

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
September 28, 2015**

PI 15-24

TO: County Social Service
Division of Juvenile Services
Tribal Offices

FROM: Kelsey Bless, Permanency Administrator
Dean Sturn, Foster Care Administrator

SUBJECT: Foster Care Case Planning 624-05-15-50
Foster Care Case Reviews 624-05-15-50-03 (new section)
Foster Care Child & Family Team Meetings (various sections)
Foster Care Permanency Chapter Definitions 624-05-05

PROGRAMS: Foster Care

EFFECTIVE: September 29, 2015

RETENTION: Until Manualized

Children and Family Services (CFS) issued many policies to meet the PL 113-183 “Preventing Sex Trafficking and Strengthening Families Act”. This federal legislation can be viewed at <https://www.congress.gov/bill/113th-congress/house-bill/4980/text>.

PI 15-16 was issued on September 8th, 2015. In an effort to better inform the field of what the final case plan and case review policies will look like, see below. Various sections of 624-05 have been updated to reference Child & Family Team Meetings in place of Permanency Planning Committee as well as all definitions from the manual chapter were consolidated into one definitions section in 624-05. Majority of the policy underlined will indicate areas that are new/added to policy.

The 624-05 recent policy issuances will be manualized as soon as possible. Thank you for your patience!

Case Plan 624-05-15-50

Each child in foster care is required by federal law to have a case plan which must be a written document and a discrete part of the case record. The initial case plan must be developed within 30 days of entry into foster care.

The information in FRAME captures information essential to generate the individualized case plan to meet federal foster care requirements.

The signed signature sheet from the Child & Family Team Meetings (FRAME generated) must be maintained as a hard copy in the child's foster care case file.

In those limited situations where the permanency planning preprinted forms (created outside of FRAME) are allowed, the created case planning document must be signed and maintained as a hard copy in the child's foster care case file.

Title IV-E of the Social Security Act, Sec. 475, specifies what must be in a foster care case plan. The child's case plan must:

- Be a written document and made a discrete part of the case record.
- Include a description of services offered and provided to prevent removal of the child from the home and to reunify the family.
- Include a description of the type of home or institution in which the child will be placed, discussion of safety and appropriateness of the placement, how the responsible agency plans to carry out court requirements (i.e. reasonable efforts).
- Assure the child receives safe and proper care; that services are provided to the parents, child, and foster parents in order to improve conditions in parents' home, facilitate return of child to their own safe home or the permanent placement of the child.
- Assure that services are provided to the child and foster parents in order to address the needs of the child while in foster care.
- Include a discussion of the appropriateness of the services that have been provided to the child as reflected in FRAME.
- Address visitations between the parent(s), siblings, and foster child. The timeframes for these visits must be appropriate and meet the needs of the foster child and his/her family.
- Include discussions of how the plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child.
- Include details stating (if applicable) why the placement is in the best interest of the child if placement is a substantial distance from the home of the parent(s), in a different state, or outside of the Tribal service area.
 - If the child is placed out of the community, state, tribal service area the case manager must make arrangements for monthly face-to-face visitation with the child.
- Include the most recent information available pertaining to child's health and education records, including:
 - Names and addresses of child's health and educational providers;

- Child's grade level performance;
- Child's school record;
- Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement;
- A record of child's immunizations;
- The child's known medical problems;
- The child's medication;
- Any other relevant health and education information concerning the child determined to be appropriate by the State agency;
- Assurances that a school age child in foster care is enrolled as a student (or in the process of enrolling), or is a full-time *elementary or secondary school student; or, is incapable of attending school on a full-time basis due to the medical condition of the child. If the child is incapable of attending school on a full-time basis, regularly updated information, must be included in the case plan that supports this determination; and
- Assurances that the agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; or, if remaining in such school is not in the best interests of the child, assurances by the State agency and local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

(* The term "elementary or secondary school student" can include youth who are attending school in accordance with the State home school law, or youth who are seeking his/her GED through an independent study program in accordance with State law.)

