

**BEFORE THE
ADMINISTRATIVE RULES COMMITTEE
OF THE
NORTH DAKOTA LEGISLATIVE COUNCIL**

**N.D. Admin. Code Chapter)
75-03-14, Family Foster Home)
for Children)
(Pages 210-220))**

**REPORT OF THE
DEPT. OF HUMAN SERVICES**

December 12, 2013

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For its report, the North Dakota Department of Human Services (Department) states:

1. The proposed amendments to N.D. Admin. Code chapter 75-02-14 are not related to statutory changes made by the Legislative Assembly.
2. These rules are related to requirements in two federal statutes: Public Law 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008 and Public Law 109-248, Adam Walsh Child Protection and Safety Act of 2006.
3. The Department uses direct and electronic mail as the preferred ways of notifying interested persons of proposed rulemaking. The Department uses a basic mailing list for each rulemaking project that includes the county social service board directors, the regional human service centers, Legal Services of North Dakota, all persons who have asked to be on the basic list, and internal circulation within the Department. Additionally, the Department constructs relevant mailing lists for specific rulemaking. The Department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.

The Department conducts public hearings on all substantive rule-making. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on September 24, 2013. The record was held open until 5:00 p.m. on October 4, 2013, to allow written comments to be submitted. No comments were received. The "Summary of Comments" is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$2,502.29.
6. The proposed rules amend chapter 75-03-14. The following specific changes were made:

Section 75-03-14-01. Section 75-03-14-01 is amended to add a definition of "background" check and to remove redundant language.

Section 75-03-14-02. Section 75-03-14-02 is amended to clarify language.

Section 75-03-14-03. Section 75-03-14-03 is amended to refine the requirements for the use of basement sleeping rooms, the requirements for certain doors, and to clarify language.

Section 75-03-14-04. Section 75-03-14-04 is amended to clarify expectations for a non-foster child

living in a family foster home.

Section 75-03-14-04.1. Section 75-03-14-04.1 is amended to clarify language and to allow the Department to consider an applicant, provider, or household member to be rehabilitated after having been convicted of certain crimes.

Section 75-03-14-05. Section 75-03-14-05 is amended to clarify language and to identify prohibited forms of punishment for children in foster care.

Section 75-03-14-06. Section 75-03-14-06 is amended to clarify language.

Section 75-03-14-07. Section 75-03-14-07 is amended to ensure compliance with background check requirements found in federal law.

Section 75-03-14-08. Section 75-03-14-08 is amended to be consistent with requirements found in federal law.

Section 75-03-14-09. Section 75-03-14-09 is created to allow certain provisions of chapter 75-03-14 to be waived for a proposed foster parent who is a relative of the foster child. This is to ensure compliance with requirements found in federal law.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.

8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.
9. These rules are not expected to have a fiscal impact on state revenues and expenditures, including on any funds controlled by the Department.
10. A constitutional takings assessment was prepared and is attached to this report.
11. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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December 12, 2013