

**CHAPTER 75-03-36
LICENSING OF CHILD-PLACING AGENCIES**

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75-03-36-01. Definitions.

The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 50-12. In addition, as used in this chapter:

1. "Adoption dissolution" means a termination of parental rights of an adoptive parent after finalization of the same adoption.
2. "Adoption placement" means the formal date on which a child, who is legally free for adoption, is placed for the purpose of adoption.
3. "Adoption placement disruption" means an interruption of an adoption after formal placement and prior to finalization in which the child is returned to foster care or placed with another family.
4. "Client" means a child, birth parent, foster care provider, adoptive parent, or adopted individual.
5. "Department" means the North Dakota department of health and human services.
6. "Foster care provider" means an individual living in a private dwelling who maintains a license, certification, or approval from the department to provide family foster care to children in need of temporary safety services when placed out of the home.
7. "Legal risk adoptive placement" means placement of a child with a prospective adoptive family when the child is not legally free for adoption.
8. "Life book" means a tool used with children in out-of-home care and children who have been adopted to record memories and life events.
9. "Nonemployee" means an individual who is not compensated by the child-placing agency, such as a volunteer or student intern providing specific services under the supervision of an employee.
10. "Permanent adoption record" means all paper or electronic records, and identifying and nonidentifying information related to an adopted individual, birth siblings, birth parents, or adoptive parents which pertains to an adoption.
11. "Resident child-placing agency" means a child-placing agency that maintains an office within this state.

History: Effective April 1, 2010; amended effective April 1, 2016; July 1, 2020; April 1, 2024.

General Authority: NDCC 50-06-01.4, 50-11-03, 50-12-05

Law Implemented: NDCC 50-06-01.4, 50-11-00.1, 50-12-02

75-03-36-02. Child-placing agency license.

1. Application for a child-placing agency license must be made on an application form provided by the department.
2. At the initial application, the applicant shall submit a written purpose and policy statement for the general operation and management of the child-placing agency. The statement must include:
 - a. The purpose of the child-placing agency, the geographic area the agency expects to serve, the ages of children to be placed, and any other specific factors regarding the children to be placed or the homes in which the children will be placed;
 - b. A written placement policy, including parental agreement forms, and a description of the legal procedures which will be used to obtain the authority to place the child; and
 - c. A written statement of the fees that will be charged for each service.

3. Upon receipt of the application for license or renewal of license, the department shall conduct a licensing study or a license review to determine if the applicant meets all applicable requirements for licensure.
4. After completion of a licensing study, the department shall issue a license to any applicant that meets all requirements for licensure.
5. The department shall renew the license on the expiration date of the previous year's license if:
 - a. The licensed child-placing agency makes written application for renewal prior to the expiration date of its current license;
 - b. The licensed child-placing agency continues to meet all requirements for licensure at the time of the relicensing study; and
 - c. The licensed child-placing agency submits a copy of its yearly budget and annual audit of expenditures.
6. If the department determines that an application or accompanying information is incomplete or erroneous, the department shall notify the applicant of the specific deficiencies or errors, and the applicant shall submit the required or corrected information. The department may not issue or renew a license until it receives all required or corrected information.
7. The licensure requirements of this chapter do not apply to human service zones nor does this chapter apply to child-placing activities undertaken by human service zones.

History: Effective April 1, 2010.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12

75-03-36-03. License denial or revocation.

1. A child-placing agency license may be denied or revoked under the terms and conditions of North Dakota Century Code chapter 50-12 or by failing to meet the minimum requirements of this chapter.
2. If the department decides to deny or revoke a license, the department shall notify the child-placing agency in writing of its decision and the reasons for denial or revocation, including:
 - a. The applicant or the licensee is not in compliance with all licensure requirements; or
 - b. The applicant or the licensee has made a material misrepresentation to the department regarding its operations.
3. If an action to revoke a license is appealed, the licensee may continue the operation of the child-placing agency pending the final administrative determination or until the license expires, whichever occurs first; provided, however, that this subsection does not limit the actions the department may take pursuant to North Dakota Century Code section 50-12-11.

History: Effective April 1, 2010; amended effective April 1, 2022; April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-10, 50-12-11, 50-12-12

75-03-36-04. Suspension or correction.

1. The department may require immediate suspension of a child-placing agency license.

- a. A child-placing agency may submit a written request for review to the department if its license is suspended. The written request must include a statement of the disputed facts and the name, address, and telephone number of the individual to be contacted regarding the review.
 - b. The request for review must be received by the department within five working days after the child-placing agency receives written notice of the suspension. The child-placing agency may submit supporting documents or affidavits for the department to consider during its review.
 - c. The department shall complete its review of the files, records, and other information received from the child-placing agency and issue its decision within thirty days after the department receives the child-placing agency's request for review.
 - d. The department's decision constitutes the final determination of the suspension. If the department concludes that the child-placing agency made a false or misleading report to the department, the department will issue a notice of revocation of the child-placing agency's license.
2. The department may require immediate correction of a violation of North Dakota Century Code chapter 50-11 or this chapter. The child-placing agency has twenty days to correct any violations. All time periods under this section commence on the third day after the department mails notice of the correction order to the child-placing agency. Upon written request by the child-placing agency and upon showing need for an extension created by circumstances beyond the control of the child-placing agency and documentation that the child-placing agency has diligently pursued correction of the violation, the department may grant extensions of time to correct violations.
 3. The department may inform the public of a child-placing agency correction order or suspension status.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-11

75-03-36-05. Resident child-placing agency office requirements.

A resident child-placing agency shall maintain a physical office within the state, including an in-state mailing address and an in-state telephone number. The resident child-placing agency must ensure that at minimum the child placement coordinator maintains an onsite in-state presence, unless otherwise approved by the department.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-02.1

75-03-36-06. Governance.

1. Each child-placing agency shall have a governing body responsible for the overall operations, policies, activities, and practice of the child-placing agency. The governing body shall:
 - a. Define a mission statement.
 - b. Define services provided by the child-placing agency and clearly state which services are provided directly by the child-placing agency and which services are provided in collaboration with a referral source or other appropriate agencies.