NOTE: The above information related to education and medical must be reviewed and updated at the time of each placement of the child in foster care. Also, included is a requirement that such records be supplied to the foster parents or foster care providers.

Additional Case Planning Requirements Include:

A. Permanency Goal:

1. If the child's permanency plan/goal is adoption or placement in another permanent home, federal law (ASFA) requires the plan must include:
 - a. Documentation of the steps the agency is taking to find an adoptive family or other planned permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize a legal guardianship.
 - b. At a minimum such documentation must include child specific recruitment efforts such as the use of state, regional, and

national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State and interstate placements.

2. If the child's permanency plan/goal is another planned permanent living arrangement (APPLA) the case plan must include:
 - a. Documentation of intensive, ongoing, and unsuccessful efforts made to return the child home or secure placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent, including the utilization of search technology to find biological family members.
 - b. Documentation ensuring the foster care provider is following the reasonable and prudent parent standard.
 - c. Documentation that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

B. Age Specific Case Plan Requirements:

1. A foster child who has attained 14 years of age, must be given the opportunity to:
 - a. Participate in the development and revision of their individualized permanency plan, which must include:
 - i. A written description of programs and services to help the child prepare for their transition to a successful adulthood. The case manager must assist the child in developing goals to meet their independent living needs.
 - ii. A signed copy of the ND Foster Youth Rights (DN 402) (see 624-05-15-50-49).
 - b. Personally invite two additional members to join the Child & Family Team, chosen by the child, who are not foster parents of, or a case manager for, the child.
 - i. Custodians may reject an individual selected by a child to be a member of the Child & Family Team at any time if there is good cause to believe that the individual would not act in the best interest of the child.
 - ii. One individual selected by the child to be a member of the child's team may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.
2. A foster child who has attained 16 years of age and has been identified as "likely to age out of foster care"; will be considered a Chafee Independent Living Program "Priority 1" participant. Children age 16+ are required to be referred to the Chafee Independent Living Program (SFN 1613) for

assistance to the case manager in assessing and addressing the needs for a child's transition to a successful adulthood.

3. A foster child who is nearing 18 years of age must have as part of their case plan:
 - a. A developed individualized transition plan (SFN 494) (see 624-05-15-10)
 - b. A documented review of a health care directive (see 624-05-15-50-46).

Notice of Child Proceedings

Foster parents, pre-adoptive parents, or relatives providing care for the child must be provided with written notice of and a right to be heard in any proceeding held with respect to the child during the time the child is in the care of such foster parent, pre-adoptive parent or relative caregiver. Email or letter notice constitutes written notice, if there is documentation of the letter or email on file.

For assistance in generating the child's foster care case plan on FRAME, please refer to the FRAME user manual.

Abbreviated Case Plan

Every child in foster care is required to have an approved case plan which is a written document that is made a discrete part of the case record. For child in foster care on a short-term basis (less than 30 days), an abbreviated case plan is allowable. An abbreviated case plan must contain at least one completed factor, with goals and tasks, in FRAME's family assessment instrument.

All case plans must take into account the child's safety, permanence, and well-being. An approved case plan must be in FRAME before the foster care case can be closed.

NOTE: High Risk Youth (at risk of harming self or others)

Great emphasis is placed on youth in foster care receiving safe and proper care. Each child's case plan must include strategies for dealing with any behaviors or emotional needs which place him/her in the high risk category. Upon identification of such behaviors or emotional needs, a safety plan must be developed immediately for implementation.

A safety plan must be developed and distributed to all appropriate parties, specifically including the foster parents.

Every child in foster care will have an individualized case plan developed and reviewed at least quarterly during the case review (Child & Family Team Meeting). See 624-05-15-50-03.

