

CHAPTER 75-03-12 FOSTER PARENT GRIEVANCE PROCEDURE

Section

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75-03-12-01. Definitions.

1. "Department" means the North Dakota department of human services.
2. "Grievance" means an objection made by a licensed foster parent regarding any placement decisions made by the department or human service zone which substantially affects the foster parent or the needs of the foster child.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-02. Who may file grievance.

Only the foster parents who are providing, or who most recently provided, care to a foster child may file a grievance. No grievance may be filed with respect to a decision concerning a foster child who has not been living in the grievant's home within one hundred days prior to filing.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-03. Grievance to be in writing - Contents - Time for filing.

The grievance must be in writing. It must contain a succinct statement of the grievant's reasons for objections to a decision and the grievant's proposed substitute decision. A grievance must be filed with the human service zone director or the director's designee within ten days of the grievant's receipt of the written decision of the department or human service zone.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-04. Informal meeting.

1. The agency which has made the grieved decision shall schedule an informal meeting with the foster parents. This meeting shall be held within ten days of receipt of the written grievance. When the decision which is the subject of the grievance is a decision made by a human service zone team member, a member of the human service zone shall preside at the informal meeting.
2. The informal meeting may include, upon approval of the agency having care, custody, and control of the foster child, the following participants:

- a. Foster parents.
 - b. Human service zone team members and staff.
 - c. Human service zone directors.
 - d. Juvenile court staff.
 - e. State's attorneys.
 - f. Natural parents of the foster child.
 - g. Foster child.
 - h. Staff of the agency having care, custody, and control of the foster child.
 - i. Any other person having information concerning the decision which is the subject of the grievance.
3. Within two working days after conclusion of the informal meeting, the human service zone which has made the grieved decision shall prepare a written summary of the meeting and any resolution of the grievance. The summary must be submitted to the grievants for approval and signing. If the grievants do not approve of the summary or any stated resolution, they shall, within two working days of receipt of the agency summary, prepare a written grievants' summary of the meeting and any resolution. If the parties cannot agree to the contents of a summary, the proposed summary of each must be made a part of the record of any formal hearing.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-05. Request for formal hearing.

If the grievants and the human service zone do not resolve the grievance at the informal meeting, the grievants may submit a written request for a formal hearing to be held at a conflict-free human service zone office. This request must be received by the human service zone director within three working days after receipt by the foster parents of the written summary of the informal meeting.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-06. Formal hearing.

1. The human service zone involved shall provide the conflict-free human service zone office with pertinent files and records for the review by the conflict-free human service zone director.
2. The conflict-free human service zone director, or the director's designee, shall conduct the hearing, swear witnesses, and maintain order.
3. Testimony taken at the hearing shall be preserved by a suitable recording device. Any party may receive a transcribed copy of the testimony upon request and payment of the transcription costs; provided, that the request is received within ninety days of the hearing.
4. The statements received at the hearing must be limited to those probative of the grievance under review.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-07. Hearing decision.

The conflict-free human service zone director shall prepare a written decision upon the files, records, and testimony received at the hearing. The decision constitutes the final determination of the grievance. The findings and conclusions of the conflict-free human service zone director must be sent to the grievants and the human service zone within five working days of the hearing.

History: Effective April 1, 1984; amended effective July 1, 2020.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-08. Confidentiality.

Information furnished at the informal meeting and formal hearing is confidential and subject to the provisions of North Dakota Century Code section 50-06-15.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2