration, or registration to provide early childhood services or has revoked
27 that individual's license, self-declaration, or registration document to provide early
28 childhood services following a finding that services are required under chapter
29 50-25.1 and that finding has become final or has not been contested by that
30 individual; or

- 1 c. The individual allows another individual to be in the presence of the child
2 receiving early childhood services if that other individual is required to register as
3 a sexual offender or has had an application for licensure, self-declaration, or
4 registration to provide early childhood services denied or revoked by the
5 department following a finding that services are required under chapter 50-25.1
6 and that finding has become final or has not been contested by that other
7 individual; or
- 8 d. The individual has been found guilty of, pled guilty to, or pled no contest to:
- 9 (1) An offense described under chapters 12.1-16, 12.1-18, 12.1-27.2, or
10 12.1-41, or sections 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-03,
11 12.1-17-04, 12.1-17-06, 12.1-17-07.1, 12.1-17-12, 12.1-20-03, 12.1-20-03.1,
12 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-07, 12.1-21-01,
13 12.1-22-01, 12.1-22-02, 12.1-29-01, 12.1-29-02, 12.1-31-05, 14-09-22, or
14 14-09-22.1; or
- 15 (2) An offense under the laws of another jurisdiction which requires proof of
16 substantially similar elements as the elements required for conviction under
17 any offense identified in paragraph 1.
- 18 2. An individual is not guilty of a class B misdemeanor under paragraphs b and c of
19 subsection 1 if the department has made a determination that the individual is able to
20 provide care that is free of abuse and neglect, in spite of a finding that services are
21 required under chapter 50-25.1, which has become final or has not been contested.
- 22 3. An individual is not guilty of a class B misdemeanor under subdivision d of
23 subsection 1 in the case of a misdemeanor offense described under sections
24 12.1-17-01, 12.1-17-03, 12.1-17-06, or 12.1-17-07.1, or an equivalent offense in
25 another jurisdiction which requires proof of substantially similar elements as required
26 for conviction for offenses under sections 12.1-17-01, 12.1-17-03, 12.1-17-06, or
27 12.1-17-07.1, if five years have elapsed after final discharge or release from any term
28 of probation, parole, or other form of community corrections or imprisonment, without
29 subsequent conviction.

30 **SECTION 4. APPLICATION.** Within one year of the effective date of this Act, the
31 department of human services shall implement section 2 of this Act statewide.