Case Reviews (given new manual section # 624-05-15-50-03)

The requirements for the periodic case reviews are ~~The requirements for the periodic case reviews are spelled out in detailed in the~~ Title IV-E of the Social Security Act, Sec. 475(5), ~~summarized here.~~

The case review system means a procedure for assuring that:

1. Each child has a case plan (~~FRAME~~) designed to achieve placement in a safe setting that is the least restrictive (most family like) and most appropriate setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child, which:
 - a. If the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parents of the child, or in a State different from the State in which such home is located, sets forth the reasons why such placement is in the best interests of the child, and
 - b. If the child has been placed in foster care outside the State in which the home of the parents of the child is located, requires that, a case manager (from either State) visit such child in the home or institution where the child is placed, and every month, submit a report on the visit to the State agency (Children and Family Service Division).

2. The periodic review (North Dakota reviews are conducted quarterly and referred to as the Child & Family Team Meeting) determines the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating the causes which necessitated the foster care placement, and projects a likely date when the child may be returned to and safety maintained in the home or placed for adoption or legal guardianship.

2.3. The periodic review will also determine and assess the steps the agency is taking to ensure the child's foster family or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities to achieve normalcy.

Foster parents, pre-adoptive parents, or relatives providing care for the child must be provided with notice of and a right to be heard in any review (~~Permanency Planning Committee/Foster Care~~ Child & Family Team meetings) or hearing with respect to the child.

The FRAME case management system is designed to capture the information required to ~~generate create~~ the "~~Permanency Planning Committee~~ Child & Family Team Meeting Progress Report." Hard copies of the FRAME information can be generated and copies made for distribution. Please refer to the FRAME User Manual for technical assistance.

In addition to the requirements outlined above, ~~good practice dictates and~~ federal law requires the case plan to ~~include also include at a minimum~~ the following items:

1. The goal(s) of placement. Goals must be time framed and detailed. A child's permanency goal must be reviewed at each Child & Family Team meeting.
2. Identification of the specific circumstances which necessitated and cause the separation of the child from the family. Refer to the Agency View and Family View of Situation in the FRAME Case Plan.
3. Identification of the specific services to be provided by the agency in alleviating or helping to alleviate the conditions which led to the placements; project the date(s) by which each of these goals is to be accomplished. Refer to the Family Risk Assessment (FRA) located with the FRAME.
4. Identification of the specific actions to be taken by the parents in correcting the conditions which led to the placement and the date by which each of these activities is to be accomplished. Refer to the Goals and Tasks sections of the Family Risk Assessment (FRA) within FRAME.
5. Identification of the specific actions, when appropriate, to be taken by the child in correcting the conditions which led to placement and the date by which each of these activities is to be accomplished. Refer to the Goals and Tasks section of the Family Risk Assessment (FRA) within FRAME.
6. Identification of the specific services to be provided by the foster parents to the child. Refer to the Goals and Tasks section of the Family Risk Assessment (FRA) within FRAME.
7. Anticipated length of placement stated in months.
8. Written plan for visitation stating frequency, location and participation.
- ~~8.~~ 9. ~~9.~~ Specific information addressing the health, safety, and well-being of the child. Refer to the Life Domains and Safety Plan in the Family Risk Assessment (FRA) within FRAME.

This information is included in the child's case plan on FRAME. Refer to the FRAME user information for technical assistance.

Child & Family Team Meeting Policy Updates: 624-05-05-10, 624-05-15-20, 624-05-15-20-10, 624-05-15-20-15, 624-05-15-60, 624-05-15-65, 624-05-15-70, 624-05-15-75

Permanency Planning Committee, aka Foster Care Child & Family Team Meetings 624-05-05-10

The ND Child & Family Team Meeting was formerly referred to as "permanency planning committee". This is a process which includes the "Administrative review as defined in Title IV-E of the Social Security Act (Revised 06-2001), SEC. 475. (U.S.C. 675) (6):

The term "administrative review" means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

The requirement for the Child & Family Team Meetings can be found in North Dakota Administrative Code at N.D.A.C. 75-03-14-06 referencing the function, structure, and membership of the committee.

