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Sixty-eighth
Legislative Assembly
of North Dakota

SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2190

Introduced by

Senators Hogan, Braunberger

Representatives Dakane, Dobervich, Schreiber-Beck

A BILL for an Act to amend and reenact sections 50-33-02 and 50-33-07 of the North Dakota Century Code, relating to the child care assistance program; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-33-02 of the North Dakota Century Code is amended and reenacted as follows:

50-33-02. Child care assistance - Application for benefits - Applicant's duty to establish eligibility - Decisions - Rules.

1. An individual desiring child care assistance or an individual seeking assistance on behalf of another individual may apply for child care assistance. An applicant shall submit a request for child care assistance in writing to a human service zone on a form prescribed by the department. The form must provide for streamlined application coordinated with the supplemental nutrition assistance program and medical assistance. The applicant shall complete, sign, and date the application. Eligibility begins on the first day of the month in which a signed and dated application is received by the human service zone. Eligibility may begin on the first day of the month prior to the month in which a signed and dated application is received by the human service zone, if the applicant requests child care assistance for that month and demonstrates eligibility in that month.
2. The applicant shall provide information sufficient to establish the eligibility of each individual for whom assistance is requested, including the age, verification of relative relationship, citizenship or resident alien status of the children, verification of participation in an allowable activity, and financial eligibility.

3. An eligibility decision must be made within thirty days on child care assistance applications whenever possible. The human service zone shall notify the applicant following a determination of eligibility or ineligibility.
4. The department shall establish rules for the administration of the child care assistance program, including rules on income requirements, appeals of eligibility determinations for child care assistance, closure of a child care assistance case, and a sliding scale fee schedule for child care assistance benefits and to establish and enforce standards against program fraud and abuse. Each year, the child care assistance program must use information both from a market study and a cost study to inform its adjustment of the schedule, to result in an increase of no more than ten percent and no less than five percent each year.
5. The department shall allocate five hundred thousand dollars to advertise the child care assistance program and shall provide sign up assistance to increase awareness of and enrollment in the program.

SECTION 2. AMENDMENT. Section 50-33-07 of the North Dakota Century Code is amended and reenacted as follows:

50-33-07. Sliding fee schedule.

1. The sliding fee schedule established by the department for inclusion within the child care and development fund state plan to determine eligibility, benefit levels, and the portion of the allowable child care cost that may be paid as a benefit under this chapter, must not:
   a. Exceed available federal and non-federal funding; and
   b. Provide benefits to a family whose income exceeds eighty-five percent of the state median income for a family of the same size.
2. The sliding fee schedule established by the department may not charge a fee to a family whose income does not exceed thirty percent of the state median income for a family of the same size.
3. Child care costs that exceed maximums established under this section are the responsibility of the family and may not be considered in determining the child care assistance program payment amount.

SECTION 3. STATEMENT OF LEGISLATIVE INTENT - CHILD CARE ASSISTANCE PROGRAM.

1. During the 2023-24 interim the department of health and human services shall simplify the child care assistance program client application process and provider payment process. Additionally, the department shall develop consistent standards and policies for the program.
2. It is the intent of the sixty-eighth legislative assembly that the department of health and human services use temporary assistance for needy families funding to assure all children placed in legal custody have immediately available child care reimbursed at one hundred percent of costs.