- c. Define the volume of clients, including children placed, birth parents, foster care providers, or prospective adoptive parents the child-placing agency serves each year. A child-placing agency shall serve no fewer than twenty-five clients per year and place no fewer than five children per year, unless the child-placing agency was licensed prior to April 1, 2024, and otherwise approved by the department.
- d. Approve developed policies for child-placing agency operations in compliance with law, administrative rule, and policy as defined by the department, inclusive of administration, program, personnel policy, and procedure to address nondiscrimination. Personnel policies must include recruitment and retention of employees to operate the child-placing agency and expectations of employees and nonemployees, detail job descriptions for each position, and ensure a process to review policies and procedures with employee participation at least every five years.
- e. Guide the child-placing agency's development and provide leadership.
- f. Be composed of at least three members; a list of the names and contact information of members of the governing body must be maintained and submitted to the department during each licensing period. Each board member shall annually disclose conflicts of interest. Members of the board may not be family or have conflicts of interest with the child-placing agency administrator or employees with budget or accounting duties.
- g. Meet at least every six months.
- h. Maintain records of the governing body's meetings.
- i. Develop and review policies for board member selection and rotation.
- j. Ensure that the child-placing agency is funded, housed, staffed, and equipped in a manner required for the provision of services.
- k. Employ a qualified administrator and delegate responsibility to that administrator for the administration of the child-placing agency.
- l. Evaluate the performance of the administrator at least annually.
- m. Approve the child-placing agency's annual budget of anticipated income and expenditures necessary to provide services described in the child-placing agency's statement of purpose.
- n. Provide the most recent fiscal year-end financial records to the department, upon request.
- o. Ensure that the child-placing agency prepares an annual budget based on the assessment of child-placing agency program priorities and a realistic appraisal of anticipated funding, including reimbursement for services.
- p. Ensure the child-placing agency submits a copy of its budget to the department with a cost breakdown of budget items utilized to determine fees for services.
- q. If the child-placing agency increases fees for adoption services, ensure the child-placing agency submits justification of the cost increase to the department before charging an increased rate.
- r. Receive an initial orientation from the administrator to inform new board members of the child-placing agency's goals, programs, and methods of operation.

- s. Ensure the child-placing agency employs or retains legal representation to represent the child-placing agency in legal matters and to ensure prompt resolution of legal questions for children in the legal custody of the child-placing agency.
2. The child-placing agency shall have sufficient liability insurance to protect itself, employees, and children entrusted to its care from serious financial jeopardy.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-02

75-03-36-07. Administrator.

1. The governing body of the child-placing agency shall designate an administrator and shall clearly define, in writing, the responsibilities of the administrator.
2. The administrator shall:
 - a. Plan and coordinate with the governing body approval of new policies and procedures related to personnel, program, and administrative operations and shall maintain the policies and procedures required by this chapter.
 - b. Ensure that the governing body is kept informed of matters affecting the child-placing agency's finances, operation, and provision of services.
 - c. Ensure employment of qualified employees.
 - d. Ensure that the child-placing agency and its services are made known to the community.
 - e. Maintain a current organizational chart showing the child-placing agency's lines of accountability and authority.
 - f. Maintain a records retention policy that ensures adoption files are maintained permanently and adoption files which do not result in an adoption, adoption search files, and foster care files are retained according to child-placing agency retention schedule.
3. The child-placing agency, under the administrator's direction, shall maintain a record for each client. The client's record must be kept current from the point of intake to termination of service and must contain information relevant to the provision of services.
4. The child-placing agency administrator shall ensure adequate supervision is provided to all employees and nonemployees working at the child-placing agency.

History: Effective April 1, 2010; amended effective January 1, 2012; April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-02

75-03-36-08. Financial structure.

Repealed effective April 1, 2024.

75-03-36-09. Personnel files.

1. The child-placing agency shall maintain an individual file for each employee. The file must include:
 - a. Inventory detailing first and last date of employment, reason employment ended, training totals per year, and performance evaluation dates.

- b. The application for employment, including a record of previous employment.
 - c. Documentation of information obtained from an employee's references, if applicable.
 - d. Verification of any required license or qualification necessary for the position assigned to the employee.
 - e. A job description specifying the employee's role and responsibilities.
 - f. A statement signed by the employee acknowledging the confidentiality policy.
 - g. Annual performance evaluations.
 - h. Orientation and training records.
 - i. Evidence of the employee having read and received a copy of the law and child-placing agency procedures requiring the reporting of suspected child abuse and neglect, North Dakota Century Code chapter 50-25.1, initially upon hire and annually thereafter.
 - j. Results of a fingerprint-based criminal history record check and child abuse and neglect record.
2. The child-placing agency shall maintain an individual file for each nonemployee. The file must include:
 - a. Personal identification information.
 - b. Results of fingerprint-based criminal background checks and child abuse or neglect record.
 - c. Description of duties.
 - d. Orientation and training records.
 - e. Evidence of the nonemployee having read and received a copy of the law and facility procedures requiring the reporting of suspected child abuse and neglect, North Dakota Century Code chapter 50-25.1, initially upon placement and annually thereafter.
 - f. A statement signed by the nonemployee acknowledging the confidentiality policy.
 3. The child-placing agency shall adopt a policy regarding the retention of employee and nonemployee files.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-11-05, 50-12-03, 50-12-05

75-03-36-10. Employee functions and qualifications.

1. The child-placing agency shall employ or contract with service providers to perform necessary child-placing agency functions. Required employees and their qualifications include:
 - a. Administrator. The administrator shall provide for the general management and administration of the child-placing agency in accordance with the licensing requirements and policies of the child-placing agency's governing body. The administrator must have a bachelor's degree in business or public administration, social work, behavioral science, or a human services field and have a minimum of four years of related professional experience.

- b. Supervisor. The supervisor shall supervise, evaluate, and monitor the work progress of the placement employee. The supervisor must have a bachelor's degree in a behavioral science field and must be licensed as required by the field of practice and have a minimum of two years of experience or must have a master's degree in a behavioral science field. The supervisor must be licensed as required by the field of practice.
 - c. Child placement coordinator. The child placement coordinator shall perform intake services; provide case management for children and families; recruit and assess foster and adoptive homes; and plan and coordinate resources for children and families. The child placement coordinator must have a bachelor's degree in a behavioral science field and must be licensed as required by the field of practice.
2. If the child-placing agency has more than five child placement coordinators employed, the child-placing agency shall employ a supervisor and may not contract with a supervisor.
 3. The child-placing agency shall establish a caseload standard. The child placement coordinator caseload must ensure the placement coordinator is able to make all the required contacts with the child, biological parent, foster care provider, and adoptive families; adoption search clients; and collateral parties.