Permanency Planning Process 624-05-15-20

The permanency planning process including concurrent planning begins at the time the child is considered to have entered foster care and continues through case closure. This process is intended to assure the safety and well-being of the child and a permanent home in their future. Key benchmarks in the Permanency Planning process are as follows:

1. Child enters foster care
2. Initial Child & Family Team Meeting
3. Quarterly Child & Family Team Meetings
4. Permanency Hearing (judicial or DJS administrative hearing pursuant to N.D.C.C. 27-21)
5. Case closure

FRAME has been modified to allow concurrent goals to be entered on both the Initial Permanency Plan and the Permanency Planning Progress Report, completed at the Child & Family Team Meetings.

In the goals/tasks section, a case manager may enter "see FRAME" for tasks areas.

Initial Child & Family Team Meeting 624-05-15-20-10

The Child & Family Team Meeting, co-chaired by the regional supervisor, and the county director or designee, must meet within 30 days of the child's placement into foster care. Information regarding the team, its purpose, function, membership, process, initial meeting, legal authority, and responsibility are specified in Section 05-05 of this chapter. The Child & Family Team Meeting Initial Report and Progress Reports are to be completed in FRAME.

The signed signature sheet from the Child & Family Team Initial Report and Periodic Reviews (FRAME generated) must be maintained as a hard copy in the child's foster care case file. Any FRAME documents generated must also be maintained as a hard copy in the child's foster care case file.

In those limited situations where the permanency planning preprinted forms created outside of FRAME are allowed, the created document (plan) must be signed and maintained as a hard copy in the child's foster care case file.

Child & Family Team Case Review 624-05-15-20-15

The Child & Family Team, co-chaired by the regional supervisor and the county director, serves as the ongoing gatekeeper and provides oversight in the administration of the foster care program. At a minimum, the team must meet at least every three months with the key people in the child's life to review the child's situation and progress toward safety, permanency, and well-being.

Information regarding the periodic case reviews is at NDDHS Service Chapter 624-05-15-80. Also refer to the Service Chapter 624-05 section on "Case Plan."

The signed signature sheet from any initial or progress reports must be maintained as hard copies in the child's foster care case file.

In those limited situations where the permanency planning preprinted forms created outside of FRAME are allowed the created case planning document must be maintained as a hard copy in the child's foster care case file.

Child & Family Team Meeting 624-05-15-60

Child & Family Team Meetings are a key ingredient in the implementation of permanency planning in foster care. The Child & Family Team Meetings are mandatory and are multi-agency and multidisciplinary and serve on an area wide or county basis to review foster care placements of children. Reference N.D.A.C [75-03-14-06](#).

The Safe and Timely Interstate Placement of Foster Children Act of 2006, effective 10/1/06, specifically mandates that foster parents of a child and any pre-adoptive parent or relative providing care for the child must be provided with notice of, and a right to be heard in, any proceeding with respect to the child. This is a Title IV-E requirement at 475(5)(G).

The custodial agency must notify the foster parent, pre-adoptive parent, or relative caregiver in writing. A copy of the written notification should be kept in the child's case file.

Purpose of the Child & Family Team Meeting 624-05-15-65

The purpose of the Child & Family Team Meeting is to insure that children are receiving appropriate care consistent with permanency planning/Wraparound philosophy and rules. N.D.A.C. [75-03-14-06](#). In addition, the team serves as an administrative review body and fulfills the requirements of federal law.

Although the review participants input is very helpful in the decision making process, final decisions rest with the custodian pursuant to the authority and responsibility conferred on the custodian through N.D.C.C. [27-20-38](#).

