

Foster Care for Children
Licensing Standards
Service Chapter 622-05

North Dakota Department of Human Services
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(Revised 10/1/2019 ML #3564)

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1. Affidavit of Compliance with Licensing Requirements: A statement in writing by a representative of a recognized Indian Tribe stating that a specific home on or near an Indian reservation meets federal and state requirements to provide foster care in their home. The statement must be subscribed and sworn before the Tribal chairperson or other authorized person from the Tribe.
2. Applicant: Individuals who have completed, signed, dated, and submitted an application to provide foster care for children to the authorized licensing agent as prescribed by the Department.
3. Approval: The approval by the department of a home of a Native American family located on or near a recognized Indian reservation in North Dakota, not subject to the jurisdiction of the state of North Dakota for licensing. The "approval" will allow the home access to receive title IV-E funding. (NDCC-50-11-00.1)
4. Authorized agent: Authorized agent means the county social service board or licensed child placing agency, or another entity designated by the department.
5. Child and Family Team: Every foster child shall have a permanency plan reviewed by a Child and Family Team that meets not less than once each quarter in which the county social services board, human service zone, division of juvenile services, or Tribe acts as the custodial agency supervising the foster child. The Child and Family Team meeting will be co-chaired by the department and the custodial agency director or designee.

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6. Custodial agency: Public agency granted custody of a child; county social service board, human services zone, division of juvenile services or a Tribe. Also known as the supervising agency.
7. Department: Department means North Dakota Department of Human Services (NDDHS) including its regional human service centers.
8. Foster Care for Children: Foster care for children means the provision of substitute parental child care to those children described in North Dakota Century Code 50-11; and includes the provision of food, shelter, security and safety, guidance and comfort on a twenty-four hour basis, to one or more children under twenty-one 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 foster family home, qualified residential treatment program, or supervised independent living program.
9. Foster Family Home: Foster family home means an occupied private residence in which foster care is regularly provided by the owner or leasee thereof to no more than six children, unless the department approves otherwise. The department will review requests to increase bed capacity for a licensed foster home beyond the limitation of six if the home has the physical capacity to accept and care for additional placements and for any of the following reasons:
 - a. To allow a parenting youth in foster care to remain with their own child.
 - b. To allow siblings to remain together.
 - c. To allow a child with an established meaningful relationship with the family to remain with the family.
 - d. To allow a family with special training or skills to provide care to a child who has a severe disability.
10. Foster Home License: The document issued by the Department which authorizes the applicant to provide foster care subject to the limitations as specific on the license; i.e. a license limited to a specific child(ren), age group, sex of child(ren), for a one-year period or less.
11. Identified Relative: The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece or first

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cousin. An individual with a relationship to the children, derived through a current or former spouse of the child's parent, similar to a relationship described in the first sentence. An individual recognized in the child's community as having a relationship with the child similar to a relationship described in the first sentence A child's stepparent. (NDCC 50-11)

12. License Capacity: The maximum number of foster children who can live in a foster home at any given time.
13. Licensed Relative Home: A relative may request to have their home licensed or approved. If the home meets the standards for licensure or approval, a license may be issued and the appropriate foster care daily rate must be reimbursed to the relative provider. NOTE: There is a relative waiver option that can be considered for non-safety related licensing compliance, if needed.
14. License Requirement: No person may furnish foster care for children for more than 30 days during a calendar year without first procuring a license to do so from the department. The mandatory provisions of this section requiring licensure do not apply when the care is provided in:
 - a. The home of an identified relative;
 - b. A home or institution under the management and control of the state or a political subdivision; or
 - c. A home or facility furnishing room and board primarily to accommodate the child's educational or career and technical education needs.

An individual providing care shall submit to a criminal history record investigation as required under section 50-11-06.8. Although the above three situations do not require a foster care license, the home must be licensed if foster care reimbursement is made on behalf of the child (NDCC 50-11-01 and NDCC 50-11-03.2).

16. Maintenance Payment): The reimbursement made to the foster parents to meet the needs of the child(ren) placed in licensed or approved (Tribal Affidavit) foster home.
17. Permanency Planning: Permanency planning occurs during Child & Family Team meetings. Child & Family Team meetings develop procedures that are followed during the time a placement is being

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planned for the child, during the time a child is in foster care, and until the child has achieved reunification or an alternate permanent plan. This includes returning to the parent(s), adoption, guardianship, relative care, or another planned permanent living arrangement. Permanency plans are developed in accordance with DHHS Manual Chapter 624-05.

18. Provider: The licensed facility/family home providing foster care to children responsible for meeting and maintaining minimum licensing requirements.
19. Provisional Status: A provisional status for a licensed or approved Tribal affidavit family foster home is prohibited. The Adoption and Safe Families Act includes statutory provisions of child safety, permanency, and well-being for children. The Department will not allow for prohibition of anything less than full licensure or approval to ensure that children are placed safely in licensed homes.
20. Specialized Family Foster Care Payments: An excess maintenance payment (EMP) made to qualified foster parents to meet the needs of children with special needs, in accordance with North Dakota Department of Human Services Manual Chapters 624-05 and 623-05.
21. Substitute Caregiver: A substitute caregiver is a responsible adult, age 21 or older, temporarily providing care for a foster child in the absence of the foster parents. When a foster child is placed in substitute care during the absence of the foster parents, prior approval of the substitute care; must be given by the child's custodial agency supervising the placement. Prior approval is not required for short periods of substitute care such as a portion of one day. The foster child may not be removed from this state without the prior approval of the child's supervising agency.
22. Supervising Agency: Also known as the custodial agency, the supervising agency is the agency or person 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. (NDAC 75-03-14-01).
23. The Adoption and Safe Families Act of 1997 (ASFA): The Adoption and Safe Families Act of 1997 (ASFA) seeks to ensure safety, permanency,

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and well-being for children. Foster care provides a safe, alternate setting for a child when the child's family cannot provide care. ASFA emphasizes the need for the foster care experience to be brief, but more intense in terms of planning with the family and others to achieve permanency for the child. ASFA imposed strict timelines on states for meeting certain milestones in foster care case activity. It discourages long-term foster care, and eliminates that as one of the permanency options for children. Encouraged are reunification, relative care, guardianship, and adoption. Other options are considered before termination of parental rights and adoption. Concurrent planning is used when appropriate: the agency works on two goals for the child simultaneously; for example, reunification and relative care. Services are provided to the family to ready them for reunification. If that doesn't happen, the relative care option is ready, and the child's permanency is achieved in a more timely manner.

During the time the child is in foster care, she/he needs a safe setting. NDCC 50-11 requires licensure for foster parents. N.D. Admin. Code 75-03-14 is the rule with the minimum requirements for family foster care. This NDDHS 622-05 manual is the working policy related to family foster homes. The intent of this structure is to provide a safe, quality foster care experience for children.

24. Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections): The Fostering Connections Act includes important improvements for children who enter foster care or are at risk of entering foster care. The act offers vulnerable children meaningful family connections and important protections and support, including promoting permanent families for them through relative guardianship and adoption and improving education and healthcare.
25. Preventing Sex Trafficking and Strengthening Families Act of 2014 (PL 113-182): This law advanced the protection and prevention of children and youth in foster care from exploitation, from becoming victims of sex trafficking and made improvements to the child welfare system to help advance long term permanency outcomes for children and youth in foster care.
26. Family First Prevention Services Act of 2018 (PL 115-123): Implemented October 1, 2019, this law allows North Dakota and Tribal

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Nations with an approved IV-E agreement, to use federal funds to provide enhanced support to children and families and prevent foster care placement through the provision of mental health and substance abuse prevention and treatment programs, in-home parent skill based programs and kinship navigator services. This act also seeks to reduce residential placements for children and instead emphasize placements into family foster homes.

27. ND Rules of Juvenile Procedure, Rules 4 and 15. (www.ndcourts.gov)

RULE 4. INTERESTED PERSONS: Persons who may participate in a juvenile matter include:

- a. the parties as defined in Rule 3(b);
- b. the child's guardian ad litem;
- c. in the case of an Indian child, the child's Indian custodian and Indian tribe through the tribal representative;
- d. in the case of a foster child, the child's foster parents, pre-adoptive parents and relatives providing care for the child;
- e. any other person who is named by the court to be important to a resolution that is in the best interests of the child.

RULE 15. NOTICE

- a. In General. Within five days of filing a written order, decision or judgment in a juvenile matter, a copy must be served on all parties as directed by the court.
- b. Modification Proceedings. A party seeking review or modification of an existing order must serve notice under Rule 7 of any hearing or proceeding on all parties.
- c. Children in Foster Care. In any matter involving a child in foster care under the responsibility of the state, the state must notify the child's foster parents, pre-adoptive parents and relatives providing care for the child whenever any proceeding is held with respect to the child.
- d. Guardian ad Litem. If a guardian ad litem has been appointed for a child, notice under Rule 15(a), (b), and (c) must be provided to the guardian ad litem.

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Application to Provide Family Foster Care 622-05-10-05 (Revised 10/1/2019 ML #3564)

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A written application must be completed by the applicant(s) interested in providing family foster care for children. The application is not complete or considered received until the initial fingerprint-based background check and signed application ([SFN 893](#)) are received by the authorized licensing agent during the initial licensing period.

Each year after receiving an initial foster care license, the applicant(s) must apply ([SFN 400](#)) for a renewal license. If a foster care license expires or there is a lapse in licensure (even for one day), the family will be considered a "prospective foster family" and a new fingerprint-based criminal background check will be required in order to begin the process of licensing again.

