

Testimony
House Bill No. 1091
Senator Human Services Committee
Senator Judy Lee, Chairman
March 6, 2023

Chairman Lee, members of the Senate Human Services Committee, I am Cory Pedersen, Director of the Children and Family Services Section with the Department of Health and Human Services (Department). I appear before you to support House Bill 1091, which was introduced on behalf of the Department.

This Bill contains several updates to North Dakota Century Code related to provision of foster care. The majority of the proposed changes are in reference to the addition of the “certified family foster home for children” and to expanded support and clarification of care provided by “kinship relatives”.

Section 1. The changes in this section add definitions to section 50-11-00.1 of the North Dakota Century Code as reference for clarity and consistency, which are used throughout chapter 50-11.

The Department proposes to add, page 2, lines 1 through 3, a definition of certified family foster home for children. This level of care will create an opportunity to reimburse providers who choose to offer short-term temporary placement options for children in need of out of home placement. This certified provider status will require a fingerprint-based criminal background check and safety standards of the provider and their home but will not require the provider meet the more extensive foster care licensing standards, will maximize the number of children the certified provider can care for at one time and will reduce the reimbursement available.

Page 2, lines 6 and 22 update the facility and foster care for children definitions to include the certified family foster home for children status. Page 2, line 28 updates the identified relative definition to include reference to "kinship relatives" as oftentimes terminology is used interchangeably. The inclusion of kinship relative in law is intended to provide consistency in language and understanding.

Section 2. The changes in this section add "certification" and "kinship relative" language for clarity and consistency, as well as define parameters of a license, certificate or approval issued by the Department in section 50-11-01 of the North Dakota Century Code.

The Department proposes to add, page 3, lines 12, 14 and 16 "certification" as a distinct level of facility provider status, in addition to licensed or approved. Line 18 adds "the home of kinship relative" as an exception to obtain a license, certification, or approval. Page 3, lines 25 through 27 add specific clarity indicating that a family foster care for children license, certification, or approval is nontransferable and is only valid for the applicants residing at a physical location. Lines 27 and 28 add that only one family foster home for children license, certification, or approval is permitted for each physical location; prohibiting multiple families from holding a license and rotating in and out of a home to serve a child in placement.

Section 3. The changes in this section add certification language for clarity and consistency to section 50-11-01.5 of the North Dakota Century Code by adding reference to "certification" and by replacing "foster parent" with "family foster home for children" regarding required fire prevention training, the proposed change removes reference to "on videotape or any equivalent medium" and clarifies that the training must be available "to the public".

Section 4. The changes in this section add certification language for clarity and consistency to section 50-11-01.6 of the North Dakota Century Code, replacing “foster parent” with family foster home for children provider” and adding reference to “certification”.

Section 5. The changes in this section add reference to “certification” and “approval” language for clarity and consistency to section 50-11-02 of the North Dakota Century Code.

Sections 6 and 7. The changes in these sections add “certification, or approval” to sections 50-11-02.1 and 50-11-02.2 of the North Dakota Century Code.

Section 8. The changes in this section modify section 50-11-03 of the North Dakota Century Code by adding “certification, or approval” and removing reference to “at the facility”.

Section 9. The changes in this section add certification language for clarity and consistency to section 50-11-03.2 of the North Dakota Century Code. In addition, Page 6, lines 24 and 25 propose to add authority in the law for identified relatives to receive time limited nonfederal funds as reimbursement when caring for children in need of out of home placement. Currently, unlicensed relatives are not eligible for foster care reimbursement. This law would allow for the Department to create parameters to temporarily support relatives caring for kin in lieu of agencies placing the child into an unfamiliar setting such as a foster home for children.

Section 10. The changes in this section amends section 50-11-03.3 of the North Dakota Century Code by replacing “foster families” with “licensed, certified, or approved family foster homes for children”.

Section 11. The changes in this section add certification language for clarity and consistency to section 50-11-03.4 of the North Dakota Century Code.

Section 12. The changes in this section amend section 50-11-03.5 of the North Dakota Century Code by adding reference to “certified family foster home for children”.

Sections 13 through 16. The changes in these sections add various references to certification and approval language for clarity and consistency to sections 50-11-04, 50-11-04.2, 50-11-05, and 50-11-06.7 of the North Dakota Century Code.

Section 17. The changes in this section add certification language for clarity and consistency to section 50-11-07 of the North Dakota Century Code. In addition, page 10, lines 5 through 7 propose to add authority for the Department to define parameters in licensing a foster care for children provider if court action occurs where a child in their household is currently removed from the home due to contrary to the welfare findings. This means if a current licensed foster care provider has their own child removed from the home with court findings, the individual cannot remain eligible to provide foster care to other children.

Section 18. The changes in this section add certification language for clarity and consistency to section 50-11-08 of the North Dakota Century Code, including reference to a “certification holder”.

Section 19. The changes in this section add certification language for clarity and consistency to section 50-11-09 of the North Dakota Century Code.

Section 20. Section 20 proposes that, during the 2023-24 interim, the Department, with assistance from other stakeholders including the North Dakota supreme court, human service zone directors, and the North Dakota association of counties, will review the option of reinstating parental rights that have been terminated by a court. Before August 1, 2024, the Department would report progress to the legislative management.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.