

**CHAPTER 75-03-14  
FAMILY FOSTER HOME FOR CHILDREN**

Section	
75-03-14-01	Definitions
75-03-14-02	License, Certification, or Approval
75-03-14-03	Minimum Physical Standards
75-03-14-04	Qualifications of Individuals Residing in the Dwelling
75-03-14-04.1	Background Checks and Criminal Conviction - Effect on Licensure, Certification, or Approval
75-03-14-05	Provisions of Service
75-03-14-06	Child and Family Team Meeting [Repealed]
75-03-14-07	Background Checks Required [Repealed]
75-03-14-08	Fingerprints Excused [Repealed]
75-03-14-09	Identified Relative Licensing, Approval, and Waiver
75-03-14-10	Certification

**SECTION 1.** Subsection 5 of section 75-03-14-04.1 is amended as follows:

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 or C felony ~~under subdivision c of subsection 2 of that section or a class B felony under subdivision d of subsection 2 of that section~~ A misdemeanor; 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 an 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.

**History:** Effective April 1, 2004; amended effective January 1, 2014; April 1, 2016; October 1, 2019; April 1, 2024; October 1, 2024.

**General Authority:** NDCC 50-11-03

**Law Implemented:** NDCC 50-11-02, 50-11-06.8

**CHAPTER 75-03-14.1  
SHELTER CARE PROGRAM CERTIFICATION**

Section

75-03-14.1-01	Definitions
75-03-14.1-02	Shelter Care Program Certification
75-03-14.1-03	Shelter Care Program Rate
75-03-14.1-04	Shelter Care Program Operations
75-03-14.1-05	Employees and Nonemployees
75-03-14.1-05.1	Background Check and Criminal Conviction - Effect on Operation of Agency or Employment or Placement by Agency
75-03-14.1-06	Employee and Nonemployee Training
75-03-14.1-07	Buildings and Grounds
75-03-14.1-08	Admissions and Discharges
75-03-14.1-09	Resident Files
75-03-14.1-10	Correction Orders
75-03-14.1-11	Incident and Sentinel Event Reporting
75-03-14.1-12	Denial, Revocation, and Appeal Rights
75-03-14.1-13	Variance

**SECTION 2.** Subsection 8 of section 75-03-14.1-05 is amended as follows:

8. The shelter care program shall maintain a file on each nonemployee, including:
  - a. Personal identification information;
  - b. The results of a criminal background check, motor vehicle operator's license record, as applicable, and child abuse or neglect record;
  - c. A description of duties;
  - d. Orientation and training records consisting of name of presenter, date of presentation, topic of presentation, and length of presentation;
  - e. A statement signed by the nonemployee indicating the nonemployee has read and received a copy of the law and facility procedures requiring the reporting of suspected child abuse and neglect pursuant to North Dakota Century Code chapter 50-25.1, initially and annually thereafter; and
  - f. A statement signed by the nonemployee acknowledging the confidentiality policy.

**History:** Effective January 1, 2022; amended effective April 1, 2024; October 1, 2024.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-01.4, 50-06-01.10

**SECTION 3.** Subsection 5 of section 75-03-14.1-05.1 is amended as follows:

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 or C felony ~~under subdivision c of subsection 2 of that section or a class B felony under subdivision d of subsection 2 of that section~~ A misdemeanor; or chapter 19-03.1, Uniform Controlled Substances 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 an 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 is not compelled to make such determination.

**History:** Effective April 1, 2024; amended effective October 1, 2024.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-01.4, 50-06-01.10

**CHAPTER 75-03-17**  
**PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN**

Section	
75-03-17-01	Definitions
75-03-17-02	Procedures for Licensing
75-03-17-03	Organization and Administration
75-03-17-04	Admissions
75-03-17-05	Diagnosis and Treatment While at the Facility
75-03-17-06	Special Treatment Procedures
75-03-17-07	Medical Care
75-03-17-08	Dental Care
75-03-17-09	General Health
75-03-17-10	Education and Training
75-03-17-11	Children as Employees Prohibited
75-03-17-12	Discharge
75-03-17-13	Responsibility for Notification - Elopement of Children
75-03-17-14	Employee Health Qualifications
75-03-17-15	Employee-to-Child Ratio
75-03-17-16	Personnel Policies and Employee and Nonemployee Files
75-03-17-16.1	Child Abuse and Neglect Reporting
75-03-17-16.2	Criminal Conviction - Effect on Operation of Facility or Employment by Facility
75-03-17-17	Facility Employee
75-03-17-18	Safety, Buildings, and Grounds
75-03-17-19	Interstate Compact on the Placement of Children
75-03-17-20	Rights and Obligations of the Applicant
75-03-17-21	Increase or Decrease in the Number of Licensed Beds in a Facility
75-03-17-22	Incident and Sentinel Event Reporting
75-03-17-23	Conditions 75-03-17-24 Variance

**SECTION 4.** Subsection 4 of section 75-03-17-16.2 is amended as follows:

4. 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; or 12.1-31-07.1, exploitation of an eligible adult - penalty, if class B or C felony under subdivision c of subsection 2 of that section or a class B felony under subdivision d of subsection 2 of that section A misdemeanor; or chapter 19-03.1, Uniform Controlled Substances 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.