History: Effective April 1, 2010; amended effective January 1, 2012; April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-03

75-03-36-11. Employee professional development.

1. The child-placing agency shall ensure that the supervisor and child placement coordinator receive at least ten hours of training per year with evidence of completion in the employee file. Activities related to orientation and supervision of the employees and routine tasks are not training activities for the purpose of this requirement.
2. Prior to a new employee working independently, the child-placing agency shall provide orientation training to the employee covering all of the following areas, with evidence of completion present in the employee file:
 - a. Child-placing agency philosophy and program goals;
 - b. Administrative procedures, policies, and protocols;
 - c. Personnel policies;
 - d. Expected employee conduct with coworkers and clients;
 - e. Protocol for identifying and reporting child abuse and neglect; and
 - f. Disaster plan.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-03, 50-12-05

75-03-36-12. Employee background checks.

Repealed effective April 1, 2024.

75-03-36-13. Background checks and criminal conviction - Effect on licensure.

1. The department requires an initial fingerprint-based criminal background check for each child-placing agency owner, employee, or nonemployee with direct contact with clients. An initial fingerprint-based criminal background check is also required for each prospective adoptive parent, foster care provider, or any adult household member living in the prospective adoptive parent or foster care provider's home. Subsequent fingerprint-based background checks are not required for an employee, nonemployee, prospective adoptive parent, foster care provider, or any adult household member who maintains continuous employment, licensure, or affiliation with the child-placing agency unless the child-placing agency or the department determines a need exists to conduct a subsequent investigation.
2. The department requires a child abuse and neglect index check as part of the initial fingerprint-based criminal background check. An annual child abuse and neglect index check must be completed and placed in the personnel file for each employee and nonemployee or in the client file for each prospective adoptive parent, foster care provider, or any adult household member living in the prospective adoptive parent or foster care provider's home.
3. A prospective adoptive parent, foster care provider, or any adult household member living in the prospective adoptive parent or foster care provider's home may not be licensed, certified, or approved, or a child-placing agency owner, employee, or nonemployee may not be known to have been found guilty of, pled guilty to, or pled no contest to:
 - a. An offense described in North Dakota Century Code chapter 12.1-16, homicide; 12.1-17, assaults - threats - coercion - harassment; 12.1-18, kidnapping; 12.1-27.2, sexual performances by children; 12.1-41, Uniform Act on Prevention of and Remedies for Human Trafficking; or 19-03.1, Uniform Controlled Substance Act, if class A, B, or C felony under that chapter, or in North Dakota Century Code section 12.1-20-03, gross sexual imposition; 12.1-20-03.1, continuous sexual abuse of a child; 12.1-20-04, sexual imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-05.1, luring minors by computer or other electronic means; 12.1-20-06, sexual abuse of wards; 12.1-20-07, sexual assault; 12.1-20-12.3, sexual extortion; 12.1-21-01, arson; 12.1-22-01, robbery, if a class A or B felony under section 2 of that section; 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; 12.1-29-01, promoting prostitution; 12.1-29-02, facilitating prostitution; 12.1-31-05, child procurement; 12.1-31-07, endangering an eligible adult - penalty; 12.1-31-07.1, exploitation of an eligible adult - penalty; 14-09-22, abuse of child or 14-09-22.1, neglect of child;
 - b. An offense under the laws of another jurisdiction which requires proof of substantially similar elements as required for conviction under any of the offenses identified in subdivision a; or
 - c. An offense, other than an offense identified in subdivision a or b, if the department determines that the individual has not been sufficiently rehabilitated.
 - (1) The department will not consider a claim that the individual has been sufficiently rehabilitated until any term of probation, parole, or other form of community corrections or imprisonment for all other criminal convictions has elapsed.
 - (2) An offender's completion of a period of five years after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent charge or conviction, is prima facie evidence of sufficient rehabilitation.
4. The department has determined that the offenses enumerated in subdivisions a and b of subsection 3 have a direct bearing on the individual's ability to serve the public in a capacity

as an adoptive home placement, a foster care provider, and as an owner, employee, or nonemployee of a child-placing agency.

5. In the case of offenses described in North Dakota Century Code section 12.1-17-01, simple assault; 12.1-17-03, reckless endangerment; 12.1-17-06, criminal coercion; 12.1-17-07, harassment; 12.1-17-07.1, stalking; 12.1-22-01, robbery, if a class C felony; or 12.1-31-07.1, exploitation of an eligible adult - penalty, if a class B felony under subdivision c of subsection 2 of that section or a class B felony under subdivision d of subsection 2 of that section; or chapter 19-03.1, Uniform Controlled Substance Act, if a class A, B, or C felony; or equivalent conduct in another jurisdiction which requires proof of substantially similar elements as required for conviction, the department may determine that the individual has been sufficiently rehabilitated if five years have elapsed after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment for all other criminal convictions. The department may not be compelled to make such determination.
6. The department may deny a request for a criminal background check for any individual who provides false or misleading information about the individual's criminal history.
7. An individual is known to have been found guilty of, pled guilty to, or pled no contest to an offense when it is:
 - a. Common knowledge in the community;
 - b. Acknowledged by the individual; or
 - c. Discovered by the child-placing agency, authorized agent, or department as a result of a background check.
8. The department may request a fingerprint-based criminal background check whenever an owner, employee, or nonemployee of the child-placing agency, a prospective adoptive parent, foster care provider, or any adult household member living in the prospective adoptive parent or foster care provider's home is known to have been involved in, charged with, or convicted of an offense.
9. The department shall review fingerprint-based criminal background check results as follows:
 - a. If an individual disputes the accuracy or completeness of the information contained in the fingerprint-based criminal background check required under this chapter, the individual may request a review of the results by submitting a written request for review to the department within thirty calendar days of the date of the results. The individual's request for review must include a statement of each disputed item and the reason for the dispute.
 - b. The department shall assign the individual's request for review to a department review panel.
 - c. An individual who has requested a review may contact the department for an informal conference regarding the review any time before the department has issued its final decision.
 - d. The department shall notify the individual of the department's final decision in writing within sixty calendar days of receipt of the individual's request for review.
 - e. The final decision of the review panel may not be appealed.
10. The child-placing agency shall make an offer of employment to an employee or an offer of placement to a nonemployee conditioned upon the individual's consent to complete required background checks. While awaiting the results of the required background check, the child-

placing agency may choose to provide training and orientation to an employee. However, until the completed and approved required background check results are placed in the employee file, the employee may have only supervised interaction with clients.