Applicant Qualifications 622-05-10-10

(Revised 10/1/2019 ML #3564)

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Qualification of persons applying to be foster parents, the applicant(s) must:

1. Be age 21 or greater;
2. Complete a fingerprint based criminal background check and child abuse and neglect index check search;
3. Be financially stable with reasonable income or resources available to meet the needs of the household members and to properly care for foster children; and
4. Have functional literacy, demonstrating their ability to read licensing policy, handbook, childcare plans and medication labels.

Prospective foster parents must:

1. Engage in the foster care licensing home study process and complete all relevant forms.
2. Provide information of at least three personal references from individuals unrelated to the applicant(s). Other references may be requested at the discretion of the authorized licensing agent.
3. Complete required training sessions for initial and ongoing licensure. All required training will be documented in the foster parent licensing file. Access to trainings will be offered by the authorized licensing agent, the licensing agency (NDDHS) and the University of North Dakota Children and Family Services Training Center (UND-CFSTC).
4. Demonstrate a working knowledge of reasonable and prudent parenting standard by allowing foster children the opportunity to participate in developmentally and age appropriate activities.

Financial Stability 622-05-10-10-02

(NEW 10/1/2019 ML #3564)

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Federal standards for foster parenting require foster parents be financially stable with reasonable income or resources available to care for oneself and all members of the household. (NDAC 75-03-14-04) A financial report ([SFN 843](#)) must be completed and signed by each foster parent before initial licensure and during each renewal.

The licensing worker will confirm the information when completing the home study. The licensing worker will consider the income and expenses, discuss the family's financial stability and consider overall management of income as more important than the amount of income.

Foster care reimbursement is provided to offset the cost of caring for a foster child in the home. Foster care reimbursement is not income, foster parents are not paid to provide foster care, rather they are reimbursed for costs associated with caring for a foster child. Foster parents are not taxed and are not issued a W-2 or a 1099 from the Department. Foster care reimbursement shall not be the primary source of income or needed for the foster family's own expenses. The maintenance payments issued on behalf of a foster child are intended to meet the needs of the foster child. (NDAC 75-03-14-05)

**DHS License/Approval Documentation 622-05-10-10-03
(NEW 10/1/2019 ML #3564)**

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The authorized licensing agent will submit a full application to license a foster home to the Department. The Department must ensure the licensing request is approved or denied within 60 days of the complete application made by the prospective foster parent(s). The authorized licensing agent may request an additional 45 days in which to complete the process. The Department will determine if such extension is necessary and, if so, will notify the applicant(s), in writing, that the additional time is approved.

1. A recommendation for licensing must be sent to the Department's regional office within 45 days of completion of application by applicant.
2. The Department will have the remaining 15 days to review the licensing packet inclusive of the Initial or Annual Licensing Checklist (850 or 851) and the original documents signed by the applicant(s) and licensing worker.
3. If approved by the Department, a license will be issued with the applicant(s) name, number of placements the home can accommodate, gender and ages 0 to 21. Child age preferences can be listed on the license, if applicable. The effective dates of the license must be present on the license and the Department representative must sign the certificate. A ND seal must be placed upon the formal licensing certificate. The Department template for each license is saved on the internal network P-drive under the County Intranet, Children and Family Services folder.
4. If denied, the Department will issue a letter detailing the reasons for denial to the applicant and the authorized licensing agent.

A provisional license or approval is prohibited. The Adoption and Safe Families Act includes statutory provisions of safety, permanency, and well-being for children. The Department will not accept anything less than full license to provide foster care for children.

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Note: Tribal Affidavit homes will not receive a NDDHS license, rather an “approval” of the Tribal Affidavit submitted on behalf of the Tribal licensing study. The Tribe will issue a formal license to the provider.

Data Management System 622-05-10-10-04
(NEW 10/1/2019 ML #3564)

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The licensing process requires data entry in the North Dakota payment system, CCWIPS. The authorized licensing worker access will determine who and how data is entered in the system. The authorized licensing agent; County or Human Service Zone, licensing worker is responsible to enter pertinent information into the payment system.

Effective October 1, 2019 the home study information is no longer required for data entry purposes. The worker will have to by-pass the home study screens by simply entering a "." or "-" in lieu of the responses and data collected on the home study forms. The data system does still require the home study fields, yet the by-pass is an approved measure and is more efficient at this time. If greater detail is required on a family license for review, all home study documentation must be available in the licensing file.

Pertinent Information Required Includes:

1. Provider Search to see if the family is already known to the system
2. Register new foster parent's unknown to the system
3. Identifying Information of Applicant A and Applicant B needed includes:
 - a. Marital status
 - b. DOB, Race, Ethnic origin, religion
 - c. SSN is **not required**, a worker can enter 00000000
 - d. Residence Address
 - e. Mailing Address
 - f. Telephone Number/s
 - g. Correspondence Name
 - h. Designated Payee Name
 - i. County the home resides
4. Conclusion page of the home study indicating ages, gender, and number of licensed beds for the home.

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5. Licensing Agent Recommendation to the Department

All other authorized licensing agents (PATH, LSS< Tribe, Youthworks, etc) do not have access to enter data in the Department's provider licensing/payment system. The Department's regional office will enter the licensing information.

**Memorandum of Understanding (MOU) of Correction
622-05-10-10-05**

(NEW 10/1/2019 ML #3564)

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A memorandum of understanding (MOU) is an agreement between the foster care provider, authorized licensing agent and the department. MOUs are created to enter into an agreement on a method of correction or licensing violation. A MOU of correction can be issued whenever the department determines that the provider is not in full compliance with NDCC 50-11, NDAC 75-03-14 or 622-05 policy.

A foster care licensing MOU of correction is not required for internal agency protocols. For example; a foster family is not submitting internal paperwork timely and the authorized licensing agent would like the family to sign a MOU to improve a documentation requirement. This example is an of internal agency protocol need, is not a direct licensing compliance issue; therefore, a foster care licensing MOU of correction would not be warranted by the department.

MOUs of correction must be approved by the department prior to issuance. Foster Care Licensing MOU's of Correction must:

1. Be drafted by the authorized licensing agent worker and provided to the regional office.
2. Be reviewed by the regional office in consultation with the central office (CFS) before a MOU is officially issued to a foster care provider.
3. Ensure when an MOU is issued for reasons on a method of correction of violation/s or for other assurances, the provider must receive additional monitoring visit(s) to ensure the provider is following the MOU. This visit(s) may be completed by the foster care case manager during the monthly face-to-face visitation when a child is in placement.

A MOU of correction must be signed and dated by three parties; the provider, authorized licensing agent, and a department representative. A MOU of correction may require the submission of a corrective action plan by the foster parent. If a corrective action plan is required, the MOU must

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also specify a date by which the corrective action plan must be submitted by the provider.

A copy of the signed MOU of correction must be given to the provider, maintained in the authorized licensing agent's file, as well as the Department licensing file for historical reference.

DHS Liability Coverage 622-05-10-10-06

(Revised 10/1/2019 ML #3564)

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This policy was created by the Department to assist licensed foster parents (claimant) and others for damages to property they incur, which are caused by acts or omissions of a foster child. The claimant must file the claim, regardless of whose property was damaged. This policy is the 'insurer of last resort' and should be used only when a private insurance policy, such as homeowners, tenants, personal automobile, personal umbrella liability insurances, or any other collectible insurance, will not cover the damages or loss.

Coverage:

The Department will pay for the lesser of the reasonable cost to repair or to replace damaged property incurred by a claimant and others, if the damage is caused by acts or omissions of a foster child. This coverage is subject to the following limitations:

- \$100 Department deductible per claim
- \$5,000 maximum payout per claim
- \$10,000 maximum payout per year/per claimant

The Department will cover the difference between \$100 and the amount of the deductible paid. This applies only to claims for damages, which are covered by this policy.

In cases where the property damage claim total exceeds \$25,000 the Department may further review the claim to assess damage, actual cost, replacement cost, and incident occurrence. The Department may cover 25% of remaining personal property damage after insurance payout, not to exceed the \$10,000 annual limit.

Exclusions:

The following exclusions apply:

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- Property damage due to the operation or use of any aircraft or watercraft.
- Property damage resulting from dishonest, fraudulent, criminal, malicious, or negligent conduct on the part of the claimant, family members living in the claimant's house, or others.
- Theft of property.
- Bodily injury of any kind.
- Injury to household pets.
- Secondary property damage caused after the incident, not by the foster child

Additional exclusions may apply as determined by the Department on a case-by-case basis.

Claim Procedure:

The following must be included with all claims:

1. Notification to the foster child's case manager and the authorized licensing agent is required before a foster parent property damage claim can be submitted.
2. A completed Family Foster Care Claim of Property Damage Form (SFN 327). A SFN 327 must be prepared for each claim filed with an insurance company; multiple claims should not be included on one SFN 327.
 - a. A SFN 327 must be prepared for each claim filed with an insurance company; multiple claims should not be included on one SFN 327, unless previously approved by the Department.
 - b. If more than one incident occurs in a 24 hour period, resulting in multiple insurance claims, the Department will combine the insurance claims into one claim with one Department deductible for cases where the payout will not exceed \$1000.
3. A completed and signed W-9 for payment purposes.
4. A photograph/s of the damage.
5. A letter from a private insurer denying payment for the damages claimed.
6. A written estimate by a contractor or insurance adjuster, or bill, or receipt of payment made for damages.
7. When applicable, verification of the amount paid by the private insurer.

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8. When applicable, proof of the amount of deductible paid by the claimant or others.

