

Adoptive Home Study Requirements (75-03-36-31) and Foster Care Licensing Requirements (75-03-14-04)

Requirements for Adoptive Home Study 75-03-36-31	Is it included in requirements for foster care family in 75-03-14-04?
Motivation for adoption;	No
Strengths and challenges of each member of the family;	No
The attitudes and feelings of the family members and extended family regarding adoption, with emphasis, if indicated, on attitudes and feelings about potential special needs and foreign-born children;	No
Evidence of stability of the adoptive parents' marital or other significant relationships;	No
The applicant's understanding of and plans for assisting a minority or foreign-born child to understand and value the child's racial and cultural background;	No
Attitudes of the applicant toward the birth parents and the birth parents' reasons for placement;	No
The applicant's plan for discussing adoption with the child;	No
The applicant's emotional stability and maturity, including a history of treatment for substance abuse, mental health concerns, abuse or neglect issues, or other issues impacting the applicant's emotional stability and maturity. If indicated, the child-placing agency shall make arrangements for psychological evaluation of the applicant's emotional stability and maturity;	Yes
The applicant's parenting skills and willingness to acquire additional skills needed for the child's development;	No
The attitude of the applicant's birth children or previously adopted children about adoption, if applicable;	No
Reports of the physical examination of the applicant or self-disclosure of medical concerns, current within the last twelve months;	Yes
The applicant's ability to provide financially for the child to be adopted with or without financial assistance under subsidized adoption, including the availability of health insurance;	No
The applicant's references, including at least five personal and community character references;	No
The applicant's religious preference, if any;	No
Description of the applicant's home and community;	Similar
Substitute care for child care if the applicant works;	No
Plans for care of the child in the event of the death of the applicant after the adoption;	No
Results of fingerprint-based criminal history record investigation and child abuse and neglect index investigations; and	Yes
Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the applicants.	No

15. The family foster home for children shall have reliable, legal, and safe transportation available to transport children in placement.
16. The family foster home for children shall be equipped with a carbon monoxide detector.
17. The family foster home for children shall develop a written emergency preparedness plan, maintain and post a list of emergency contacts, including poison control, and have first aid supplies on hand while a foster child is in placement.
18. The family foster home for children shall properly store medications, alcohol, poisonous materials, cleaning supplies, and other hazardous materials to prevent access to children, as appropriate for age and development of the children in placement.
19. Pets belonging to the foster family must be properly vaccinated as per veterinary guidelines.
20. Swimming pools in the ground or an aboveground pool with a depth of four feet or greater must have a barrier on all sides to minimize unsupervised access. The barrier must be equipped with a safety lock. If the pool cannot be drained, the swimming pool must have a working pump and filtering system. The pool area must have a life saving device available in the event of an emergency. This standard does not apply to a small wading pool.
21. Hot tubs on the premises of a foster home for children must have safety code covers that are locked when not in use.

History: Effective December 1, 1984; amended effective July 1, 1993; April 1, 2004; January 1, 2014; April 1, 2016; October 1, 2019.

General Authority: NDCC 50-11-03

Law Implemented: NDCC 50-11-02

75-03-14-04. Qualifications of persons residing in the family foster home for children.

1. An applicant for licensure must:
 - (a) Be age twenty-one years or greater;
 - (b) Be financially stable with reasonable income or resources available to the home to properly care for children; and
 - (c) Have functional literacy, demonstrating their ability to read licensing policy, handbook, child care plans, and medication labels.
2. A person residing in the family foster home for children, except a foster child or ward of the court, may not exhibit symptoms of substance abuse or emotional instability that inhibit their ability to care for children.
3. No person may smoke or vape in the family foster home for children, in circumstances which present a hazard to the health of the foster child, or in an enclosed area when the foster child is present. All foster parents must be aware of the potential hazards of smoking in the presence of children, particularly infants and children with respiratory or allergic sensitivity.
4. If symptoms of substance abuse or emotional instability that inhibit the ability to care for children occur in a family foster home for children at a time when a foster child is in placement, every effort should be made to keep the placement intact if the household member is seeking treatment. The supervising agency may make no further placements in that family foster home for children until the household member successfully completes treatment. If a household member has symptoms of substance abuse or emotional instability, the household member

may have had no incidents which inhibited their ability to care for children for a period of at least twelve months prior to an applicant obtaining licensure.