11. The department may excuse an owner, employee, or nonemployee of a child-placing agency, prospective adoptive parent, foster care provider, or any adult household member living in the prospective adoptive parent or foster care provider's home from providing fingerprints if usable prints have not been obtained after two sets of prints have been submitted and rejected. If an owner, employee, or nonemployee of a child-placing agency, prospective adoptive parent, foster care provider, or any adult household member living in the prospective adoptive parent or foster care provider's home is excused from providing fingerprints, the department may conduct a nationwide name-based criminal history record investigation in any state in which the individual lived during the eleven years preceding the signed authorization for the background check.
12. A child-placing agency shall establish written policies and engage in practices that conform to those policies to effectively implement this section, and North Dakota Century Code sections 50-11.3-02 and 50-12-03.2.
13. A child-placing agency shall establish written policies specific to how the child-placing agency will proceed if a current employee or nonemployee is known to have been found guilty of, pled guilty to, or pled no contest to an offense.

History: Effective April 1, 2010; amended effective April 1, 2016; July 1, 2020; April 1, 2024.

General Authority: NDCC 50-11-03, 50-11.3-01, 50-12-05

Law Implemented: NDCC 50-11-06.8, 50-11.3-01, 50-12-03.2

75-03-36-14. Nonemployees.

1. A child-placing agency that utilizes nonemployees who work directly with children and families on a regular basis shall:
 - a. Develop and provide description of duties and specified responsibilities;
 - b. Require personal references, if applicable;
 - c. Designate an employee to supervise and evaluate nonemployees;
 - d. Develop a plan for orientation and training of nonemployees which includes education on the legal requirements for confidentiality, training in the philosophy of the child-placing agency, and the needs of children and families served by the child-placing agency;
 - e. Maintain documentation that the nonemployee has read and received a copy of the law and child-placing agency procedures requiring the reporting of suspected child abuse and neglect, North Dakota Century Code chapter 50-25.1, initially and annually thereafter;
 - f. Require that a nonemployee sign a statement of confidentiality; and
 - g. Require each nonemployee to successfully complete a fingerprint-based criminal background check and a child abuse and neglect index check prior to allowing the nonemployee to have unsupervised contact with children.
2. Nonemployees may not be used in the place of full-time paid employees.

History: Effective April 1, 2010; amended effective April 1, 2016; April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-11-05, 50-12-03, 50-12-05

75-03-36-15. Student field placements.

Repealed effective April 1, 2024.

75-03-36-16. Child abuse and neglect.

1. The child-placing agency shall follow the mandated procedures for reporting child abuse and neglect as outlined in North Dakota Century Code section 50-25.1-03. Upon hire and annually thereafter, all employees and nonemployees shall certify having read the law requiring the reporting of suspected child abuse and neglect, North Dakota Century Code chapter 50-25.1, and having read and received a copy of the child-placing agency's written child abuse and neglect procedures. All employees and nonemployees are required to report suspected child abuse and neglect.
2. The child-placing agency shall develop policy for handling any suspected incidents of child abuse or neglect involving a child-placing agency employee, nonemployee, foster care provider, prospective foster care provider, adult household member, or prospective adoptive parent. These procedures must include:
 - a. A provision that ensures any individual having knowledge of or reasonable cause to suspect that a child is abused or neglected reports the circumstances to child protection intake;
 - b. A provision for preventing a recurrence of the alleged incident pending an assessment; and
 - c. Approval from the department indicating the individual is determined rehabilitated if the child-placing agency employee, nonemployee, foster care provider, adult household member, or prospective adoptive parent has been the subject of a confirmed decision in a report of child abuse or neglect or has been convicted of a direct bearing offense.

History: Effective April 1, 2010; amended effective April 1, 2022; April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-03, 50-12-05, 50-25.1-03

75-03-36-16.1. Adoptive family child abuse and neglect.

Repealed effective April 1, 2024.

75-03-36-17. Incident and sentinel event reporting.

The child-placing agency shall have written policy outlining the documentation and reporting of incidents and sentinel events that occur while a child is in a foster care or adoption placement prior to the adoption finalization. The policy must include:

1. A description of an incident involving harassment, violence, discrimination, or an unplanned occurrence that resulted or could have resulted in injury to people or damage to property, specifically involving the general public, child in placement, foster care provider, prospective adoptive parents, or child-placing agency employee or nonemployee.
2. A description of an incident involving law enforcement, including in the case of a runaway, criminal activity, behavior resulting in harm to others, or restraint injury.

3. A description of a sentinel event as an unexpected occurrence involving death, serious injury or psychological injury not related to the natural causes of a client's illness or underlying condition, including any process variation for which a reoccurrence would carry a significant chance of a serious adverse outcome. Sentinel events include serious injury or trauma to a client, attempted suicide by the client, death of a client, or inappropriate sexual contact.
4. A requirement that notification must be made to custodian, parent, or guardian and the department immediately or within one business day.

History: Effective April 1, 2010; amended effective July 1, 2020; April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-07

75-03-36-18. Disaster plan.

The child-placing agency shall have a written disaster plan to accommodate emergencies. The disaster plan must specify:

1. Employee roles and responsibilities;
2. Processes to ensure ongoing communication is maintained with children in placement, foster care providers, or prospective adoptive parents and employees;
3. Primary and alternate plans for evacuation to ensure continuity of services, including workspace and ongoing access to relevant child-placing agency files; and
4. Supervision of employees, nonemployees, children in placement, foster care providers, and prospective adoptive parents after evacuation or relocation.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-07

75-03-36-19. Confidentiality and retention of files.