Function of the Child & Family Team 624-05-15-70

The Child & Family Team has, at a minimum, the following functions:

1. Periodically review the initial case plan and case review documents for every child in care.
2. The regional foster care supervisor determines if a specialized level of foster care payment is needed, and the appropriate level and duration of payment. Discussion regarding the specialized payment and the regional supervisor approval must be documented in the child's foster care case plan.
3. The regional foster care supervisor approves the foster care placement into therapeutic family foster care or group or residential child care facility in FRAME.
4. To ensure and document that parents/guardian, child (when appropriate) and foster parent(s) are invited to attend the Child & Family Team meetings.
5. To develop, in writing, the permanency plan for the child, parent, agency, and foster parents with specified goals, tasks, and dates of the completion.
6. To develop local policies in accordance with federal and state law, regulation and policy related to foster care.

A Child & Family Team Meeting Outline has been created as a tool to assist the Child & Family Team in addressing the various items specific to the case. This outline will be updated in FRAME under Reports/Forms.

Child & Family Team Membership 624-05-15-75

Pursuant to N.D.A.C. [75-03-14-06](#), the Regional Supervisor serves as the chairperson, and the county director as vice-chairperson of the Child & Family Team Meeting. In that role as chairperson of the Child & Family Team Meeting, the Regional Supervisor may appoint a co-chair as circumstances warrant. The Regional Supervisor and county social service board director shall select the permanent and case situational members of the committee. Permanent members include:

1. Regional foster care supervisor
2. County social service board director or designee
3. Custodian/designee

Regional DD coordinator or designee must be included on the Child & Family Team when any case being reviewed involves a child who is mentally retarded or developmentally disabled or if there is reason to believe the child may be mentally retarded or developmentally disabled.

Recommended permanent members may include, but are not limited to:

1. A treatment or therapy person (should have strong diagnostic skills)
2. Juvenile court supervisor or other court representative
3. Tribal Government personnel (where appropriate)

4. Case manager (includes therapeutic foster care or Division of Juvenile Services representative)

Required members of the team on a case specific basis: Parent, foster parents, and custodians must be invited. Adequate advance notice of Child & Family Team meetings must be provided to all participants.

1. Parents or legal guardian
2. Foster parent
3. Foster child (when appropriate)
 - a) When a child is age 14 or greater they also have the opportunity to personally invite two additional members to join the Child & Family Team with them (see 624-05-15-50).

Other members of the team could include:

1. School official
2. County or city health nurse
3. Others having an appropriate interest in the child or family
4. Group home or residential child care facility (where appropriate)
5. Regional Independent Living Coordinator (where appropriate)
6. Identified team members by the family; natural and formal supports

Local circumstances must be considered in selecting the Child & Family Team. Cooperation between the members is essential. The common goal must always be to arrive at a joint decision and provide the regional supervisor and the child's a legal custodian a recommendation which is in the "best interests of the child."

AASK should be invited to meetings for children whose parental rights are in the process of being terminated or where there is concurrent plan that includes adoption. If the child has a concurrent plan involving adoption as an alternate plan, the AASK* Agency must be invited to the first Child & Family Team meeting following the change in the goal to adoption. Prior to inviting AASK, parents should be informed about concurrent planning and the roles and responsibilities of AASK. The adoption worker will have information regarding the potential for the child to be adopted and the availability of a potential adoptive family for the child.

*Adoption Agency: Adults Adopting Special Kids (AASK)

It is appropriate for a representative from AASK to be at the Child & Family Team meeting when the child's parental rights have not yet been terminated nor are they in the process of being terminated if there is some thought being given to seeking termination of parental rights for the child. The child placing agency could provide information to aid in the case planning for the child. This gives teams another opportunity to explore every avenue possible in developing permanency plans for children in foster care.

The regional foster care supervisor is responsible to assure that the intent of permanency planning and the requirements of this chapter are carried out.