Claims need to be postmarked within 90 days after discovery of the damage, and sent to the attention of the Permanency Administrator, Children & Family Services (CFS), North Dakota Department of Human Services.

A review committee consisting of the Permanency Administrator (CFS), the Chief Financial Officer (Fiscal Administration), and the Risk Manager (Human Resources), or their designees, will review the claims and make a determination within 45 days of receipt. If a claim is approved, a check will be issued within 14 days of the date of determination. If a claim is denied, the foster parents will be informed of the reason for the denial within 14 days of the date of determination. The Department will not make a determination if claims are incomplete, and are not completed within the 90-day timeframe. If approved, payment will be made to the party who incurred the damage.

The review committee will complete the internal state form (SFN 328) as part of the assessment for documentation purposes for the Department.

Licensing Requirements 622-05-15

Medical 622-05-15-10

(Revised 10/1/2019 ML #3564)

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Prior to the department approving a license, the applicant(s) shall submit the results of a physical examination (SFN 974), dated within twelve months of the date of the initial application for foster care.

1. Foster parents must submit their physical examination through personal health insurance. If there are expenditures above and beyond the insurance coverage, the cost can be submitted to the authorized licensing agent if the prospective foster parents request the financial assistance as costs of any physical examinations required is the responsibility of the authorized licensing agent.
2. Foster parents licensed prior to October 1, 2019 are grandfathered in and do not require a physical examination in the licensing file.
3. A physical exam may be required at any time by the authorized licensing agent. The agency will specify what information they want from a physical examination they should require pursuant to the information provided on the applicant's self-declaration. If information is available from a previous medical examination, the authorized licensing agent may request the applicant sign a Release of Information to receive necessary reports from a medical provider.

All foster parents, upon initial licensure and annually thereafter, shall submit a Declaration of Good Health (SFN 972) each year. In addition, each member of the household, including children of the family foster home, except for any foster child, must complete the SFN 972.

1. Proof of immunizations for all residents living in the family foster home for children, except any foster child. It is recommended all members of the household be up to date on immunizations as recommended by a

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health care professional, unless the immunization is contrary to the person's health as documented by a licensed health care professional or the person provides written documentation that immunizations are against the person's religious, philosophical or moral beliefs.

2. Foster parents specializing in the care of medically fragile infants and children to receive specific vaccines if the needs of the child require such precaution, such as the influenza or pertussis.
3. Psychological testing on any resident of the family foster home for children as determined necessary. The cost of any psychological testing required by the licensing agency is the responsibility of the department. When the authorized licensing agent or licensing agency deems it appropriate, the agency should obtain from the foster parents a release of information in order to gather a summary of any social or emotional concerns and treatment for the purposes of completing the initial or annual home study.

Physical disabilities or age of foster parents do not affect licensing of the home provided that the applicant can show that these factors do not significantly inhibit the ability of the foster parents to efficiently carry on the duties required of them. (NDAC 75-03-14-04)

Family Evacuation Disaster Plan 622-05-15-16
(Revised 10/1/2019 ML #3564)

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All foster parents must develop evacuation plans that consider primary and secondary relocation planning in the event of a disaster. At the time of licensing and relicensing, applicants will disclose their disaster or evacuation plan (SFN 445), which is made part of the licensing file.

The authorized licensing agent worker must provide foster parents information describing who to email or call if the foster parent must evacuate and relocate. In the event foster parent must evacuate due to a disaster, foster parents must report their location to the legal custodian of the child(ren) placed in their home, and the authorized licensing agent or the Department of Human Services. If needed, the department has established a department email address (dhscfs@nd.gov) and two designated telephone numbers as ways in which to report a disaster to the department directly: (800)245-3736, or (701)328-2316.

Tracking Procedure:

1. Foster care provider must complete the SFN 445;
2. The authorized licensing agent worker must send the completed form along with the licensing packet to the Department regional representative.
3. Regional office will scan and upload the document to designated department Q-drive: Q:\SO-CFS\FamilyEvacuation\New;
4. Regional office will retain a copy of the form in the licensing file,
5. CFS staff will review the "new" folder regularly to enter the information in the specified database; and
6. CFS will archive the electronic document for a one-year retention.

Relative Waivers 622-05-15-17

(Revised 2/15/2014 ML #3398)

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The Fostering Connections Act of 2008 allows, on a case-by-case basis, agencies to waive non-safety related licensing standards when licensing a relative's home. North Dakota may waive non-safety related licensing standards in order to eliminate barriers to place children safely with relatives. The waiver, SFN 844, must be completed and signed by the authorized licensing agent agreeing to the relative waiver in order to license. Every effort must be made to ensure the family foster home meets licensing standards set forth in NDAC 75-03-14 and manual chapter 622-05. However, if necessary, waivers are allowable to license relatives willing to care for specific relative children in foster care.

North Dakota has highlighted specific waiver categories permitted for consideration for relative waivers.

- Age 21; waiver issued to a prospective foster parent no less than age 18 if determined appropriate for the child.
- Physical characteristics of the home
- Bedrooms/sleeping arrangements
- Background check results (not all results can be waived)
- Transportation
- Functional literacy
- Other

Potential waivers need to be staffed with and decided upon by the Department regional office as early as possible during the home study process. If approved, documentation is required for any waivers granted with specific notation of any agreements, alternate plans, or terms of the waiver(s) agreed upon by the authorized licensing agent, licensing agency and relative caregiver.

The Department is not required to grant any waivers. A refusal to grant or revoke a waiver is not subject to appeal.

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The federal Fostering Connections Act requires states to report on children placed in relative family foster homes, whether or not they are licensed, and the use of licensing waivers. Information regarding relative placements is entered into the CCWIPS/FRAME system:

1. If the foster youth is placed in a **licensed relative family foster home**, enter this information into CCWIPS. Check "Yes" behind "Relative Foster Care"; check "Yes or No" behind "Waiver Granted"; If "Yes" is indicated, a text field is available to indicate what non-safety related licensing standard was waived.
2. If the foster youth is placed in an **unlicensed relative family foster home**, indicate the reason the relative is not licensed under the "Placement" window in FRAME. A drop down box is available for "Reason Relative Not Licensed." If "Other" is chosen, a short description is required. A comments section is available if more detail is needed.

**Home Study Related to Interstate Compact Cases
622-05-15-20**

(NEW 8/15/2010 ML #3224)

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The Safe and Timely Interstate Placement of Foster Children Act of 2006 (PL 109-239) amends Title IV-B and Title IV-E of the Social Security Act. It encourages States to improve protections for children and holds them accountable for the safe and timely placement of children across State lines.

Interstate foster and adoptive home study requested by another State are required to be completed and received by the Central Office within 60 days. The law does not require the State to make placement decisions within this timeframe. The decision for placement will be made when all the information, including criminal background check results, is available and the home assessment is complete.

Background Check for Adults in Foster Home 622-05-15-25

(Revised 10/1/2019 ML #3564)

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The purpose of the background check is to obtain information that will assist the authorized licensing agent and the Department in determining whether the individuals in the home are suitable to provide safe care to foster children.

NDCC § [50-11-02\(2\)](#) requires the background check be conducted prior to licensure. A family foster home for children cannot be issued a license or an approval (Tribal affidavit) until the background check process is complete and the NDDHS Criminal Background Check Unit (CBCU) has forwarded background check clearance to the authorized agent and the Department regional office. Any criminal history information identified during the background check process can be used when making a licensing decision.

Background Check Process:

The request for a fingerprint-based criminal history record investigation inclusive of a child abuse and neglect index check in each state or tribal jurisdiction must be submitted on every adult residing in the prospective foster home. The initial background check results are eligible for a timeframe of 180 days (roughly 6 months) from the date of completion, as long as a home study has remained in progress. In some cases, it may take six months to complete the ND licensing requirements. If 180 days have passed and the prospective foster family has not completed the foster care for children licensing process, all adults in the home must complete a new fingerprint-based criminal background check at that time. Background checks will not be valid if the 180 day time period has lapsed, or if a home study is terminated by the agency or subject, and re-opened at a later time within the 180 days. In these instances, a new fingerprint based criminal background check must be completed.

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Licensing workers must thoroughly inform prospective foster parents of the process to complete all required background check forms. The forms are available online

<http://www.nd.gov/dhs/services/childfamily/cbcu/index.html>.

Applicants must complete the online forms under “foster care related”:

1. Personal Authorization for Criminal History Record Information Inquiry ([SFN 829](#)) for each adult in the prospective foster home;
2. Criminal History Record Request ([SFN 60688](#)) for each adult in the prospective foster home.
3. Fingerprint Identity Verification Form ([SFN 836](#)). This form must be printed and taken to your local human service center when fingerprinting is completed.

If any adult residing in the prospective family foster home for children has lived outside of North Dakota in the past five years, they need to complete an additional out of state authorization form for each state they have lived in. For a complete list of states and forms needed for each state

<http://www.nd.gov/dhs/services/childfamily/cbcu/foster-care-index.html>.

Delays in receiving background check results often occur when individuals:

- Use the wrong forms,
- Do not read the instructions,
- Give conflicting information,
- Do not complete required fields in every section,
- Do not list the last five years of address history, or
- Do not sign the forms.

In such instances, the background check forms cannot be processed by CBCU or forwarded to the Bureau of Criminal Investigation (BCI) and are rejected in their **entirety**. A new set of forms must be completed (SFN 829 and SFN 60688), to include any additional forms required by other states.