**History:** Effective April 1, 2016; amended effective July 1, 2022; April 1, 2024; October 1, 2024.

**General Authority:** NDCC 25-03.2-10

**Law Implemented:** NDCC 25-03.2-03, 25-03.2-04.1, 25-03.2-07

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

Section	
75-03-36-01	Definitions
75-03-36-02	Child-Placing Agency License
75-03-36-03	License Denial or Revocation
75-03-36-04	Suspension or Correction
75-03-36-05	Resident Child-Placing Agency Office Requirements
75-03-36-06	Governance
75-03-36-07	Administrator
75-03-36-08	Financial Structure [Repealed]
75-03-36-09	Personnel Files
75-03-36-10	Employee Functions and Qualifications
75-03-36-11	Employee Professional Development
75-03-36-12	Employee Background Checks [Repealed]
75-03-36-13	Background Checks and Criminal Conviction - Effect on Licensure
75-03-36-14	Nonemployees
75-03-36-15	Student Field Placements [Repealed]
75-03-36-16	Child Abuse and Neglect
75-03-36-16.1	Adoptive Family Child Abuse and Neglect [Repealed]
75-03-36-17	Incident and Sentinel Event Reporting
75-03-36-18	Disaster Plan
75-03-36-19	Confidentiality
75-03-36-20	Legal Services and Responsibilities [Repealed]
75-03-36-21	Quality Assurance
75-03-36-22	Child-Placing Agency Closure
75-03-36-23	Adoption - Referral Source
75-03-36-24	Adoption - Services to Birth Parents
75-03-36-25	Adoption - Services to the Child
75-03-36-26	Private Adoptions - Selection of Adoptive Placement
75-03-36-27	Licensed Child-Placing Agencies - Interim Family Foster Homes for Infants [Repealed]
75-03-36-28	Adoption - Preplacement Preparation Services
75-03-36-29	Adoption - Placement
75-03-36-30	Adoption - Post-Placement and Post-Finalization
75-03-36-31	Adoption - Services to Prospective Adoptive Parents
75-03-36-32	Adoption - Case Plan
75-03-36-33	Adoption - Case Records
75-03-36-34	Adoption - Placement Disruption
75-03-36-35	Foster Care - Programs and Services
75-03-36-36	Foster Care - Program Files
75-03-36-37	Foster Child - Case Plan

- 75-03-36-38 Foster Care - Family Foster Care Provider
- 75-03-36-39 Foster Care - Placements
- 75-03-36-40 Service Delivery [Repealed]
- 75-03-36-41 Rights of the Foster Child [Repealed]
- 75-03-36-42 Variance

**SECTION 5.** Subdivision c of subsection 5 of section 75-03-36-02 is amended as follows:

- c. The licensed child-placing agency submits a copy of its yearly budget and annual audit of expenditures.

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

**General Authority:** NDCC 50-12-05

**Law Implemented:** NDCC 50-12

**SECTION 6.** Subsection 5 of section 75-03-36-13 is amended as follows:

- 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 or C felony ~~under subdivision c of subsection 2 of that section or a class B felony under subdivision d of subsection 2 of that section~~ A misdemeanor; 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.

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

**SECTION 7.** Subdivision i of subsection 1 of section 75-03-36-36 is amended as follows:

- i. Medical records, including annual health tracks screenings, immunization records, and evidence of appropriate medical ~~followthrough~~ follow through; and

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

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

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



**CHAPTER 75-03-40**  
**LICENSING OF QUALIFIED RESIDENTIAL TREATMENT PROGRAM PROVIDERS**

Section	
75-03-40-01	Definitions
75-03-40-02	Effect of License
75-03-40-03	Application for License
75-03-40-04	Correction Orders
75-03-40-05	Fiscal Sanctions
75-03-40-06	Provisional License
75-03-40-07	Denial or Revocation
75-03-40-08	Residential Bed Capacity
75-03-40-09	Facility Closure
75-03-40-10	Governance
75-03-40-11	Disaster Plan
75-03-40-12	Quality Assessment and Performance Improvement
75-03-40-13	Personnel Files
75-03-40-14	Facility Administrator
75-03-40-15	Clinical Director
75-03-40-16	Treatment Coordinator
75-03-40-17	Direct Care Employees
75-03-40-18	Nurse
75-03-40-19	Family Engagement Specialist
75-03-40-20	Contracted Service Providers
75-03-40-21	Nonemployees
75-03-40-22	Personnel Policies
75-03-40-23	Confidentiality
75-03-40-24	Child Abuse and Neglect
75-03-40-25	Background Checks and Criminal Conviction - Effect on Operation of Facility or Employment by Facility
75-03-40-26	Background Checks [Repealed]
75-03-40-27	Personnel Health Requirements
75-03-40-28	Minimum Employee Requirements
75-03-40-29	Employee Professional Development
75-03-40-30	Resident File
75-03-40-31	Programs and Services
75-03-40-32	Respite
75-03-40-33	Admissions and Assessment
75-03-40-34	Interstate Compact on the Placement of Children
75-03-40-35	Treatment Plan
75-03-40-36	Discharge Plan
75-03-40-37	Resident and Family Engagement
75-03-40-38	Aftercare

