

PUBLIC WELFARE

CHAPTER 449

SENATE BILL NO. 2135
(Rait)

STATE REIMBURSEMENT FOR GENERAL ASSISTANCE

AN ACT to create and enact a new section to chapter 50-01 of the North Dakota Century Code, relating to reimbursement to counties by the social service board of North Dakota for county general assistance payments; to create and enact a new section to chapter 50-18 of the North Dakota Century Code, relating to establishing reasonable rates payable to boarding homes for the aged and infirm for the care of recipients of general assistance; and to provide an appropriation to carry out the provisions of this Act.

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

SECTION 1.) A new section to chapter 50-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

REIMBURSEMENT TO COUNTIES BY STATE FOR GENERAL ASSISTANCE PROVIDED.) Within the limits of legislative appropriations, the social service board of North Dakota shall reimburse each county upon claim being made by the county, for one-half of the amounts expended on behalf of persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state. Claim for reimbursement along with a certification of amounts paid shall be presented quarterly by the board of county commissioners to the social service board of North Dakota. An amount not to exceed one-half of the sums so certified shall be paid to the county by the social service board of North Dakota upon the audit and approval of the claim in the manner provided by law.

SECTION 2.) A new section to chapter 50-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

SOCIAL SERVICE BOARD TO ESTABLISH REASONABLE RATES.) The board may establish reasonable rates payable to boarding homes for the care and maintenance of individuals dependent in whole or in part upon state or county supplementation of supplemental security income benefits under title XVI of the Social Security Act, as amended, for a reasonable subsistence compatible with decency and health.

SECTION 3. APPROPRIATION.) The sums hereinafter named only, or so much thereof as may be necessary, are hereby appropriated out of the general fund and from special funds derived from federal funds or other income in the state treasury to the social service board of North Dakota for the biennium beginning July 1, 1977, and ending June 30, 1979, for the following purposes:

Reimbursement to counties by the state for general assistance (including SSI optional supplementation)	\$673,776
Salaries and wages	29,422
Travel, equipment, and supplies	10,726
Total all funds	\$713,924
Less estimated income	24,089
Total general fund transfer and appropriation	\$689,835

Approved April 21, 1977

CHAPTER 450

SENATE BILL NO. 2552
(Committee on Delayed Bills)
(At the request of Senators Melland, Goodman)

ADMINISTRATION OF HOUSING ASSISTANCE FUNDS

AN ACT to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to and clarifying the powers and duties of the social service board; and declaring an emergency.

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

SECTION 1.) A new subsection to section 50-06-05.1 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing assistance payments, and rental subsidies under any rental assistance programs initiated by the federal government not otherwise by law made the responsibility of another state agency possessing statewide jurisdiction.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved April 20, 1977

CHAPTER 451

HOUSE BILL NO. 1225
(Committee on Social Welfare)
(At the request of the Social Service Board)

DISCLOSURE OF SOCIAL SERVICE BOARD RECORDS

AN ACT to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the disclosure of information contained in social service board records and providing a penalty; and to repeal sections 50-06.1-11 and 50-09-13, relating to the disclosure of information contained in vocational rehabilitation records and aid to dependent children records.

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

SECTION 1.) A new section to chapter 50-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

DISCLOSURE OF INFORMATION CONTAINED IN RECORDS - PENALTY.) It shall be a class A misdemeanor for any person to disclose, authorize, or knowingly permit, participate in, or acquiesce in the disclosure of any records or information concerning persons applying for or receiving assistance or services under any program administered by or under the supervision and direction of the social service board when such information is derived directly or indirectly from records, papers, files, or communications received in the course of the administration of any such program or in the performance of official duties, except that such records and information may be used in the administration of any such program and as specifically authorized by the rules and regulations of the social service board.

SECTION 2. REPEAL.) Sections 50-06.1-11 and 50-09-13 of the North Dakota Century Code are hereby repealed.