Fingerprint appointments can be made by calling the local Regional Human Service Center. The SFN 829 and SFN 60688 must be completed online prior to completing the fingerprints. Once the fingerprints are completed, the prints and forms will be sent by the Human Service Center to the

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Department's CBCU. At that time, CBCU will process the paperwork and forward the authorization form and fingerprints to the Bureau of Criminal Investigation (BCI) to complete the background check.

Child Abuse & Neglect Index

During initial licensing, CBCU will also conduct a North Dakota Child Abuse & Neglect registry check and a Child Abuse and Neglect Index search in any state in which the prospective foster parent, or other adult living in the home, has resided in the preceding 5 years. Annually, a child abuse and neglect index check must be completed as part of the licensing renewal process for every adult in the home. The annual Child Abuse & Neglect Index check (SFN 433) will be completed by the Department's regional office.

North Dakota will comply with any child abuse and neglect registry check that is requested from another State. This may include additional forms and/or fees requested by the other State.

Subsequent background checks are required:

1. If there is a lapse of license (even one day) between a family foster home re-licensure or annual renewal.
2. When a licensed or approved foster parent or other adult living in the home is known to have been involved, charged, or convicted of an offense.

Rejected Fingerprints:

In the event that two sets of fingerprints have been accepted and rejected, the FBI will conduct a nationwide name based criminal background check. The name based results will be accepted and used in the determination of criminal history check clearance.

Annual Licensing Requirement 622-05-15-30
(Revised 10/1/2019 ML #3564)

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1. Foster parents will be notified by the authorized licensing agent at least 60 days in advance of their licensure expiration date. An application may be enclosed with this notice or the authorized agent may contact the family to discuss whether they wish to continue to be licensed to provide foster care. These contacts must be documented in writing.
2. Foster parents must complete the annual application, SFN 400 to begin the process of the annual licensing study.
3. 3. The annual home study (SFN 1941) will be completed by a social worker representing the authorized licensing agent.
4. 13 hours of training is required each year, including at least one hour of fire safety training.
5. A North Dakota court public search must also be completed on every adult residing in the home as part of the licensing renewal process. The authorized licensing agent worker must print off the results of the state search and provide a copy to the Department as verification no criminal activity has occurred since the last renewal.
<http://publicsearch.ndcourts.gov/default.aspx>
6. A child abuse and neglect index check (SFN 433) must be completed as part of the licensing renewal process for every adult residing in the home.
7. The authorized licensing agent must submit the Annual Licensing Checklist (SFN 851), the annual home study and other required documentation to the Department's regional office at least 15 days prior to the expiration date of the current license.

**Conflict of Interest - Licensing Agency Staff 622-05-15-35
(Revised 10/1/2019 ML #3564)**

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The decision to license an employee of a county social service board, human service zone, regional human service center, or North Dakota Department of Human Services Division will be considered on a case-by-case basis.

1. Each case will be reviewed to discuss any potential conflict of interest which may arise by the licensing of the employee.
2. If a county social service or human service zone employee should desire to be licensed, the home study may be completed by another county, human service zone or the Department's regional human service center staff, if necessary.
3. If a regional human service center staff member should request to be licensed, the study can be completed by the county social service board or human service zone and submitted to a regional office in another jurisdiction.

**Multiethnic Placement Act/Interethnic Adoption Provision
(MEPA - IEP) 622-05-15-45**

(Revised 2/15/2014 ML #3398)

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The Multiethnic Placement Act of 1994 (MEPA) was amended in the Small Business Job Protection Act of 1996. The language of the 1996 provision is as follows:

A person or government that is involved in adoption or foster care placement may not –

1. Deny to any individual the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the individual, or of the child involved; or
2. Delay or deny the placement of a child for adoption or into foster care on the basis of the race, color, or national origin of the adoptive or foster parent, or the child involved.

The purpose of MEPA/IEP is to promote the best interest of children by:

1. Decreasing the length of time that children wait to be adopted.
2. Preventing discrimination in the placement of children on the basis of race, color, or national origin; and
3. Facilitating the identification and recruitment of foster and adoptive families that can meet children's needs.

MEPA/IEP provides for diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed. (Refer to NDDHS 624-05 for the complete MEPA/IEP policy.)

Licensing 622-05-20

Licensing Forms 622-05-20-03

(Revised 10/1/2019 ML #3564)

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Foster care for children licensing forms can be found at <http://www.nd.gov/eforms> The forms are fillable and savable. A description of each form and when it should be used is detailed below.

1. SFN 327 "Family Foster Care Claim of Property Damage" is to be completed by the foster parent(s) and submitted by the authorized agent or supervising agency within 90 days of the discovery of the property damage. If approved, payment will be made to the party experiencing the damage.
2. SFN 328 "Family Foster Care Home Property Damage Verification of Claim" is to be completed by the Department before a claim of family foster care property damage can be reimbursed by the department.
3. SFN 400 "Annual Application to Provide Family Foster Care" is completed by the foster parent(s) every twelve months. ND licensed or approved (Tribal Affidavit) foster parents must be re-evaluated annually. This information is used to update the payment system, gain a better understanding of the family composition and assist the authorized licensing agent with the annual renewal process. **Affidavit homes must complete this form during initial and annual reviews to update information for the ND payment system.
4. SFN 433 "Child Abuse and Neglect Background Inquiry" this form shall be completed by foster parent(s) and other adults in the home, each year during the annual licensing review period granting the Department permission to check the index.
5. SFN 445 "Family Evacuation Disaster Plan" is to be completed by foster parent(s) regarding a relocation plan in the event they are required to leave their home due to a natural disaster or catastrophic event.
6. SFN 800 "Fire Safety Self Declaration" is to be completed and signed by each foster parent before initial licensure and annually thereafter.

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7. SFN 842 "Acknowledgement of Placements Preference" is completed and signed by each foster parent prior to initial licensure and annually thereafter.
8. SFN 843 "Financial Record" is to be completed and signed by prospective foster parent(s) prior to initial licensure and annually thereafter.
9. SFN 844 "Relative Waiver" is to be completed and signed by prospective foster parent(s) and reviewed by the licensing worker if the family requires a relative waiver to provide foster care.
10. SFN 850 "Initial Licensing Checklist" is to be completed and signed by the authorized licensing worker completing the home study and working with the prospective foster family. The checklist will be submitted to the Department.
11. SFN 851 "Annual Licensing Checklist" is to be completed and signed by the authorized licensing agent completing the home study and working with the foster family during renewal licensing period. The checklist will be submitted to the Department.
12. SFN 889 "Initial Home Study Foster Care For Children" is completed by the authorized licensing agent thoroughly detailing all information collected while assessing the applicants. This form must be submitted to the Department in conjunction with all required licensing paperwork.
13. SFN 890 "Affidavit of Compliance in lieu of License for Foster Care For Children" must be signed each year by the Tribe licensing a Tribal foster home. This is a statement in writing by a representative of a recognized Indian Tribe stating that a specific home on or near an Indian reservation meets federal and state requirements to provide foster care in their home.
14. SFN 893 "Initial Application to Provide Family Foster Care For Children" is completed by prospective foster parent(s). The initial application must be received by the authorized licensing agent in order for the licensing process to begin.
15. SFN 972 "Declaration of Good Health" is required to be completed for each individual (child and adult) residing in the foster home. This does not include foster children. It is a requirement for initial and ongoing licensure or approval to help assure the health, safety and well-being of children placed in the home.
16. SFN 974 "Physical Exam Verification" the prospective foster parent(s) shall submit the results of a physical examination dated within 12 months of the date of initial application. This is required once and only for the applicants. All foster parents licensed prior to October 1, 2019 are grandfathered in.

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17. SFN 1247 "Informal Meeting Request for Foster Parent Grievance" Foster parents shall fill this form out notifying the child's custodial agency they are filing a grievance and request an informal meeting.
18. SFN 1248 "Notice of an Informal Meeting Concerning Grievance" this is to inform foster parents the informal meeting request form they filed has been scheduled.
19. SFN 1249 "Agency Summary and Decision from Informal Meeting" this is to inform the foster parents of the results of the meeting concerning their grievance.
20. SFN 1941 "Annual Licensing Report-Foster Care For Children" is completed by the licensing worker. The form will detail relevant information since the date of the last licensure study.

Licensing Files 622-05-20-05

(NEW 8/15/2010 ML #3224)

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Licensing files are public records. As such, they are covered under the access requirements pursuant to NDCC § 44-04-18.1 or 44-04-18.4. This provides for open records. There is, however, certain information in the licensing file that is considered confidential and is not part of an open record; i.e. social security numbers, bank information, protected medical information, psychological evaluation, etc. If a county social service board receives a request to view a licensing file, assistance in redacting the file should be requested from the county's State's Attorney's office prior to complying with the request. Notification should be given to the State Foster Care Administrator of any/all requests. If a human service center receives this request, assistance for redacting the file should be requested from the State Foster Care Administrator.

Please keep this information in mind when you contact individuals named as references for foster license applicants. Any reference information provided (letters, forms, or social worker recordings of reference contacts, etc.) is part of the licensing file and is not a confidential record.

Family Foster Care Licensing Changes 622-05-20-10
(Revised 10/1/19 ML #3564)

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Licensed ND family foster homes can experience various changes in their family setting while licensed to provide foster care for children. Foster parents must notify the authorized licensing agent of the changes as soon as they are aware the change is coming or has occurred. The authorized licensing agent worker will then notify the regional office of changes, as well as the child's supervising agency if a placement is in the home.

It is critical that during initial and ongoing licensing visits the authorized licensing agent worker educates the foster parent/s about the importance of notifying the agency when changes occur or are expected to occur. If a license is out of compliance, it could result in overpayments.