1. The child-placing agency shall have written procedures for safeguarding the confidentiality of records.
2. Except as otherwise provided in this section and North Dakota Century Code section 14-15-16, child-placing agency records concerning children and families who have received, are receiving, or seek to receive services must be safeguarded and may be made available only:
 - a. To employees and nonemployees of the child-placing agency, to the extent reasonably necessary for the performance of their duties;
 - b. To persons authorized by a custodian, parent, or guardian who may lawfully review a child's record;
 - c. In a judicial proceeding;
 - d. To officers of the law or board specific to a criminal investigation; and
 - e. As required by law.
3. The child-placing agency shall ensure that all records are kept in a safe place, protected from damage, theft, and unauthorized access.

4. The child-placing agency shall disclose its records to the department, upon request.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 14-15-16, 50-11-05, 50-12-05

75-03-36-20. Legal services and responsibilities.

Repealed effective April 1, 2024.

75-03-36-21. Quality assurance.

A child-placing agency shall have a performance and providing quality improvement plan that ensures licensing compliance, advances service delivery, reviews management practices, and measures the achievement of program goals and outcomes. Quality assurance must include:

1. A process for reviewing the case plans for each child to evaluate the continued appropriateness;
2. A process for reviewing select child, foster or adoptive families, and personnel files quarterly to ensure quality of services being provided; and
3. A process for reviewing the child-placing agency's policies, procedures, and practices.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-05

75-03-36-22. Child-placing agency closure.

The child-placing agency shall have a policy and procedure in the event a child-placing agency closes. Prior to closing, the administrator shall provide at least a sixty-day written notice to the department, including:

1. A detailed plan for closure, specifying:
 - a. Date of closure; and
 - b. Plan to notify each custodian, parent or guardian, foster care provider, adoptive family, and employee, no less than forty-five days prior to closure.
2. A detailed plan to supervise and manage all adoptive placements;
3. A detailed plan to accommodate all licensed or approved families and birth families to other agencies regarding closure of cases;
4. A detailed plan of reasonable attempts to notify former clients of the child-placing agency's closure;
5. A detailed plan of any arrangements made with another licensed child-placing agency to retain all permanent adoption records and provide post-finalization services; and
6. Arrangements to transfer any other records which must be retained for a specific time period to the department.

History: Effective April 1, 2010; amended effective January 1, 2012; April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-12-07

75-03-36-23. Adoption - Referral source.

A child-placing agency shall work in conjunction with a referral source, which may include a birth parent or a public agency case manager. A child-placing agency may:

1. Distribute information regarding adoption services provided for a child, the child's birth parent, and prospective adoptive parents;
2. Provide a list of required information needed from a referral source;
3. Request an invite to meetings regarding the child, if applicable; and
4. Obtain necessary authorization for permission to recruit a prospective adoptive family for the child.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-05

75-03-36-24. Adoption - Services to birth parents.

1. The child-placing agency shall:
 - a. Inform a birth parent of the birth parent's rights, obligations, and responsibilities under state law, or as specified by court order;
 - b. Inform a birth parent of the continuum of openness in adoption and the options available to the birth parent and the child for future contact as allowed by state law;
 - c. Assist the birth parent in making a decision and understanding the finality of relinquishment of parental rights;
 - d. Assist the birth parent to legally terminate the birth parent's parental rights provided this is the decision of the parent and the parent has the legal authority to relinquish his or her rights or make an adoption plan;
 - e. Solicit the preference of the birth parent for the religious faith in which their child may be reared;
 - f. Include the birth parent, and other significant individuals including the child when appropriate, in the development of the case plan;
 - g. Obtain, if assuming custody of a child for voluntary placement purposes:
 - (1) Written authority from the parent or parents to place the child; and
 - (2) Written authority from the parent or parents to provide medical services for the child;
 - h. Make reasonable efforts to involve the birth parents in planning for the adoptive placement of the child. Reasonable efforts as identified by this section means effort with respect to any action made, attempted or taken by the child-placing agency is intended to be timely, documented, and consistent with the best interests of the child; and
 - i. Offer supportive and referral services to the birth parents.
2. No fee, with the exception of reasonable fees as verified by the court and allowed by state law, may be paid by the prospective adoptive parents to the birth parents. The fees paid by the prospective adoptive parents and the services provided by the child-placing agency to the

birth parents may not be provided dependent on their willingness to relinquish their child for adoption.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-05

75-03-36-25. Adoption - Services to the child.

1. The child-placing agency shall make every effort to place siblings together in an adoptive home. If it is not possible to place siblings together, the child-placing agency shall add written documentation in the child's file identifying the reasons the siblings could not be placed together and the plans formulated to keep the siblings in contact with one another after the adoption.
2. The child-placing agency shall create and provide a life book to the child, and shall give the child an opportunity to explore the child's birth history in preparation for the child's adoptive placement.
3. When appropriate to the child's developmental needs, the child-placing agency shall provide preplacement counseling to the child to assist the child in adjusting to adoption.
4. The child-placing agency shall begin recruitment efforts immediately and on an ongoing basis as directed by the referral for a child without an identified family. Diligent recruitment may include listing the child with local, regional, and national recruitment resources.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-05

75-03-36-26. Private adoptions - Selection of adoptive placement.

The child-placing agency shall select prospective adoptive parents who have the capacity to assist in the achievement of the permanency goal. For all private adoptions, the child-placing agency shall:

1. Make efforts to involve the birth parents in the selection of the prospective adoptive parents.
2. If appropriate, make a legal risk adoptive placement, prior to the termination of parental rights, into the home of a prospective adoptive parent of that child, provided that:
 - a. The prospective family home has been fully studied and recommended for adoption placement; and
 - b. The prospective adoptive parents sign a document acknowledging that they understand the risk of the birth parent reclaiming the child and that the prospective adoptive parents will return the child to the child-placing agency upon the child-placing agency's request.
3. Recruit foster care providers to provide interim care for infants being relinquished to the custody of the child-placing agency prior to the adoptive home placement of the child, if applicable.
4. Collaborate with the department to identify a licensed foster care provider for the child-placing agency to access for interim care for infants. Permission must be limited to a specific child for a specific period of time. The child-placing agency shall provide the same information to the licensed foster care provider as it would provide to the child-placing agency's foster care provider.