Approved March 23, 1977

CHAPTER 452

HOUSE BILL NO. 1172
(Committee on Social Welfare)
(At the request of the Social Service Board)

CHILD SUPPORT ENFORCEMENT PROGRAM

AN ACT to create and enact a new section to chapter 50-09, a new subsection to section 50-09-02, a new subsection to section 50-09-03, and a new subsection to section 50-09-08 of the North Dakota Century Code, relating to partial reimbursement of county social service board costs in administering the child support enforcement program, duties of the state social service board regarding the child support enforcement program, duties of the county social service boards regarding administration of the child support enforcement program, and the furnishing of information regarding absent parents by state and local agencies for the administration of the child support enforcement program; to amend and reenact section 50-09-06, section 50-09-07, and section 50-09-20 of the North Dakota Century Code, relating to the assignment of rights to support upon application for aid to dependent children, notification of deserting parent to state's attorney by the county social service board, and the appropriation of county social service board funds for the administration of the child support enforcement program.

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

SECTION 1.) A new subsection to section 50-09-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Act as the official agency of the state in the administration of the child support enforcement program in conformity with title IV-D of the Social Security Act, as amended, and to direct and supervise county administration of that program.

SECTION 2.) A new subsection to section 50-09-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Administer the child support enforcement program under the direction and supervision of the social service board of North Dakota in conformity with title IV-D of the Social

Security Act, as amended. In administering the program, the county agency shall have the authority to contract with any public or private agency or person to discharge their child support enforcement duties.

SECTION 3. AMENDMENT.) Section 50-09-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-06. APPLICATION FOR ASSISTANCE - ASSIGNMENT OF SUPPORT RIGHTS.) Application for aid to a dependent child under this chapter shall be made to the county agency in the manner and form prescribed by the state agency. The application shall contain such information as the state agency may require, except that application for aid to a dependent child living in a home maintained and operated or selected by a private agency may be made direct to the state agency, and the action of the state agency in approving and granting assistance in such case shall be final and binding on the county agency. An applicant for assistance under this chapter is deemed to have assigned to the state agency and county agency at the time of application all rights to child support from any other person the applicant may have in his own behalf or in behalf of any other family member for whom application is made. The assignment:

- (1) is effective as to both current and accrued child support obligations.
- (2) takes effect upon a determination that the applicant is eligible for assistance under this chapter.
- (3) terminates when an applicant ceases to receive assistance under this chapter, except with respect to the amount of any unpaid support obligation accrued under the assignment.

SECTION 4. AMENDMENT.) Section 50-09-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-07. INVESTIGATION BY COUNTY AGENCY - REPORT TO STATE'S ATTORNEY.) Whenever a county agency shall receive an application for assistance, or assistance has been granted, under this chapter, the agency promptly shall make an investigation and record of the circumstances of the applicant, or child, or both, in order to ascertain the facts supporting the application, or the granting of assistance, and shall obtain such other information as may be required by the rules and regulations of the state agency.

SECTION 5.) A new subsection to section 50-09-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Request from state, county, and local agencies information deemed necessary to carry out the child support

enforcement program. All officers and employees of state, county, and local agencies shall cooperate with the state and county agency in locating absent parents of children to whom an obligation of support is owed or on whose behalf assistance is being provided and, on request, shall supply the state or county agency with available information relative to the location, income, social security number, and property holdings of the absent parent, notwithstanding any provision of law making that information confidential.

SECTION 6. AMENDMENT.) Section 50-09-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-20. APPROPRIATION OF COUNTY FUNDS.) For the purpose of carrying out the provisions of this chapter, the board of county commissioners of each county annually shall appropriate and make available an amount sufficient to pay:

1. Local expenses of administration and the county's share of assistance payments as specified in subsection 1 of section 50-09-21; and
2. Local expenses of administration of the child support enforcement program.