It is suggested that all ND family foster homes are licensed for placements age 0 through 20 with a preference of age indicated on the license, if desired. This will not limit placement options but will allow for preference to be acknowledged. EX: Licensed for males age 0 to 18, with a preference of males or females age 0-12.

1. Procedures to accommodate changes a foster family may encounter throughout their licensure include: Foster home has a change in family composition (parental marriage occurs, a new child or adult joins the family unit, grandparent moves in, etc.
 - a. The foster family must complete a new initial application (SFN 893) as soon as possible to add the new members or remove household members.
 - b. Fingerprint- based criminal background checks for any new adult living in the home must be completed as soon as possible. The individual living in the home may not be left to supervise a foster child until background check results are on file.

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- c. The licensing worker must meet with the family and update the home study (SFN 889) as soon as possible, not to exceed 30 days of notification.
 - d. The licensing worker will update and enter pertinent information into the payment system under the same provider number.
 - e. The licensing worker must forward the updated paperwork to the regional office within 45 days of the change.
2. Foster home moves to a new address in the same County:
 - a. The licensing worker must visit and assess the new physical location within seven days of the move.
 - b. The licensing worker will update the home study (SFN 889) after the onsite walk through as soon as possible, not to exceed 30 days of notification.
 - c. The licensing worker will update and enter pertinent information into the payment system under the same provider number.
 - The provider can retain their original ND provider number.
 - d. If the new property is not viewed within seven days, the family may be considered a “prospective foster family” and a new fingerprint-based criminal background check may be required to begin the process of licensing again. If the foster family moves and a foster child is placed in the home, payment issues will occur.
 - e. The licensing worker must forward the updated paperwork to the regional office within 45 days of the change.
3. Transition from a county foster home to therapeutic foster home:
 - a. The foster family must sign a release of information for the two agencies to communicate and share licensing paperwork.
 - b. The new licensing agency worker must review and update the recent application (SFN 893 or SFN 400) as soon as possible, not to exceed 30 days of notification.
 - c. The licensing worker must review and update the recent home study (SFN 889) as soon as possible, not to exceed 30 days of notification.
 - d. The licensing worker must forward the updated paperwork to the regional office within 45 days of the change.

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- e. The regional office will update and enter pertinent information into the payment system:
 - The county must close the license in CCWIPS when a county foster home license ends.
 - A new provider number must be issued.
 - The therapeutic foster care provider number must be assigned. The start date of the therapeutic license must be consecutive with the close date of the county license.
 - f. If there is any lapse in days between the close date and the start date, the family will be considered a “prospective foster family” and a new fingerprint-based criminal background check will be required to begin the process of licensing again.
4. Transition from a therapeutic foster home to a county foster home:
- a. The family must sign a release of information for the two agencies to communicate and share licensing paperwork.
 - b. The new licensing agent must review and update the recent application (SFN 893 or SFN 400) as soon as possible, not to exceed 30 days of notification.
 - c. The new licensing agent must review and update the recent home study (SFN 889) as soon as possible, not to exceed 30 days of notification.
 - d. The licensing worker will update and enter pertinent information into the payment system under the same provider number:
 - The start date of the county license must be consecutive with the end date of the therapeutic foster care license.
 - A new provider number is not needed. Add the application and home study under that original provider number.
 - In order to avoid payment errors, immediately provide new family direct deposit information to CFS. All therapeutic providers are set up in the payment system under the Licensed Child Placing Agency banking information; payments do not go directly to the family. Once the family is licensed with the county, the department must convert the agency banking information to the provider’s personal banking information.

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- e. If there is any lapse in days between the close date and the start date, the family will be considered a “prospective foster family” and a new fingerprint-based criminal background check will be required to begin the process of licensing again.
 - f. The licensing worker must forward the updated paperwork to the regional office within 45 days of the change.
5. Transition from a PATH therapeutic foster home to a PATH Regular foster home, and vice versa:
 - a. The licensing agency worker must review and update, if applicable, the recent application (SFN 893 or SFN 400) as soon as possible, not to exceed 30 days of notification.
 - b. The licensing worker must review and update, if applicable, the most recent home study (SFN 889) as soon as possible, not to exceed 30 days of notification.
 - c. The licensing worker must forward the updated paperwork to the regional office within 45 days of the change.
 - d. The regional office will update and enter information into the payment system:
 - The original license must be closed in CCWIPS.
 - A new provider number must be issued.
 - The start date of the new license must be consecutive with the close date of the previous license.
 - e. If there is any lapse in days between the close date and the start date, the family will be considered a “prospective foster family” and a new fingerprint-based criminal background check will be required to begin the process of licensing again.
6. County foster home moves from one County to another County:
 - a. The sending county must notify the receiving county that the family will be moving.
 - b. The family must sign a release of information for the two agencies to communicate and share licensing paperwork to assist the receiving county with the transition.

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- c. The receiving licensing worker must visit and assess the new physical location within seven days.
 - d. The receiving licensing worker must review and update the recent application (SFN 893 or SFN 400) as soon as possible, not to exceed 30 days of notification.
 - e. The receiving licensing worker must review and update the recent home study (SFN 889) as soon as possible, not to exceed 30 days of notification.
 - f. The receiving licensing worker will update and enter pertinent information into the payment system under the same provider number.
 - The provider can retain their original ND provider number.
 - The originating county must close the license in the payment system.
 - Enter the application and assign the original provider number as an "existing provider number". The start date of the receiving county license must be consecutive with the close date of the originating county license.
 - g. If there is any lapse in days between the close date and the start date, the family will be considered a "prospective foster family" and a new fingerprint-based criminal background check will be required to begin the process of licensing again.
 - h. The licensing worker must forward the updated paperwork to the regional office within 45 days of the change.
7. Therapeutic foster home moves from one region to another region:
- a. The original licensing agent must notify the regional office that the family will be moving to a new region.
 - b. The family may sign a release of information providing permissions for the agency and the department to communicate and share licensing paperwork across regional lines. This will assist with transparency during the transition. Without a new release, the regional office has authority to obtain the file as the department issuing the initial license.
 - c. The licensing agent must review and update the recent application (SFN 893 or SFN 400) as soon as possible, not to exceed 30 days of notification.

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- d. The receiving licensing agent must review and update the recent application (SFN 893 or SFN 400) as soon as possible, not to exceed 30 days of notification.
 - e. The receiving licensing worker must visit and assess the new physical location within seven days.
 - f. The receiving licensing agent must review and update the recent home study (SFN 889) as soon as possible, not to exceed 30 days of notification.
 - g. The receiving licensing worker must forward the updated paperwork to the regional office within 45 days of the change.
 - h. The receiving region will submit an incident report to the ITD Service Desk to assist with the license transfer in the payment system.
 - The provider can retain their original ND provider number.
 - i. The receiving regional office will submit an incident report to the ITD Service Desk to assist with the license transfer in the payment system.
8. Foster home is licensed for 2 children, but the agency wants to place 3 children in the home:
- a. The authorized licensing agent must secure pre-approval by requesting an amendment to bed capacity from the regional office. Pre-approval is required to place an additional child in the licensed provider home.
 - b. The regional office will amend the provider license in the payment system to allow for the additional bed.
 - c. Once the additional bed is identified on the family license, the placement of the additional child/ren can be made in the data management system.
9. Foster home moves from ND to another state:
- a. The ND license must be closed the day the family leaves the state of ND. Termination of the foster care license in the payment system will avoid overpayments.

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Tribal Affidavit: If a current Tribal Affidavit foster home will be moving to the County or transferring their license to PATH to become a therapeutic/treatment provider, the closing of the original affidavit license coded as AF (affidavit) must be consecutive dates to the entry of the new application and provider type licensed as FA (family) or TH (PATH therapeutic). It is critically important for the provider, licensing worker and regional office to plan in advance to accommodate the needs of required paperwork. Planning ahead is critical as a full home study and new licensing paperwork will be required for the transferred home. If there is any lapse in days between the close date and the start date, the family will be considered a "prospective foster family" and a new fingerprint-based criminal background check will be required to begin the process of licensing again.

Placements: If placements are in the foster home when a licensing change occurs, the authorized licensing agent worker must notify the child's supervising agency as soon as possible of the provider change. If a provider number changes in the payment system, the placement of the child will need to be updated to the new provider number in the data management system. Provider numbers and child placement information drive payment authorization.

Transfer of License 622-05-20-12

(New 10/1/19 ML #3564)

[View Archives](#)

A North Dakota family foster home license is not transferable and is valid only for the physical location of the home at the time of issuance, or at another ND location for a temporary period of time, not to exceed 60 days or as approved by the Department.

The authorized licensing agent must visit and assess the new home within **seven days** and grant a temporary approval of the new location. The authorized licensing agent must submit all required documentation to the Department ensuring the new physical location is in full compliance and the changes presented for the family do meet licensing standards.

This applies only to foster homes located within the State of North Dakota jurisdiction for licensing.

Family Assessment Process - PRIDE 622-05-20-15

(Revised 8/15/2010 ML #3224)

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The goal of safety and permanency for children necessitates a thorough family foster home assessment prior to initial and annual license.

The policy of the Department is to complete a resource family (foster home/pre-adoptive home) assessment incorporating the tools and methods available in the PRIDE "Conducting Mutual Family Assessment and Family Development Plan" process found in the PRIDE Practice Handbook.