History: Effective April 1, 2010; amended effective April 1, 2016; April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-08

75-03-36-27. Licensed child-placing agencies - Interim family foster homes for infants.

Repealed effective April 1, 2024.

75-03-36-28. Adoption - Preplacement preparation services.

1. A child-placing agency may not place a child into an adoptive home without a full adoption assessment being completed on the prospective adoptive parents, including required fingerprint-based criminal background check and child abuse and neglect index check.
2. The child-placing agency may not place a child into an adoptive home if:
 - a. There is a prior finding of deprivation related to any child in the prospective adoptive home within the last five years;
 - b. There has been a dissolution of a previous adoption within the last five years;
 - c. There has been a disruption of a formal adoptive placement within the last five years, unless further assessment by the child-placing agency in consultation with the department determines such placement to be in the best interest of the child; or
 - d. The custodial agency reasonably believes the adoption is not in the best interest of the child.
3. Effective October 1, 2024, if the prospective adoptive parents are licensed foster care providers, the child-placing agency shall obtain and consider the foster care assessment as part of the adoption assessment to determine suitability. An adoptive home is presumed suitable if the foster care provider has:
 - a. Been continuously licensed, certified, or approved as a family foster home for children; and
 - b. Provided foster care for children for more than one year without a correction order, fiscal sanction, or license revocation proceeding.
4. A child-placing agency shall give the prospective adoptive parents an opportunity to review the records of the child in the child-placing agency's possession, and shall provide the prospective adoptive parents an opportunity to meet with the child's case manager, therapists, foster care providers, and other treatment providers to gain an understanding of the child's needs and the services the child will require upon placement in the prospective adoptive home.
5. A child-placing agency shall help the child, when age appropriate, understand the reasons for placement, prepare the child for the new family, and be available to the child, prospective adoptive parents, and the birth parents, when applicable, for supportive services.
6. A child-placing agency preplacement preparation services must include:
 - a. A visit with the child at the home of the prospective adoptive parents, if applicable;
 - b. Sharing the child's life book with the child and the prospective adoptive parents, if applicable;
 - c. Arrangements for a physical examination unless the child had a physical examination within one year prior to placement. The child-placing agency shall provide the

- prospective adoptive parents with a copy of the physician's report and the child's immunization record;
- d. Arrangements for an eye, dental, and hearing examination for a child three years of age or older unless the child had these examinations within one year prior to placement. The child-placing agency shall provide the prospective adoptive parents with copies of the examination reports; and
 - e. Sharing of information regarding the child's development and needs between the care providers, if applicable, parents and the prospective adoptive parents.
7. The child-placing agency shall prepare the prospective adoptive parents for an understanding of separation anxiety, grief reaction, and problems related to attachment.
 8. The child-placing agency shall notify the referral source of the date of placement.
 9. The child-placing agency, if applicable, shall make an adoptive placement in accordance with the interstate compact on the placement of children.
 10. The child-placing agency, if applicable, shall discuss the need and qualifications for adoption assistance and shall make a referral to the department. The child-placing agency shall provide the department with supporting documentation of the need for adoption assistance when making the referral.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 14-15-11, 50-12-08

75-03-36-29. Adoption - Placement.

1. The child-placing agency shall adopt written policies for the placement of a child legally free for adoption. The policies must detail:
 - a. Placement contract procedures as specified in North Dakota Century Code section 50-12-06;
 - b. Collaboration with the custodial case manager or birth parents to review the prospective adoptive parents;
 - c. Placement into an adoptive home as soon as possible after the child is legally free for adoption;
 - d. Placement of an Indian child according to the Indian Child Welfare Act and North Dakota Century Code chapter 27-19.1;
 - e. Placement in the best interests of the child;
 - f. Placement with identified relatives if it is in the best interests of the child; in the event a relative search is completed by the child-placing agency, diligent search efforts must be documented;
 - g. Placement of siblings together, and if this is not possible, a plan to keep separated siblings connected after adoption;
 - h. Placement to meet each child's needs;

- i. Prohibition of placement of a child based solely on the race, or national origin of the adoptive parents or the child, unless the Indian Child Welfare Act or North Dakota Century Code chapter 27-19.1 applies;
 - j. Continuation of services to assist the child and family;
 - k. Providing relevant child specific documents to the child's adoptive parents; and
 - l. Adoption-related policies required by the department.
2. The child-placing agency shall give notice to the department of any adoptive placement facilitated by the child-placing agency for adoption. The child-placing agency shall provide notice within seven calendar days of placement.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-06, 50-12-08

75-03-36-30. Adoption - Post-placement and post-finalization.

- 1. Post-adoptive placement, until adoption finalization. The child-placing agency shall have policy and procedure detailing:
 - a. Supportive services offered and available for the child and adoptive family following adoptive placement;
 - b. Monthly visitation with the adoptive parents and other members of the adoptive family, as applicable;
 - c. Monthly face-to-face visits with the child primarily in the child's residence; and
 - d. Assistance provided to the adoptive family in completing the legal adoption of the child.
- 2. Post-finalization. The child-placing agency shall have policy and procedure detailing:
 - a. Supportive services offered and available to adoptive parents, birth parents, and the adoptive child or adult, as applicable;
 - b. Exchange of information between birth and adoptive families consistent with contact agreements; and
 - c. Information and referral services, including the North Dakota post adopt network.
- 3. The child-placing agency shall have policy and procedures detailing adoption search services specific to the process, availability, and fees charged.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-05

75-03-36-31. Adoption - Services to prospective adoptive parents.

- 1. A child-placing agency serving minority race children shall have a recruitment plan that actively recruits homes of the same race as the adoptive children to preserve the adoptive child's culture.
- 2. The child-placing agency shall provide information to a prospective adoptive parent about the adoption process, the child-placing agency's policies and practices, legal procedures, and the approximate time the adoption process will take, adoptive standards, children available, the

availability of a subsidy if appropriate, and a payment schedule which clarifies provision of services, dates of payment, and an estimate of final costs.