75-03-40-39	Runaway Notification
75-03-40-40	Incident and Sentinel Event Reporting
75-03-40-41	Suicide Prevention
75-03-40-42	Medical
75-03-40-43	Medication Management
75-03-40-44	Behavior Management Intervention
75-03-40-45	Emergency Safety Interventions
75-03-40-46	Use of Special Care Unit [Repealed]
75-03-40-47	Buildings, Grounds, and Equipment
75-03-40-48	Food and Nutrition
75-03-40-49	Resident Accommodations
75-03-40-50	Transportation
75-03-40-51	Water Safety
75-03-40-52	Variance

**SECTION 8.** Subsection 5 of section 75-03-40-25 is amended as follows:

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 or C felony ~~under subdivision c of subsection 2 of that section or a class B felony under subdivision d of subsection 2 of that section~~ A misdemeanor; 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 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.

**History:** Effective October 1, 2019; amended effective April 1, 2024; October 1, 2024.

**General Authority:** NDCC 50-11-03

**Law Implemented:** NDCC 50-11-02, 50-11-06.8

**SECTION 9.** Subsection 1 of section 75-03-40-38 is amended as follows:

1. The aftercare plan must be created prior to discharge in collaboration with the resident and the resident's custodian, parent, or guardian and must include:
  - a. A list of followup appointments scheduled by the facility;

- b. A list of resident and family supports;
- c. A list of resources and referrals completed by the facility engagement specialist to meet the needs of the resident, which includes documentation that a release of information was signed by the custodian, parent, or guardian for the family engagement specialist to maintain postdischarge communication regarding services;
- d. Coordination with and contact information for local service providers;
- e. A safety plan created to address treatment needs of the resident upon return to the community;
- f. ~~Documentation~~Documented plan for engagement with the resident and the resident's custodian, parent, or guardian, service providers, and other relevant parties; and
- g. Documented participation in child and family team meetings if the resident remains in foster care.

**History:** Effective October 1, 2019; amended effective October 1, 2021; April 1, 2024; October 1, 2024.

**General Authority:** NDCC 50-11-03

**Law Implemented:** NDCC 50-11-02

**CHAPTER 75-03-41  
SUPERVISED INDEPENDENT LIVING**

Section	
75-03-41-01	Definitions
75-03-41-02	Application - Effect of License
75-03-41-03	Denial or Revocation
75-03-41-04	Correction Orders
75-03-41-05	Agency Program Closure
75-03-41-06	Governance and Administration
75-03-41-07	Financial Structure
75-03-41-08	Disaster Plan
75-03-41-09	Confidentiality
75-03-41-10	Quality Assurance
75-03-41-11	Employee Qualifications
75-03-41-12	Program Administrator
75-03-41-13	Transition Coordinator
75-03-41-14	Nonemployees
75-03-41-15	Professional Development
75-03-41-16	Personnel Files
75-03-41-17	Background Checks Effect on Operation of Agency or Employment [Repealed]
75-03-41-18	Background Checks and Criminal Conviction - Effect on Operation of Agency or Employment by Agency
75-03-41-19	Child Abuse and Neglect Reporting
75-03-41-20	Supervised Independent Living Setting
75-03-41-21	Client Eligibility
75-03-41-22	Program Acceptance
75-03-41-23	Program and Services
75-03-41-24	Transition Plan
75-03-41-25	Client Rights [Repealed]
75-03-41-26	Client File
75-03-41-27	Incident and Sentinel Event Reporting
75-03-41-28	Variance

**SECTION 10.** Subsection 1 of 75-03-41-02 is amended as follows:

1. An ~~applicant~~application may not be approved for a supervised independent living program license until the department has reviewed the need for additional supervised independent living programs. To enable the department to determine the need for a new supervised independent living program, the applicant shall submit an initial application, including the following documentation and information to the department:

**History:** Effective October 1, 2019; amended effective April 1, 2024; October 1, 2024.

**General Authority:** NDCC 50-06-05.1, 50-11-03

**Law Implemented:** NDCC 50-06-05.1, 50-11-03

**SECTION 11.** Subsection 5 of section 75-03-41-18 is amended as follows:

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; or 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 or C felony ~~under subdivision c of subsection 2 of that section or a B felony under subdivision d of subsection 2 of that section~~ class A misdemeanor; 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 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.

**History:** Effective October 1, 2019; amended effective April 1, 2024; October 1, 2024.

**General Authority:** NDCC 50-06-05.1, 50-11-03

**Law Implemented:** NDCC 50-06-05.1, 50-11-06.8