

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

<b>N.D. Admin. Code Chapters</b>	)	<b><u>REPORT OF THE</u></b>
<b>75-03-12 and 75-03-14, Foster</b>	)	<b><u>DEPT. OF HUMAN SERVICES</u></b>
<b>Parent Grievance Procedure and</b>	)	<b>June 9, 2020</b>
<b>Family Foster Home for Children</b>	)	
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<b>(Pages 832-836)</b>	)	

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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 chapters 75-03-12 and 75-03-14, relating to Foster Parent Grievance Procedure and Family Foster Home for Children, are being amended as a result of 2019 Senate Bill No. 2124.
2. These rules are not related to a change in a federal statute or regulation.
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 human service zone directors, 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 redrafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on March 20, 2020. The record was held open until 5:00 p.m. on March 30, 2020, to allow written comments to be submitted. No comments were received at the public hearing. No written comments were received within the comment period. A "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 \$2,357.22.
6. The proposed rules amend chapters 75-03-12 and 75-03-14, relating to Foster Parent Grievance Procedure and Family Foster Home for Children. These rules are being amended to comply with 2019 Senate Bill No. 2124. The following specific changes were made:  
**Section 75-03-12-01** is amended to remove the definition and reference to "regional foster care director", as the department is undergoing redesign efforts specific to state law changes and 2019 Senate Bill No. 2124, the role and responsibility of a department employee in this capacity was

no longer necessary as the human service zone will accommodate grievances locally. That definition was replaced with a definition for "grievance", which was defined as an objection made by a licensed foster parent regarding any placement decisions made by the department or human service zone which substantially affects the foster parent or the needs of the foster child.

**Section 75-03-12-03** is amended to update language for a foster parent to file a grievance with the human service zone director or director's designee. Due to state law changes and 2019 Senate Bill No. 2124, the role and responsibility of a county social service board was replaced with the human service zone.

**Section 75-03-12-04** is amended to offer consistency with state law changes and 2019 Senate Bill No. 2124 in amending references from a county social service board and county directors to human service zone team member and human service zone director. This section is also amended to clarify who may approve those included in the informal meeting by adding "upon approval of the agency having care, custody, and control of the foster child".

**Section 75-03-12-05** is amended to offer consistency with state law changes and 2019 Senate Bill No. 2124 in amending references from a county social service board to a human service zone with regard to the process in requesting a formal hearing. In addition, a conflict-free human service zone director is now required, pursuant to North Dakota Century Code section 50-11.2-02, to conduct the formal hearing,

previously that was the responsibility of the regional foster care director.

**Section 75-03-12-06** is amended to offer consistency with state law changes and 2019 Senate Bill No. 2124 in amending references from a county social service board to a human service zone. A conflict-free human service zone director is now required, pursuant to North Dakota Century Code section 50-11.2-02, to conduct the formal hearing, previously that was the responsibility of the regional foster care director.

**Section 75-03-12-07** is amended to offer consistency with state law changes and 2019 Senate Bill No. 2124 in amending references from a county social service board to a human service zone. In addition, a conflict-free human service zone director is required to prepare a written decision for the hearing based on evidence received.

**Section 75-03-14-01** is amended to remove the definition and reference to "regional center" as the use of the term was not used in the chapter. In addition, further clarity was offered to "Supervising agency" by adding the division of juvenile services or tribe within the list of parties capable of having care, custody, and control of the foster child as ordered by a court of competent jurisdiction or the designee of that agency or person.

**Section 75-03-14-04** is amended to further clarify the authorized agent is the payer of last resort whenever any other benefit or source of third-party payment is available for the cost of any physical examinations. In addition, further clarification was required to ensure that foster parents licensed

prior to October 1, 2019 were exempt from having to submit a declaration of good health. The examination became a state requirement after federal Family First Prevention Services (Pub. L. 115-123) passed.

**Section 75-03-14-06** is amended to remove the reference to county social service board and replace with the human service zone in response to 2019 Senate Bill No. 2124. In addition, this section proposes to remove the requirement of department employees co-chairing the quarterly foster care child and family team meetings. This will allow the department to redesign efforts specific to state law changes and 2019 Senate Bill No. 2124, to ensure each role and responsibility of department employees is efficiently utilized, while requiring the human service zone to accommodate requirements of quarterly child and family team meetings quarterly to best meet the needs of children and families.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The rule 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. The anticipated fiscal impact resulting from the implementation of the proposed amendments is nominal.
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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