3. The child-placing agency shall provide education to a prospective adoptive parent to ensure they have a well-rounded understanding regarding trauma, the needs of an adoptive child, and the importance of maintaining biological and cultural connections.
4. The child-placing agency shall require the prospective adoptive parent of a foreign-born child to purchase a surety bond, or have five thousand dollars in savings, to provide financial protection for a possible disruption, or unexpected medical costs prior to finalization unless the adoptive parent is provided a copy of the decree of adoption from the foreign court at the time of finalization in the foreign country.
5. The child-placing agency shall document a summary of the information and maintain on file the adoption assessment. An adoption assessment must be completed in the form and manner prescribed by the department which must include onsite visits of the prospective adoptive parent's home to assess physical safety, personal beliefs, motivation and commitment to adopt, relationship status, support systems, financial stability, substance use, mental and behavioral health stability, plans to support the child's long-term needs, cultural and biological family connections, plan for care of the child in the event of death and any supplemental information determined necessary and collected throughout the assessment process.
6. During the course of the assessment, the child-placing agency shall keep the applicant informed of the applicant's status. When an applicant is denied a recommendation for adoption, the child-placing agency shall inform the applicant, in writing, of the reasons the child cannot be placed in the applicant's home. The child-placing agency shall offer services to the applicant as needed.
7. The child-placing agency shall require an adoptive family assessment be updated at least every two years from the date of completion of the original assessment until a child is placed into the home for the purpose of adoption.
8. The child-placing agency shall have regular contact with an approved waiting adoptive family to assess their circumstances and ability to adopt a child for adoptive placement.
9. The child-placing agency shall develop policy and procedure to allow applicants to grieve the services provided by the child-placing agency or to grieve the child-placing agency's decision regarding adoption assessment denial.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-07, 50-12-08

75-03-36-32. Adoption - Case plan.

1. The child-placing agency shall develop a written case plan for each client. The case plan must include a description of specific services to be provided to meet the needs of the birth parents, the child, and the prospective adoptive parents. The case plan must include goals specifying timelines to achieve permanency for the child.
2. The child-placing agency shall review the case plan annually.
3. The case plan must be signed and dated by the case manager and other relevant parties as determined appropriate.

4. For a child in the custody of a tribe or a human service zone, the case plan must be directed by the custodial agency, the child, if appropriate, and with input from members of the child and family team.
5. For a child in the custody of the child-placing agency, the child-placing agency may direct the case plan.
6. For a child in the custody of a birth or adoptive parent, the legal custodial parent may direct the case plan.

History: Effective April 1, 2010; amended effective July 1, 2020; April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-06

75-03-36-33. Adoption - Case records.

1. The child-placing agency shall maintain a case record on each client served. The child-placing agency shall maintain a master list detailing all case records managed by the child-placing agency. The child-placing agency shall adopt a policy regarding the retention of the permanent adoption record.
2. The child's case records must include the following:
 - a. The child's full name, date of birth, and other identifying information;
 - b. The child's referral information;
 - c. The child's birth record;
 - d. Application documents, including a photo of the child, if recruitment is needed;
 - e. Record of the child's placement history with names of caregivers and dates of placement;
 - f. Child-placing agency assessments and supporting documentation;
 - g. Medical records with significant family health history for the child and the child's birth parent;
 - h. Signed statements authorizing necessary medical or surgical treatment for the child;
 - i. Legal documents;
 - j. Child-placing agency agreements or contracts;
 - k. Reports from schools, specialists, and other agencies;
 - l. A case plan; and
 - m. All relevant correspondence regarding the child's treatment, visits, and contacts with other persons concerning services provided to the child.
3. The prospective adoptive parent's case record must include the following:
 - a. Fingerprint-based criminal background check;
 - b. Child abuse and neglect index check, initially and annually thereafter, if applicable;
 - c. Medical records, if applicable;

- d. Adoption assessment;
 - e. Other pertinent documentation;
 - f. Physical examination, if applicable; and
 - g. In the event prospective adoptive parents are denied a recommendation for adoption or did not have a child placed with them, the child-placing agency shall keep on file a narrative clearly indicating the reason and the manner in which the decision was presented to the family.
4. The birth parent case record must include the following, if applicable:
- a. Application documents;
 - b. Medical and health history; and
 - c. Family genealogy and social history.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-05

75-03-36-34. Adoption - Placement disruption.

The child-placing agency shall:

1. Report immediately to the department any adoption placement disruptions;
2. Provide services to assist the child with managing the loss after a placement disruption;
3. Assess the needs of the child when considering replacement options;
4. Provide services to assist the adoptive parents in managing the loss after a placement disruption; and
5. Assess the needs of the adoptive family with whom the child was placed at the time of the disruption prior to considering any future adoptive placement.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-05

75-03-36-35. Foster care - Programs and services.

1. The child-placing agency shall adopt a written program description, which includes the following:
 - a. A description of the services provided by the child-placing agency, clearly stating which services are provided directly by the child-placing agency and which services are to be provided in collaboration with a human service zone, the division of juvenile services, tribal entities, community resources such as schools, and other appropriate agencies;
 - b. A description of how the child-placing agency engages in wraparound philosophies, and how collaboration efforts occur;
 - c. A description of how the child-placing agency participates in preparing a child in foster care to transition to adulthood, if applicable;

