

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

N.D. Admin. Code Chapter)	<u>REPORT OF THE</u>
75-03-36, Licensing of Child-)	<u>DEPT. OF HUMAN SERVICES</u>
Placing Agencies)	March 9, 2010
(Pages 197-233))	

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

1. The proposed creation of N.D. Admin. Code chapter 75-03-36 is in response to section 2 of 2009 HB 1095 which amended North Dakota Century Code section 50-12-02 to require the Department of Human Services to adopt rules establishing the requirements for licensure of child-placing agencies.
2. These rules are not related to changes in a federal statute or regulation.
3. The Department of Human Services 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 boards, the regional human service centers, Legal Services offices in 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 December 22, 2009. The record was held open until 5:00 p.m. on January 4, 2010, to allow written comments to be submitted. A summary of the comments received 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 \$1,951.10.
6. The proposed rule creates chapter 75-03-36. The following specific changes were made:

Chapter 75-03-36. Chapter 75-03-36 includes sections on definitions; licensure; license revocation and denial; suspension reviews; resident child-placing agency office requirements; governance and responsibilities of child-placing agencies; financial structure, personnel files, staff functions and qualifications, and staff development of child-placing agencies; employee background checks; effect of criminal convictions on licensure; child abuse and neglect reporting; critical incident reporting; confidentiality and retention of files; adoption services; selection of interim care for a child

pending adoptive placement; interim family foster homes for infants; pre-adoption services; adoption placement; adoption disruption; foster care services; foster care placements; service requirements; family foster home recruitment, licensing, training, and support; and rights of the foster child.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The proposed chapter is 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. A constitutional takings assessment was prepared and is attached to this report.
10. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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