

Testimony
Senate Bill 2081– Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
February 11, 2015

Chairman Lee, members of the Senate Human Services Committee, my name is Kelsey Bless. I license the Residential Child Care Facilities for the Department of Human Services (Department), Children and Family Services Division. I am here today in support of Senate Bill 2081, which was introduced at the request of the Department. The Department is also proposing an [amendment](#) to Senate Bill 2081 to address a new requirement recently passed in the federal “Preventing Sex Trafficking and Strengthening Families Act” (PL 113-183).

North Dakota Century Code chapter 50-11 addresses foster care homes for children and adults. The Department proposes the change on page 1, lines 16 and 18 through 21, to revise the definition of “facility” and “family foster home for adults.” The definition on Page 1 Lines 18 through 21 has been moved to Page 2 Lines 15 through 18. The proposed changes are to ensure consistency in the terms we use.

In North Dakota, a group home or residential child care facility providing group foster care for children must either be “licensed” or “approved” by the Department to receive reimbursement for placement under Social Security Act, Title IV-E funding. Providers are required to meet full compliance with licensing standards to gain a licensed or approved status. The proposed changes on page 2, lines 19 and 22 clarify that a group home and residential child care facility can either be a licensed or an approved facility. This change is proposed as a clarification.

In addition, the bed capacity limits identified in the definitions of “group home” and “residential child care facility” currently in chapter 50-11 are slightly different than the federal definitions. The proposed changes on page 2, lines 20 and 23, will align the North Dakota definition of “group home” and “residential child care facility” with the federal definition. This change would allow for a clear numeric division between group home and residential facility bed capacity which will be reflective of the Department’s federal reporting expectations. Passage of this bill is not expected to affect the current foster home for adults, residential child care facilities, or group homes.

As I indicated at the start of my testimony, the Department is proposing an [amendment](#) to Senate Bill 2081 to comply with requirements of recently passed P.L. 113-183.

The proposed amendment would create a new section in chapter 50-11 that would provide immunity for a person providing foster care who applies a reasonable and prudent parent standard in approving activities for a child in foster care.

North Dakota will follow the federal definition of “reasonable and prudent parenting”, which means “the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.”

Many decisions regarding activity involvement are determined at Child and Family Team meetings which include the custodian, foster care provider, the child, possibly a therapist, teacher, etc. Examples of such decisions may include allowing a foster child to participate in Boy Scouts where he goes on a weekend camping trip, allowing him to water ski during a summer weekend at the lake cabin, or allowing him to join the school football team. These examples are normal everyday activities that children outside of the child welfare system need their parent's permission to do if the parent believes it's appropriate to grant permission. The immunity inclusion in NDCC 50-11 would allow foster care providers the ability to more freely offer their foster children the opportunity to engage in developmentally appropriate activities at the same rate they would allow their biological children.

This concludes my testimony. I would be happy to answer any questions.