If the financial condition of any county is such that it cannot make an appropriation or levy a tax for aid to dependent children or cannot issue warrants legally in an amount sufficient to provide the necessary funds to comply with the provisions of this chapter, the board of county commissioners shall report such fact to the state agency. After a hearing before the state agency, and such investigation as the state agency may make, the state agency may increase the amount to be supplied from state funds and adjust accordingly the amount to be supplied from county funds.

SECTION 7.) A new section to chapter 50-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

AMOUNTS STATE LIABLE FOR - REIMBURSEMENT BY STATE.) The state agency shall reimburse each county, upon claim being made therefor by the county agency, for fifty percent of the amount expended for the child support enforcement program in the county in excess of the amount provided by the federal government for child support enforcement.

Approved April 21, 1977

CHAPTER 453

HOUSE BILL NO. 1539
(Martinson)

FOSTER CARE HOMES

AN ACT to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to the definition of foster care for children, foster family home, group home, and residential child care facility; to amend and reenact section 50-11-01 of the North Dakota Century Code, relating to the licensing of facilities providing foster care and enumerating those arrangements not requiring licensure.

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

SECTION 1.) A new section to chapter 50-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

DEFINITIONS.) As used in this chapter:

1. "Foster care for children" means the provision of substitute parental child care for those children described in subdivision b of subsection 6 of section 50-09-01, and includes the provision of food, shelter, security and safety, guidance and comfort on a twenty-four hour basis, to one or more children under twenty-one years of age to safeguard the child's growth and development and to minimize and counteract hazards to the child's emotional health inherent in the separation from the child's family. Foster care may be provided in a foster family home, group home, or residential child care facility.
2. "Foster family home" means an occupied private residence in which foster care is regularly provided by the owner or lessee thereof to no more than four children, unless all the children in foster care are related to each other by blood or marriage, in which case such limitation shall not apply.
3. "Group home" means an occupied private residence in which foster care is regularly provided for more than four, but less than ten, unrelated children.

4. "Residential child care facility" means a facility other than an occupied private residence providing foster care to more than eight unrelated children, except as may be otherwise provided by rule or regulation.

SECTION 2. AMENDMENT.) Section 50-11-01 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-01. FOSTER CARE FOR CHILDREN - LICENSE REQUIRED.) Any person, partnership, voluntary association, or corporation owning or operating a foster family home, group home, or residential child care facility receiving for foster care one or more children for more than thirty days during the calendar year shall procure annually from the social service board of North Dakota a license so to do. The mandatory provisions of this section requiring licensure shall not apply when the care is provided in:

1. The home of a person related to the child by blood or marriage;
2. A home or institution under the management and control of the state or a political subdivision;
3. A home or facility furnishing room and board primarily to accommodate the child's educational or vocational needs.

Approved March 23, 1977

CHAPTER 454

SENATE BILL NO. 2170
(Committee on Social Welfare and Veterans' Affairs)
(At the request of the Social Service Board)

RECOVERY FROM RECIPIENT'S ESTATE

AN ACT to amend and reenact sections 50-24-33 and 50-24.1-07 of the North Dakota Century Code, relating to recovery from the estates of medical assistance recipients and from the estates of recipients of assistance to the aged, blind, or disabled.

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

SECTION 1. AMENDMENT.) Section 50-24-33 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24-33. RECOVERY FROM ESTATE OF RECIPIENT OF ASSISTANCE TO THE AGED, BLIND, OR DISABLED.) On the death of any recipient of assistance to the aged, blind, or disabled under the provisions of this chapter the total amount of assistance paid under this chapter shall be allowed as a preferred claim against the estate of such person in favor of the state pursuant to subdivision e of subsection 1 of section 30.1-19-05 except that such "reasonable funeral expenses" shall not exceed the sum of nine hundred dollars and except that claims on behalf of the Jamestown state hospital shall have priority over any claims of the state filed under the authority of this section. No claim shall be enforced against the following:

1. Real estate of a recipient for the support, maintenance, or comfort of the surviving spouse or a dependent;
2. Personal property necessary for the support, maintenance, or comfort of the surviving spouse or a dependent; or
3. Any real or personal property of a recipient which is held in trust for him by the federal government.