- d. Characteristics and eligibility requirements of a child served by the child-placing agency may not exceed the requirements for children working with a human service zone, tribe, division of juvenile services, or the department;
 - e. A list of information that is required to be submitted with the referral;
 - f. Foster care providers must be licensed in accordance with North Dakota Century Code chapter 50-11 and chapter 75-03-14; and
 - g. Acknowledgment that final decisions regarding a child referred to the child-placing agency rest with the custodian pursuant to the authority and responsibility conferred on the custodian under North Dakota Century Code chapter 27-20.3.
2. The child-placing agency shall have a written admission policy. The written policy must include:
 - a. A screening of referrals, including a method of determining the appropriateness of each referral, including the age, gender, and characteristics of a child eligible for placement;
 - b. Verification that a child referred to the child-placing agency and accepted for services meets the criteria for admission and placement into a family setting;
 - c. Requirements specific to a child in foster care as defined by the department;
 - d. A requirement that the child-placing agency accept a child for placement who meets eligibility criteria;
 - e. A process for assisting the applicant or referral source, or both, in obtaining services from other agencies when the child-placing agency's services are not appropriate to the applicant's or referral source's needs; and
 - f. A requirement that the child-placing agency discuss with the child and the child's parent, guardian, or custodian, the appropriateness of the child-placing agency's services in meeting the child's needs, including client rights.
 3. The child-placing agency shall have a written discharge policy, including the development of a discharge plan. The written policy and plan must include:
 - a. Names of individuals involved in discharge planning;
 - b. The date of admission;
 - c. The date of discharge;
 - d. Details of the events and circumstances leading to the decision to discharge;
 - e. The names and address of the individual or agency to whom the child is discharged;
 - f. A summary of services provided during placement;
 - g. A summary of goal achievement;
 - h. A summary of the child's continuing needs;
 - i. Appointments scheduled;
 - j. A list of medication prescribed; and
 - k. A summary of efforts made by the child-placing agency to prepare the child for discharge.

4. A licensed child-placing agency shall work with the department to set the child-placing agency's foster care fee for service rate, inclusive of clothing and personal incidentals.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12-05, 50-12-07

75-03-36-36. Foster care - Program files.

1. The child-placing agency shall maintain a file for each child. This file must include:
 - a. The child's full name, date of birth, and other identifying information;
 - b. The name and contact information of a custodian, parent, or guardian, and other pertinent individuals;
 - c. Signed care agreement or contract establishing the child-placing agency's authority to accept and place the child;
 - d. An explanation of custody and legal responsibility for consent to any medical or surgical care;
 - e. An explanation of responsibility for payment for care and services;
 - f. A current case plan;
 - g. A copy of the appropriate interstate compact forms, if applicable;
 - h. Progress reports that are developed by the child-placing agency and provided at least quarterly to the child's custodian, parent, or guardian;
 - i. Medical records, including annual health tracks screenings, immunization records, and evidence of appropriate medical followthrough; and
 - j. School records, including individual education plans, if applicable.
2. The child-placing agency shall maintain a current case file on each family foster care provider, including:
 - a. Current contact information for foster care providers;
 - b. Initial and renewal licensing documents;
 - c. Fingerprint-based criminal background checks;
 - d. Initial and annual child abuse and neglect index checks;
 - e. Child-placing agency specific assessments and supporting documentation;
 - f. Correspondence; and
 - g. Child-placing agency agreements or contracts.

History: Effective April 1, 2010; amended effective January 1, 2012; April 1, 2024.

General Authority: NDCC 50-12-05, 50-12-07

Law Implemented: NDCC 50-12-05, 50-12-07

75-03-36-37. Foster care - Case plan.

The child-placing agency shall adopt a written policy that ensures the child-placing agency will develop a case plan for each child and family. The policy must detail:

1. The development of a case plan, within thirty days of placement, in conjunction with the child and family team;
2. Documentation of participation in child and family team meetings on a quarterly basis;
3. Documentation of services provided by other agencies working with the child inclusive of behavioral and physical health needs;
4. Documentation of the child's special needs, if applicable;
5. Documentation of reasonable efforts to gather relevant case planning information from the custodian, parents, foster care providers, courts, schools, and other appropriate individuals or agencies;
6. Completion of a strengths and needs assessment of the child, biological family, and foster care provider;
7. Identification of measurable goals, including time frames for completion;
8. Identification of the measures that will be taken or tasks that will be performed to assist the child and family with meeting the goals;
9. Identification of the individual or entity responsible for providing the service or completing the task;
10. A discharge plan, including a projected discharge date with special attention to discharge planning efforts for a child who is aging out of foster care; and
11. Documented evidence of individualized treatment progress in a child's case plan reviewed at least quarterly, or more often if necessary.

History: Effective April 1, 2010; amended effective January 1, 2012; April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-11-03, 50-12-05

75-03-36-38. Foster care - Family foster care provider.

The child-placing agency shall adopt a written policy that describes how the child-placing agency will:

1. Recruit foster care providers and evaluate the homes' suitability to meet the individual and specialized needs of children in foster care, including identifying providers who support cultural diversity and inclusion;
2. License foster care providers according to North Dakota Century Code chapter 50-11 and North Dakota Administrative Code chapter 75-03-14;
3. Place children in foster care in licensed foster care provider homes;
4. Make available, and ensure foster care providers complete orientation and required training;
5. Provide ongoing supervision to ensure foster care providers have the training necessary to provide quality care; and

6. Ensure foster care providers have the necessary support from the child-placing agency and custodial agency.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-11-03, 50-11-04, 50-12-05

75-03-36-39. Foster care - Placements.

The child-placing agency shall create and maintain written policy outlining how the child-placing agency will evaluate placement decisions. The evaluation must consider initial and ongoing assessment of the appropriateness of the placement. The evaluation must include:

1. The identification of the appropriate foster care provider to meet the child's needs;
2. The child's view of the placement;
3. The foster care provider's commitment to the child's best interests;
4. The foster care provider's ability and willingness to accept and support the biological family; and
5. Evidence that the placement supports maintaining family and sibling connections, visitation, educational, religious, spiritual, and cultural needs.

History: Effective April 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-05

Law Implemented: NDCC 50-11-03, 50-12-08

75-03-36-40. Service delivery.

Repealed effective April 1, 2024.

75-03-36-41. Rights of the foster child.

Repealed effective April 1, 2024.

75-03-36-42. Variance.

Upon written application and good cause shown to the satisfaction of the department, the department may grant a variance regarding a specific provision of this chapter upon such terms as the department may prescribe, except no variance may permit or authorize a danger to the health or safety of any child provided care by the child-placing agency and no variance may be granted except at the discretion of the department. A child-placing agency shall submit a written request to the department justifying the variance. A refusal to grant a variance is not subject to appeal.

History: Effective April 1, 2024.

General Authority: NDCC 50-11-03, 50-12-02, 50-12-05

Law Implemented: NDCC 50-11-03, 50-12-02, 50-12-05