

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 27-20-30.1 of the North Dakota Century Code,  
2 relating to a foster care agreement with an agency or tribal council of a recognized Indian  
3 reservation in North Dakota.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 27-20-30.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **27-20-30.1. Disposition of child needing continued foster care services.**

- 8 1. For purposes of this section, "child" means an individual between the ages of eighteen  
9 and twenty-one years who is in need of continued foster care services.
- 10 2. A petition to commence an action under this section must contain information required  
11 under section 27-20-21 along with an affidavit either prepared by the administrative  
12 county, as determined by the department of human services, or prepared by an  
13 agency or tribal council of a recognized Indian reservation in North Dakota.
- 14 3. The court shall issue a summons in accordance with section 27-20-22 upon the filing  
15 of a petition and affidavit.
- 16 4. If a child is in need of continued foster care services as determined by the department  
17 of human services and as set forth in a continued foster care agreement, the court  
18 shall make the following judicial determination:
  - 19 a. That the child is not deprived, delinquent, or unruly but is in need of continued  
20 foster care services;
  - 21 b. That the child will remain in or will return to foster care pursuant to the child's  
22 continued foster care agreement;
  - 23 c. That the child's continued foster care agreement has been willfully entered  
24 between:

- 1           (1) ~~the~~The department of human services or its agent, the child, and the foster  
2           care provider; or
- 3           (2) An agency or tribal council of a recognized Indian reservation in North  
4           Dakota if the child is not subject to the jurisdiction of the state of North  
5           Dakota, the child, and the foster care provider;
- 6           d. That it is in the best interest of the child to remain in or return to foster care;
- 7           e. That reasonable efforts were made in accordance with subsection 7 of section  
8           27-20-32.2;
- 9           f. That the child has attained the age of eighteen or older but does not exceed the  
10          age of twenty-one years;
- 11          g. That the child has satisfied the education, employment, or disability requirements  
12          under the Fostering Connections to Success and Increasing Adoptions Act of  
13          2008 [Pub. L. 110-351] and as set forth by the department of human services;
- 14          h. That the administrative county, as determined by the department, or that an  
15          agency or tribal council of a recognized Indian reservation in North Dakota, shall  
16          continue foster care case management, unless otherwise agreed to or required  
17          by the department;
- 18          i. That the administrative county or ~~division of juvenile services~~an agency or tribal  
19          council of a recognized Indian reservation in North Dakota must have care and  
20          placement responsibility of the child;
- 21          j. That permanency hearing must be as set forth in section 27-20-36; and
- 22          k. That there are no grounds to file a petition to terminate parental rights under  
23          chapter 27-20.
- 24          5. Pursuant to ~~section 27-20-37~~N.D.R.Juv.P., Rule 16, a court may modify or vacate the  
25          judicial determination made under subsection 4.