SECTION 2. AMENDMENT.) Section 50-24.1-07 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24.1-07. RECOVERY FROM ESTATE OF MEDICAL ASSISTANCE

RECIPIENT.) On the death of any recipient of medical assistance who was sixty-five years of age or older when he received such assistance, the total amount of medical assistance paid on behalf of the decedent following his sixty-fifth birthday shall be allowed as a preferred claim against the decedent's estate after funeral expenses not in excess of nine hundred dollars, expenses of last illness, and expenses of administering the estate, including attorney's fees approved by the court, and claims on behalf of the state hospital have been paid. No claim shall be allowed during the lifetime of the decedent's surviving spouse, if any, nor while there is a surviving child who is under the age of twenty-one years or is blind or permanently and totally disabled.

Approved March 18, 1977

CHAPTER 455

HOUSE BILL NO. 1179
(Committee on Social Welfare)
(At the request of the Social Service Board)

RECOVERY OF MEDICAL ASSISTANCE COSTS

AN ACT to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the recovery of medical costs incurred by the social service board on behalf of medical assistance recipients; and to amend and reenact section 50-24.1-02 of the North Dakota Century Code, relating to eligibility for medical assistance and to provide for the application of proceeds received from accident and health care coverage to the costs of medical care and to the assignment of rights accruing under health care coverage to the social service board by applicants or recipients of medical assistance.

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

SECTION 1.) A new section to chapter 50-24.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

SUBROGATION OF SOCIAL SERVICE BOARD TO RIGHT OF RECOVERY - ASSIGNMENT OF CLAIM.) The social service board is subrogated to any right of recovery an applicant or recipient under this chapter may have for medical costs incurred under this chapter not exceeding the amount of funds expended by the social service board for the care and treatment of the applicant or recipient. The applicant or recipient, or other person acting in his behalf, shall execute and deliver an assignment of claim or other authorizations as necessary to secure fully the right of recovery of the social service board.

SECTION 2. AMENDMENT.) Section 50-24.1-02 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24.1-02. ELIGIBILITY.) Within the limits of legislative appropriations, medical assistance may be paid for any person who either has income and resources insufficient to meet the costs of necessary medical care and services or is eligible for or receiving financial assistance under chapter 50-09 or Title XVI of the Social Security Act, as amended, and:

1. Has not at any time before or after making application for medical assistance made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this chapter;
2. Has applied or agrees to apply all proceeds received or receivable by him or his eligible spouse from automobile accident medical benefits coverage and private health care coverage to the costs of medical care for himself and his eligible spouse and children. The social service board may require from any applicant or recipient of medical assistance the assignment of any rights accruing under automobile medical benefits coverage or private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid on behalf of the recipient under this chapter. The assignment is not effective as to any carrier before the receipt of notice of assignment by such carrier; and
3. Is eligible under rules and regulations established by the social service board.

Approved March 23, 1977

CHAPTER 456

HOUSE BILL NO. 1180
(Committee on Social Welfare)
(At the request of the Social Service Board)

ABUSED CHILD AND GUARDIAN AD LITEM

AN ACT to amend and reenact subsection 1 of section 50-25.1-02 and section 50-25.1-08 of the North Dakota Century Code, relating to the definition of "abused child", and the appointment of a guardian ad litem.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 50-25.1-02 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Abused child" means an individual under the age of eighteen years who is suffering from serious physical harm or traumatic abuse caused by other than accidental means by a person responsible for the child's health or welfare.

SECTION 2. AMENDMENT.) Section 50-25.1-08 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-25.1-08. GUARDIAN AD LITEM.) The court, in every case involving an abused or neglected child which results in a judicial proceeding or proceedings for informal adjustment under 27-20-10, shall appoint a guardian ad litem for the child in those proceedings.

Approved March 12, 1977