Permanency Planning Chapter Definitions 624-05-05

As used in this chapter:

1. "Abandon" means:
 - a. As to a parent of a child not in the custody of that parent, failure by the non-custodial parent significantly without justifiable cause:
 - i. To communicate with the child; or
 - ii. To provide for the care and support of the child as required by law; or
 - b. As to a parent of a child in that parent's custody:
 - i. To leave the child for an indefinite period of time without making firm and agreed plans, with the child's immediate caregiver, for the parent's resumption of physical custody;
 - ii. Following the child's birth or treatment at a hospital, to fail or arrange for the child's discharge within ten days after the child no longer requires hospital care; or
 - iii. To willfully fail to furnish food, shelter, clothing, or medical attention reasonably sufficient to meet the child's needs.
2. "Abandoned Infant" means a child who has been abandoned before reaching the age of one year.
3. "Age-Appropriate" means activities or events that are generally accepted as suitable for children of the same chronological age or level of maturity. Age appropriateness is based on the development of cognitive, emotions, physical, and behavioral capacity that is typical for an age group.
4. "Agency" means the North Dakota Department of Human Services, Children and Family Services Division or its designee, including any county social service board.
5. "Aggravated Circumstances" means circumstances in which a parent:
 - a. Abandons, tortures, chronically abuses, or sexually abuses a child;
 - b. Fails to make substantial, meaningful efforts to secure treatment for the parent's addiction, mental illness, behavior disorder, or any combination of those conditions for a period equal to the lesser of:
 - i. One year; or
 - ii. One-half of the child's lifetime, measured in days, as of the date a petition alleging aggravated circumstances is filed.
 - c. Engages in sex offenses in which a child is the victim or intended victim, including corruption or solicitation of a minor, use of a minor in a sexual performance, sexual exploitation or assault, or incest (prohibited under sections 12.1-20-01 through 12.1-20-08 or chapter 12.1-27.2);

- d. Engages in conduct that constitutes one of the following crimes, or of an offense under the laws of another jurisdiction which requires proof of substantially similar elements;
 - i. Murder, manslaughter, or negligent homicide (violations of section 12.1-16-01, 12.1-16-02, or 12.1-16-03);
 - ii. Aiding, abetting, attempting, conspiring, or soliciting murder, manslaughter, or negligent homicide (violations of section 12.1-16-01, 12.1-16-02, or 12.1-16-03); or
 - iii. Aggravated assault in which the victim has suffered serious injury (violation of section 12.1-17-02).
 - e. Engages or attempts to engage in simple assault, aggravated assault, reckless endangerment or terrorizing in which a child is the victim or intended victim (prohibited under sections 12.1-17-01 through 12.1-17-04); or
 - f. Has been incarcerated under a sentence for which the latest release date is:
 - i. In the case of a child age nine or older, after the child's majority; or
 - ii. In the case of a child, after the child is twice the child's current age, measured in days.
6. "Child" means an individual who is:
- a. Under the age of eighteen years and is neither married and cohabiting with spouse nor in the military services of the United States; or
 - b. Under the age of twenty years with respect to a delinquent act committed while under the age of eighteen years.
7. "Deprived child" means a child who:
- a. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian;
 - b. Has been placed for care or adoption in violation of law;
 - c. Has been abandoned by the child's parents, guardian, or other custodian;
 - d. Is without proper parental care, control, or education as required by law, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of the child's parent or parents, and that such lack of care is not due to a willful act of commission or act of omission by the child's parents, and care is required by a parent; or
 - e. Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court.
8. "Fit and willing relative or other appropriate individual" means a relative or other individual who has been determined, after consideration of an assessment that

includes a criminal history record investigation under section 23 of this Act, to be a qualified person under Chapter 30.1-27, and who consents in writing to act as a legal guardian.