5. A member of the household, except a foster child, may not have been the subject of a child abuse or neglect assessment where a confirmed decision was made unless the department, after making appropriate consultation with persons qualified to evaluate the capabilities of the household member, documenting criteria used in making the decision, and imposing any restrictions deemed necessary, approves the issuance of a license; and
 - a. The household member has followed the recommendations of the child protection team; or
 - b. The household member can demonstrate the elimination of an underlying basis precipitating the neglect or abuse.
6. Prior to the department approving a license, the applicant shall submit the results of a physical examination dated within twelve months of the date of application. All foster parents, annually thereafter, shall submit a declaration of good health, including all residents of the family foster home for children, except any foster child, in a manner and form required by the department. The authorized agent is the payer of last resort whenever any other benefit or source of third-party payment is available for the cost of any physical examinations required pursuant to this subsection. Any foster parent continuously licensed prior to October 1, 2019, is exempt from having to submit a declaration of good health.
7. The department may require proof of immunizations for all residents living in the family foster home for children, except any foster child. It is recommended all members of the household be up to date on immunizations as recommended by a health care professional, unless the immunization is contrary to the person's health as documented by a licensed health care professional or the person provides written documentation that immunizations are against the person's religious, philosophical, or moral beliefs.
8. The department may require foster parents specializing in the care of medically fragile infants and children to receive specific vaccines if the needs of the child require such precaution, such as influenza or pertussis.
9. The department may require psychological testing of any resident of the family foster home for children as determined necessary. The cost of any psychological testing required pursuant to this subsection is the responsibility of the department.
10. Physical disabilities or age of foster parents do not affect licensing of the family foster home for children provided that the applicant can show that these factors do not significantly inhibit the ability of the foster parents to efficiently carry on the duties required of them.
11. All foster parents or potential parents must demonstrate a working knowledge and comply with the department's approved family foster home for children preservice training competencies.
12. All foster parents or potential parents must demonstrate a working knowledge of the reasonable and prudent parent standard by allowing foster children the opportunity to participate in developmentally and age appropriate activities. All foster parents must engage in the reasonable and prudent parent standard.
13. Fire safety training is required annually.

History: Effective December 1, 1984; amended effective April 1, 2004; July 1, 2006; January 1, 2014; April 1, 2016; October 1, 2019; July 1, 2020; April 1, 2022.

General Authority: NDCC 50-11-03, 50-11-03.4

Law Implemented: NDCC 50-11-02

75-03-36-31. 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 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.
4. The child-placing agency shall document the following information in the applicant's record and a summary of the information must be recorded in the adoption assessment:
 - a. Motivation for adoption;
 - b. Strengths and challenges of each member of the family;
 - c. The attitudes and feelings of the family members and extended family regarding adoption, with emphasis, if indicated, on attitudes and feelings about potential special needs and foreign-born children;
 - d. Evidence of stability of the adoptive parents' marital or other significant relationships;
 - e. The applicant's understanding of and plans for assisting a minority or foreign-born child to understand and value the child's racial and cultural background;
 - f. Attitudes of the applicant toward the birth parents and the birth parents' reasons for placement;
 - g. The applicant's plan for discussing adoption with the child;
 - h. The applicant's emotional stability and maturity, including a history of treatment for substance abuse, mental health concerns, abuse or neglect issues, or other issues impacting the applicant's emotional stability and maturity. If indicated, the child-placing agency shall make arrangements for psychological evaluation of the applicant's emotional stability and maturity;
 - i. The applicant's parenting skills and willingness to acquire additional skills needed for the child's development;
 - j. The attitude of the applicant's birth children or previously adopted children about adoption, if applicable;
 - k. Reports of the physical examination of the applicant or self-disclosure of medical concerns, current within the last twelve months;
 - l. The applicant's ability to provide financially for the child to be adopted with or without financial assistance under subsidized adoption, including the availability of health insurance;

- m. The applicant's references, including at least five personal and community character references;
 - n. The applicant's religious preference, if any;
 - o. Description of the applicant's home and community;
 - p. Substitute care for child care if the applicant works;
 - q. Plans for care of the child in the event of the death of the applicant after the adoption;
 - r. Results of fingerprint-based criminal history record investigation and child abuse and neglect index investigations; and
 - s. Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the applicants.
5. During the course of the study, the child-placing agency shall keep the applicant informed of the applicant's status with the child-placing agency. When an applicant is denied a positive 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.
 6. 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.
 7. The child-placing agency shall have regular contact with an approved waiting adoptive family to assess their circumstances and current ability to receive a child for adoptive placement.
 8. The child-placing agency shall develop a procedure to allow applicants to grieve the services provided by the child-placing agency and to allow prospective adoptive parents to appeal the child-placing agency's decision regarding adoption assessment denial.

History: Effective April 1, 2010.

General Authority: NDCC 50-12-05

Law Implemented: NDCC 50-12

75-03-36-32. Case plan for adoption.

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 and must include goals and the time frames for meeting those goals.
2. The child-placing agency shall review the case plan periodically.
3. The child-placing agency shall develop the case plan cooperatively with the client, including with a child when developmentally appropriate.
4. The case plan must be signed and dated by the client.
5. The case plan must be signed and dated by the case manager.
6. For a child in the custody of a tribe or a human service zone, the case plan must be directed by the child's child and family team.
7. For a child in the custody of the child-placing agency, the child-placing agency may direct the case plan.