This assessment methodology engages the family in a process with the agency to determine whether foster parenting is right for them and for the agency. When conducted according to the handbook, the process should assist in a quality assessment. Keep in mind that frequently, since the implementation of The Adoption and Safe Families Act (ASFA) in North Dakota, foster families become adoptive families. An in-depth, quality home assessment in preparation for foster home licensure may result in fewer barriers if there is a later transition to adoption.

Most of all, the PRIDE home study process will provide the opportunity for the agency to be more knowledgeable about the attitudes and skills of foster homes, and to make better placement decisions for children.

The family assessment is one part of the licensing study process. The family must meet the requirements in NDAC 75-03-14, "Family Foster Care Homes," which is the licensing rule with the force of law.

Purpose of Family Assessment 622-05-20-15-05
(Revised 2/15/2014 ML #3398)

[View Archives](#)

1. To determine if the family is capable of providing foster family care.
2. To assess the strengths and weaknesses of the family to determine what type of children might best be placed with the family.
3. To educate potential foster parents about foster care.
4. To determine if the home meets basic requirements of the Department.

Home Study Process 622-05-20-20
(Revised 10/1/2019 ML #3564)

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The family foster home study is completed prior to licensure using the [SFN 889](#) or [SFN 1941](#). The licensing home study shall be completed by a social worker with recommendations to the Department noting the family is in full compliance with licensing standards and indicating the number of children the family can accommodate in their home.

If the authorized licensing agent determines during the home study process the family does not meet licensing compliance, the authorized licensing agent may deny the applicant. The authorized licensing agent must send a letter to the applicant detailing the rational for denial; no further action is required regarding submission of licensing paperwork to the Department.

Information Meeting (Individual or Group)

622-05-20-20-05

(NEW 8/15/2010 ML #3224)

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An informational meeting provides the prospective foster family preliminary information, thoroughly covering the orientation material and allowing the worker to get acquainted with the potential foster family. This meeting also allows potential foster parents to learn more about agency and staff.

Responsibility for the Foster Care Study 622-05-20-20-10 (Revised 10/1/2019 ML #3564)

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It is the authorized licensing agent's responsibility to conduct the home study of the prospective foster family and recommend licensing to the Department. If the authorized licensing agent determined the family does not meet compliance of the foster care standards, the licensing worker may deny the applicant. A letter must be sent to the applicant detailing the rational for denial.

The study of the foster home shall be carried out in a series of planned discussions between the social worker and prospective foster family. Separate as well as joint discussions with applicants and family members are required. The home study includes discussions regarding:

1. Licensing rules that the foster family home must meet.
2. Characteristics of children served by the agency, including range of behaviors and positive traits shown by children requiring placement.
3. Parental reasons necessitating placement.
4. Circumstances which children face in their status as foster children, including effects of separation from their own parents, anticipated reactions in relation to their own family, feelings of being different in school and the community.
5. Importance of continuity of care for child(ren), and of avoiding unnecessary or abrupt replacements,
6. Varying length of time for which children require foster care.
7. Differences between foster care and adoption.
8. Special characteristics of being a foster family, and how this differs from their own family in terms of discipline and challenges and gratification.
9. Responsibility of the agency for the children it serves, its goals and objectives, social worker responsibilities.
10. Agency policies and procedures regarding maintenance payment, provision of clothing medical care, education, religious training, medical and other transportation, etc. with detailed and specific information regarding financial arrangements between the agency and foster

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parents; and special payments based on needs of the foster children and training of foster parents.

11. Overview of:
 - a. Chapter 622-05 (Licensing Standards)
 - b. Chapter 623-05 (Payment Chapter)
 - c. Chapter 624-05 (Permanency Planning)
 - d. NDAC 75-03-14, "Family Foster Care Home Licensing" rules
 - e. Foster Parent Handbook and orientation material

12. The necessity for foster parents to be able to work with the child's parents and

Family Interviews 622-05-20-20-15

(Revised 10/1/2019 ML #3564)

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The home study assessment, including interviews with each member of the household, as determined age appropriate, is required. Family interviews shall include, but are not limited to, such issues as the parents' philosophy of child rearing, child management, discipline, problem-solving and any other issues outlined on the foster care study form.

In addition to interviews held to provide information to potential foster families, there shall be a minimum of three interviews during the licensing process. Additional interviews are required in families where it is age appropriate for the children or extended family members live in the home.

A concluding interview is conducted with the family to complete the licensing home study. It should be noted that the number of interviews is flexible. The authorized licensing agent must engage in sufficient sessions as required for the family situation, but no less than three.

The intent of these interviews is to form a thorough and complete assessment picture of the potential foster family's ability to provide quality care to any children placed in their home. In order to do this, the social worker, along with other evaluative measures, needs to do a thorough assessment of any potential foster family, keeping in mind the safety and well-being of children who may be placed in the home.

**Information to be Obtained about the Family
622-05-20-20-20****(Revised 10/1/2019 ML #3564)**[View Archives](#)

Information to be obtained about the family should indicate current functioning of household members and of the family as a unit, past life experiences and pattern of relationships, attitudes, expectations, and motivations in regard to family foster care. Essential points to be discussed or noted include:

1. Reasons for the family's application to be a foster family at this time. (Motivation of applicants for wanting a foster child should be evaluated in terms of the reasons which applicants recognize and can verbalize, as well as underlying needs revealed in the study, both of which are important in understanding the total personality).
2. Current relationships within the family, such as marital relationships and parent-child relationships; attitude and expectations in regard to own children; problems between children or parents which may affect the foster child differently from their own children.
3. Relationships outside the family with relatives, friends, and other members of the community.
4. Education, employment, and patterns of social relationships.
5. Religious observances, affiliations, activities, whether or not the foster parents support the child's religious preferences. The foster parents must make opportunities available for a foster child to attend religious ceremonies chosen by the foster child, or that child's parents, within the community in which the foster family resides. The foster parents must respect and not interfere with the religious belief of the child and the child's family. (NDAC 75-03-14-05)
6. General social, intellectual, and cultural level of the family.
7. Current functioning in relation to normal everyday living, as well as in relation to stress or crisis.
8. Pattern of the family's daily life, routine, habits, etc.
9. History of family member's significant childhood relationships with parents, siblings, or other meaningful persons.
10. Significant experiences in the history of the family members, including information about separation or loss through death, desertion, divorce,

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- etc., and reaction to these experiences. These life experiences may affect the families' feelings about separation from and return of children to their own parents.
11. History of any involvement in sexual abuse, either as a victim or perpetrator, of each prospective foster parent (father and mother), even if no charges were filed. If an individual has been involved as a perpetrator, follow-up with questions related to treatment. Secure releases to access treatment records.
 12. History of experiences with other children and feelings about special problems.
 13. Feelings, attitudes, and expectations in regard to being a foster family.
 14. Capacity of applicants to share with each other in the care of a foster child and to give proper consideration to the feelings of their own children, positive and negative, in arriving at a plan to care for foster children.
 15. Capacity to absorb the pressure of a foster child without undue disruption of the family's life; and to accept the foster child's feelings about their relationships with their own parents, both positive and negative.
 16. Ability to accept the child's parents and relatives and work with the social worker to help the children resolve any conflicting feelings; including supporting contact between the child(ren) and family.
 17. Ability to work with the agency in attaining its goals for children.
 18. Agreement to participate in pre-service and ongoing foster parent training.
 19. Opportunity for child's socialization with other children. Foster parents shall give every child the opportunity for appropriate social relationships and shall encourage the child to participate in neighborhood group activities, such as 4H, Boy Scouts, Girl Scouts, school clubs, athletics, etc. The child, with the foster parents' permission, shall be free to invite friends to the foster home and to visit in the home of friends.

**Dual Licensure - Family & Adult Foster Care
622-05-20-20-25**

(NEW 8/15/2010 ML #3224)

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Under certain circumstances, it is possible for a family to be licensed to provide foster care to both adults and children. Dual licensure is an option available only to family foster homes that are caring for a foster child who is receiving DD services and the child is transitioning to the adult foster care program where his/her needs can be more adequately met utilizing DD and other services. This will allow the former foster child to remain in the family foster home and continue to receive reimbursement for his/her cost of care, as well as supportive services, through the adult foster care system. The adult foster care license will be child specific and not available for other placements through Aging Services.

The provider will need to ensure that they are able to comply with the laws and regulations governing both the provision of foster care to adults and children. If dual licensure is being considered, both foster care programs and the custodian must coordinate services to ensure the safety of the individuals receiving the care. Responsibilities of each agency must be clearly outlined during the planning process. Agency efforts must be made to streamline licensing and case supervision to ensure the least disruption to the family; i.e. family foster care and adult foster care licensing cycle during the same time period.

Any request for dual licensure must be discussed and approved by the regional supervisor and the regional Aging Services supervisor.

Physical Characteristics of Home 622-05-25

Housing 622-05-25-05

(Revised 10/1/2019 ML #3564)

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The foster home must be a dwelling, mobile home, housing unit, or apartment occupied by an individual or a single family. The authorized licensing agent worker shall inspect and approve the entire premises. This assessment of the home is in addition to any fire or inspections deemed necessary.

1. The family foster home for children and premises must be clean, neat, and free from hazards that jeopardize health and safety. The family foster home for children shall engage in proper trash disposal and be free from rodent and insect infestation.
2. The home must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy. The family foster home for children shall have a properly working sink, refrigerator, stove and oven in the kitchen and at least one sink, toilet, and bathtub or shower in the bathroom.
3. The family foster home for children and grounds shall be in compliance with any state and local zoning requirements. (NDAC 75-03-14-03)
4. The authorized licensing agent worker shall inform potential foster parents where they can get information on state and local zoning requirements.
5. A health inspection may be required if conditions appear questionable, and all conditions as outlined by the Health Department must be met.
6. If a foster family has security cameras inside or outside of their home, they must disclose this information to the licensing worker upon purchase of the security system or during any home study visit. Licensing workers should be informed of where the cameras are positioned, why they are in use, when they are recording, who is responsible for the camera(s) and what happens to the footage.
 - a. Indoor video cameras must be made known to all parties entering the home (case managers, foster child, etc.) and an explanation granted as to why the cameras are in the home.