9. “Financially Responsible County” is the county where the child's parent has residence at the time of court intervention. The county of financial responsibility could change after a 60-day lapse in placement. If the parents do not have residence in North Dakota, then the financial responsibility exists in the county where the child resided at the time of court intervention. (Definition developed by county directors, 1997).
10. “Foster Care For Children” means the provision of substitute parental child care to those children described in Subsection vi of Section 50-09-01 of N.D.C.C. and includes the provision of food, shelter, security and safety, guidance and comfort on a 24-hour basis, to one or more children under 21 years of age to safeguard the child’s growth and development and to minimize and counteract hazards to the child’s emotional health inherent in the separation from the child’s family. Foster care may be provided in a licensed family foster home, group home, or residential child care facility.
11. “Foster Family Home” means an occupied family residence in which foster care is regularly provided by the owner or leasee thereof to no more than four children, unless all of the children in foster care are related to each other by blood or marriage in which case such limitations shall not apply.
12. “Group Home” means a licensed or approved residence in which foster care is regularly provided for more than four, but fewer than thirteen, unrelated children.
13. “Home” when used in the phrase “to return home” means the abode of the child’s parent with whom the child formerly resided.
14. “Normalcy” means giving children in foster care the opportunity to engage in typical growth and development. This includes the participation in age-appropriate activities, responsibilities and life skills.
15. “Permanency hearing” means a (judicial or Division of Juvenile Services [DJS] administrative hearing pursuant to N.D.C.C. 27-20) hearing, conducted with respect to a child who is in foster care, to determine the permanency plan for the child which includes:
 - a. Whether and, if applicable, when the child will be returned to the parent;
 - b. Whether and, if applicable, when the child will be placed for adoption and the state will file a petition for termination of parental rights;
 - c. Whether and, if applicable, when a fit and willing relative or other appropriate individual will be appointed as a legal guardian;
 - d. Whether and, if applicable, to place siblings in the same foster care,

relative, guardianship, or adoptive placement, unless it is determined that the joint placement would be contrary to the safety or well-being of any of the siblings;

- e. Whether and, if applicable, in the case of siblings removed from their home who are not jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless it is determined to be contrary to the safety or well-being of any of the siblings;
- f. In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, whether and, if applicable, when the child will be placed in another planned permanent living arrangement;
- g. In the case of a child who has been placed in foster care outside the state in which the home of the parents is located, or if the parents maintain separate homes, outside the state in which the home of the parent who was the child's primary caregiver is located, whether the out-of-state placement have been considered. If the child is currently in an out-of-state placement, the court shall determine whether the placement continues to be appropriate and in the child's best interests; and
- h. In the case of a child who has attained age sixteen, the services needed to assist the child to make the transition from foster care to independent living.

16. "Protective supervision" means supervision ordered by the court of children found to be deprived or unruly.

17. "Reasonable and Prudent Parent Standard" 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 participating in extracurricular, enrichment, cultural, and social activities.

18. "Reasonable efforts" means the exercise of due diligence by the agency to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family, or, after removal, to use appropriate and available services to eliminate the need for removal and to reunite the child and the child's family and to maintain family connections. If the child cannot return home, the agency must make reasonable efforts to make and finalize an alternate permanent placement of the child, including identifying appropriate in-State and out-of-State options. In the case of siblings removed from their home and not jointly placed, frequent visitation or interaction must be provided, unless it is contrary to the safety or well-being of any sibling. In making reasonable efforts and in determining reasonable efforts, the child's health and safety must be the paramount concern.

19. "Relative" means:

- a. The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin;
- b. An individual with a relationship to the child, derived through a current or former spouse of the child's parent, similar to a relationship described in subdivision a:
- c. An individual recognized in the child's community as having a relationship with the child similar to a relationship described in subdivision a; or
- d. The child's stepparent.

20. "Residential Child Care Facility (RCCF)" means a licensed or approved facility other than an occupied private residence providing foster care to thirteen or more unrelated children, except as may be otherwise provided by rule or regulation.

If you have questions, please feel free to contact Children & Family Services.

Attachment: Child & Family Team Meeting Outline (tool created to assist).

Thank you.