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- b. Interior video cameras may not be used to supervise children.
- c. Indoor video cameras may not be placed in private spaces of a home, such as bedrooms and bathrooms where foster children will change clothing or be naturally exposed. Baby monitors with cameras may be used to observe infants and toddlers under age three in their bedroom to ensure safety and awareness to a child waking, etc.
- d. Indoor video cameras may not be used to intentionally record the child.

Bedroom Requirements 622-05-25-20

(Revised 10/1/2019 ML #3564)

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1. All sleeping rooms must have an accessible window to exit, allow for proper light and ventilation and the room must have appropriate smoke alarms as recommended by local fire department, state fire marshal or local building codes
2. Basement bedrooms must be equipped with more than one exit.
3. Foster children in basement sleeping rooms must be able to demonstrate their ability to depart from all exits.
4. The family foster home for children must have adequate sleeping rooms to accommodate the size of the household including an individual bed and bedding for each foster child to sleep comfortably.
5. Co-sleeping or bed sharing with a foster child is prohibited

Doors 622-05-25-25

(Revised 10/1/2019 ML #3564)

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1. Exterior doors must be maintained in such a manner which would permit easy exit.
2. Interior doors should be designed to prevent children from being trapped.
3. Every closet door must be one that can be opened from the inside. Any bathroom doors must be designed so that the opening of the locked door can be accomplished from the outside in an emergency.

Safety 622-05-25-30

(Revised 10/1/19 ML #3564)

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1. Firearms must be kept in locked storage or trigger locks must be used. Ammunition must be kept separate from firearms. A foster parent with a concealed weapons permit must follow the regulations set forth by NDCC 62.1-04. Individuals permitted to carry have been trained in how to handle and possess the weapon safely. Due diligence is required by the foster parent to apply the rules of storage to the firearm when not on the person. For example, when the firearm is being carried, it is secured on that person and cannot be laying freely on the console of the vehicle.
2. The family foster home for children shall be equipped with a carbon monoxide alarm. At least one carbon monoxide alarm shall be installed in the foster home. If the home has a source for carbon monoxide through an attached garage, gas furnace, or gas appliances then the home must have one carbon monoxide detector/alarm on each floor per recommendation from the ND State Fire Marshall.
3. The family foster home for children shall have reliable, legal and safe transportation available to transport children in placement.
4. All foster parents are required to carry liability insurance on all vehicles owned by them in which foster children may be passengers. The foster parents must provide a copy of the insurance coverage as verification to the authorized licensing agent.
5. The family foster home for children must have an operational telecommunications device, and residents of the home must have access to it. Names, phone numbers, and addresses of all places of employment should be listed. Immediate means a communication system that is available and functional for notification to emergency medical care, local fire department, police department, or any other entity that could provide life saving services and can be reached in time to maximize the effectiveness of those services to aid the foster child and foster family in a crisis situation.
6. Pets belonging to the foster family must be properly vaccinated as recommended by veterinary guidelines. The Department requires the rabies vaccine at a minimum.

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7. The milk supply consumed in the family foster home for children shall be obtained from an approved source.

Water Safety 622-05-25-30-02

(NEW 10/1/19 ML #3564)

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Foster parents must follow reasonable and prudent parenting when engaging in water sports or activities. Foster parents shall determine the swimming ability of each child prior to water activities. Foster parents may not allow foster children to participate in an aquatic activity without adult supervision.

Swimming pools

Swimming pools with a depth of four feet or greater must have a barrier to minimize unsupervised access. The barrier must be equipped with a safety lock. A fenced-in back yard does not meet the barrier requirement. In-ground pools with professionally installed safety covers do meet the barrier standard if locked and cannot be unrolled/opened without supervision. Barrier standards do not apply to a small wading pool, however water safety and supervision is required for all water activities.

If the pool is not designed to be regularly drained, it must have a working pump and filtering system. In addition, the pool area must have a life saving device available in the event of an emergency.

Hot tubs

Hot tubs on the premises of a foster home for children must have a safety cover that is locked when not in use.

Lake Life/Boating

Foster parents must follow reasonable and prudent parenting when taking foster children to the lake to swim or engaging in recreational activities. Foster parents shall require that all children wear personal flotation devices during aquatic activities, such as water skiing, tubing, and rafting. Prior to riding in a boat, the foster parents shall provide instruction on boarding, boat rules and the importance of wearing personal flotation devices.

Proper Storage of Medication and Other Hazardous Material 622-05-25-30-03

(NEW 10/1/19 ML #3564)

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The family foster home for children shall properly store medications, alcohol, poisonous materials, cleaning supplies, and other hazardous materials to prevent access to children, as appropriate for age and development of the children in placement.

During the home study, the licensing worker will review this standard and view the property to ensure proper storage of items listed. Foster parents must use reasonable and prudent parenting to ensure foster children placed in their home are safe from consumption or access to potentially dangerous items. Proper storage is required and will vary in each home depending on the cupboard and closet locations and the age of the children in placement.

The goal of this standard is to eliminate access. If foster parents provide care to younger children, a childproof lock on a lower cupboard may be sufficient to eliminate access to cleaning supplies. If foster parents provide care to teenagers, it may require additional supervision or locking of alcohol, prescription medication, and cleaning supplies if the child has a history of substance use.

The age, maturity level and history of the foster child will help determine if medications, alcohol, poisonous materials, cleaning supplies, and other hazardous materials maintained in the foster home, should be kept in locked storage. Discussions must be held to determine if the foster child has the maturity and responsibility to take their own medication and the dependability to avoid risky behavior when allowed access to these typical household items.

Safe Sleep 622-05-25-30-05

(Revised 10/1/2019 ML #3564)

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Foster parents must provide a safe sleeping space including mattress and linens for each individual child, as appropriate for the child's needs and age. Foster parents must not co-sleep or bed-share with foster children.

There are various trainings available for caregivers to become better educated about safe sleep practices. It is important to know:

1. Ways to reduce the risk of sudden infant death syndrome (SIDS) and other sleep-related causes of infant death;
2. What a safe sleep environment looks like; and
3. How bed-sharing can increase risks to the child.

When caring for an infant, foster parents must know to keep the baby's sleep area close by yet separate from where they sleep. The baby should not sleep on a bed, couch or armchair with adults or other children, but can sleep in the same room as foster parents, if appropriate and necessary. If the baby falls asleep in a car seat or swing, move him/her to a safe flat sleeping area to continue sleeping.

Caregiver Video:

<https://www.youtube.com/watch?v=7cXwlpSjL08&list=PLdnicNpQpb-GgMSiloCCPIVjvOwh06zVt&index=8>

Sharing Rooms

The age and gender of foster children, and other children in the home must be discussed during the home study process. It is recommended that children over the age of 6 do not share bedrooms with children of the opposite gender. If needed, custodial agency case managers shall help foster parents determine appropriate sleep space upon placement into the home.

Child Restraints and Safety Belts 622-05-25-30-07
(NEW 10/1/19 ML #3564)

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NDCC §39-21-41.2 strengthened the North Dakota law related to the use of child restraints/safety belts. The following is a brief summary:

1. Children younger than age 8 are required to ride in a child restraint (car seat or booster seat). The restraint must be used correctly following the manufacturer's instructions.
2. A seat belt may be substituted for children younger than 8 who weigh more than 80 pounds and are more than 57 (4'9") inches tall.
3. Children ages 8 through 17 must be properly secured in a seat belt or child restraint (car seat or booster seat).
4. The law applies to all seating positions – front seat and back.
5. The driver is responsible for ensuring that all occupants younger than 18 are buckled up in the appropriate restraint.
6. The penalty for violation is \$25 and one point against the license of the driver.
7. When licensing foster parents either for initial or subsequent licenses, child restraint/safety belt requirements, and the options for securing proper child restraint equipment must be discussed.

Water Temperature and Testing 622-05-25-30-10
(Revised 10/1/2019 ML #3564)

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The family foster home for children shall ensure the water temperature in the home is monitored for safety. The water temperature settings should not exceed 120 degrees F. The authorized licensing agent, initially and annually thereafter, shall check the settings on the water heater to ensure proper water temperature is maintained.

Length of Exposure Required to Receive a Third-Degree Burn

68° C	156° F	1 second
65.6° C	149° F	2 seconds
60° C	140° F	5 seconds
56.6° C	133° F	15 seconds
53° C	127° F	60 seconds

Well Water Testing:

The water supply must be from an approved municipal water supply system where available. When a municipal system is not available, a water sample must pass the approved drinking water standard bacteriological water analysis testing.

The family foster home for children shall obtain results from an Environmental Protection Agency approved laboratory for testing through licensing with the ND Department of Environmental Quality. The water testing results must be submitted to ND Department of Human Services (NDDHS) Children and Family Services (CFS) Division in order for payment to be made on behalf of the foster home.

The Department has an agreement to pay for the required bacteriological water tests (not chemical analysis) for foster homes who provide foster care to children from these ND approved laboratories:

1. ND Department of Health State Lab (Bismarck) at 328-6272

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2. Fargo Cass Public Health (Fargo) at 476-4089
3. First District Health Unit (Minot) at 852-1376
4. Astro-Chem Lab, Inc. (Williston) at 572-7355

In order for the water test to be paid by NDDHS, the authorized licensing agent must follow these procedures:

1. The authorized licensing agent worker conducting the home study will requests a water bottle test kit from the lab located in closest proximity to the family home. When calling verify the laboratory has an account with NDDHS and identify the request is for "Foster Care Licensing".
2. The approved lab may send you specific forms already coded for their purposes. If not, the family must indicate on the paperwork received "NDDHS - Foster Care Licensing" to help the lab identify where to bill the test costs.
3. The foster family will draw the water sample and complete the required laboratory form/s.
 - a. Location Information: The family foster home will be indicated as the mailing address/location where the water sample was taken.
 - b. Billing Information: If the vendor is an approved laboratory (listed above) a NDDHS account will be set up. NDDHS will pay for the water testing.
 - c. Water Results: All water testing results must be sent to CFS Attn: Water Testing
4. The family must send the water sample to the laboratory immediately. The lab must receive the water sample within 30 hours of the sample being taken or the sample will be thrown out. It is best to drop the sample off if you plan to be in town. Also, plan accordingly as many labs have specified days the water samples can be tested (Ex: Monday – Wednesday only).
5. The approved laboratory will send the completed lab report/results to CFS. CFS will:
 - a. Record & verify the family and results for payment purposes
 - b. Forward the lab results to the regional office for the licensing file.
6. The approved laboratory will bill CFS for water testing.
7. CFS will initiate payment to the approved laboratory once per month.

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NOTE: If the above procedure is not followed, NDDHS cannot pay for the water test.

Testing Preference:

The ND Department of Health is the preferred laboratory for water testing, however, the Department does understand distance offers great barriers for rural communities outside of Bismarck. If an approved laboratory is not listed above, the lab and cost of the water testing must be pre-approved by CFS in order to develop a process for submitting a sample, obtaining the results and making payment.

Direct Payment to Foster Parents:

Foster parents who pay for the water testing directly will not be reimbursed by the Department. The billing must be done through the approved laboratory and follow the procedures listed in policy.

Community Wells:

If a foster family has a community well, their community well is not required to be tested for foster care licensing purposes. A community well is considered a municipal water source and receives ongoing monitoring.

Failed Water Testing:

If sampled water is returned as "fail" or "unsatisfactory", a foster child is not allowed to consume the water. The water will have to be re-tested until the sample passes the bacteriological water analysis requirements for the state of ND.

If the water testing results continue to present unsafe water that could be consumed by a foster child, further discussions and safety planning must occur between the laboratory specialists, foster family, authorized licensing agent, and regional office.

Fire Prevention and Safety 622-05-25-35

(Revised 10/1/2019 ML #3564)

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NDCC 50-11 mandates a course of instruction on fire prevention and safety, and the completion of a fire safety self-declaration form to be signed by each foster parent. The requirements are as follows and are for **each** foster parent:

Initial Licensure ~ Prospective Foster Parents Must Complete:

1. A two-hour fire prevention and safety course available from the regional human service center; and
2. The SFN 800, "Family Foster Home – Fire Safety Self-Declaration," signed by each applicant.
3. Under certain circumstances, a fire inspection by the local fire department or the state fire marshal may be required. NDAC provides for this to occur if indicated. (NDAC 75-03-14-03)

Ongoing maintenance:

The foster home must comply with the requirements of NDAC 75-03-14-03 related to checking and maintaining fire extinguishers, smoke detectors/alarms, carbon monoxide detector/alarms. In addition, gas and propane appliance and coal/wood solid fuel appliances must have an inspection every two years to prevent fire and safety hazards. Electric heating systems do not require any inspection, however special attention must be made to remove items from touching the electric heater and panels to minimize risk of fire. The foster home must provide verification of required inspections, when applicable, for the licensing file.

The family foster home for children shall develop a written emergency preparedness plan, maintain and post a list of emergency contact, including poison control and have first aid supplies on hand while a foster child is in placement.

Annual Licensure ~ Foster Parent(s) Must Complete:

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1. A one-hour training for fire prevention and safety; and
2. The SFN 800, "Family Foster Home Fire Safety Self-Declaration," signed by **each** foster parent.

Personal Characteristics of Foster Families 622-05-30
(Revised 10/1/2019 ML #3564)

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Personal characteristics for foster parents:

1. A criminal conviction shall not disqualify a potential foster parent unless the conviction is for a crime having a direct bearing on the capacity of the parent to provide foster care or the convicted person has a conviction or offense and is not sufficiently rehabilitated under NDCC § 12.1-33-02.1. The Department shall determine the effect of a conviction or an offense.
2. Evidence of an interest in and responsiveness to other people, particularly children.
3. The capacity to give love, affection, and care to a child without expecting the child to return this love and affection.
4. Proper consideration of their own children's feelings and feelings of close relatives toward a foster child.
5. Satisfactory and stable adult relationships, which include not only a satisfactory and meaningful marital relationship, if married, but supportive relationships with relatives and friends.
6. Emotional stability, including a satisfactory manner of handling angry feelings, and ability to handle rejection by the foster parent.
7. A person residing in the home, except a foster child or ward of the court, may not exhibit symptoms of substance abuse or emotional instability that inhibit their ability to care for children. .
8. No person may smoke or vape, in the foster home, in circumstances which present a hazard to the health of a foster child or in an enclosed area when the foster child is present. All foster parents should be aware of the potential hazards of smoking in the presence of children, particularly infants and children with respiratory or allergic sensitivity.
 - a. Household members prescribed medical marijuana must notify the authorized licensing agent. If medical marijuana is prescribed to a foster parent, they may continue to care for foster children. However, an assessment should consider the medical diagnosis requiring the use of medical marijuana, like any other prescribed controlled substance. The authorized licensing agent will review

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the applicant(s) ability to provide for the safety and well-being of a foster child, how and where the foster parent will use medical marijuana, etc.

- b. If approved by the authorized licensing agent, the individual must follow the prescription authorized by the medical professional. If medical marijuana is not issued in pill form, the household member(s) cannot smoke in an enclosed area in the presence of a foster child.
9. If symptoms of substance use or emotional instability inhibit the ability to care for children occur in a family foster home for children at the time when child is in long-term placement, every effort should be made to keep the placement intact if the household member of the foster home is seeking treatment. No further placements will be made until successful completion of the treatment has occurred. A household member who has symptoms of , substance use or emotional instability, the household member may have had no incident which inhibited their ability to care for children for a period of at least twelve months prior to licensure. (NDAC 75-03-14-04).
 10. The ability to function adequately in their chosen life style; i.e. ability to enjoy and accept the responsibility of their job, their family life, their friends, and themselves.
 11. Has reputable character, values, and ethical standards conducive to the well-being of the children.
 12. Practical understanding of the developmental stages of children and their accompanying needs. Flexibility in their expectation, attitudes, and behavior in relationship to meeting the individual needs of children.
 13. The maturity to exercise good judgment and appropriate use of authority, along with the qualities of vitality and flexibility which are necessary to care for children.
 14. An acceptance and resolution of any of their own negative childhood experiences.
 15. The capacity to absorb the presence of a foster child with all his/her needs without undue disruption of their own family life.
 16. Ability to accept a foster child's relationship with his or her own parents, including neglectful and abusive parents. The ability to accept a foster child's background without passing moral judgment on the child or the child's family.
 17. The capacity to help prepare a child for return home, for adoptive placement, guardianship, or an alternate permanency arrangement, and the ability to cope with the departure of the foster child.

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18. A willingness to treat the child as a member of their own family, including for example, such things as family vacation.
19. Demonstrate a working knowledge and understanding of North Dakota's approved pre-service training. Demonstrate an understanding of the need for each foster child to have a nutritional, well-balanced diet, as well as recognize the requirement of ensuring each foster child is offered food, eats adequately and obtains the necessary nutrition daily. Special diets must be provided by the foster family when required by the child's condition.

Appropriate Behavior Towards Foster Children 622-05-30-05

Discipline 622-05-30-05-05

(Revised 10/1/2019 ML #3564)

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Discipline must be constructive or educational in nature and may include diversion, separation from problem situation, talk with the child about the situation, praise for appropriate behavior and gentle physical restraint such as holding. Children shall not be subjected to physical harm or humiliation.

1. No child may be kicked, bitten, punched, spanked, shaken, pinched, roughly handled or struck with an inanimate object by foster parents or any other resident living in the home.
2. Cruel and unusual punishment are prohibited.
3. Authority to discipline may not be delegated to or be accomplished by children.
4. Separation, when used as discipline, must be brief and appropriate to the child's age and circumstances, and the young child must be within hearing of an adult in a safe, lighted, well-ventilated room. No child may be isolated in a locked room or closet.
5. No child may be physically disciplined for lapses in toilet training.
6. Verbal abuse or derogatory remarks about the child, the child's family, race, religion, sexual orientation, gender identity or cultural background may not be used or permitted.
7. No child shall be force fed unless medically prescribed and administered under a physician's care.
8. Deprivation of means, including food, clothing, shelter, hygiene, and medical care, may not be used as a form of discipline or punishment.

Child Neglect and Abuse Reports 622-05-35
(Revised 10/1/2019 ML #3564)

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A member of the household, except a foster child, may not have been the subject of a child abuse or neglect assessment where a services required decision was made unless the department, after making appropriate consultation with person qualified to evaluate the capabilities of the household member, documenting criteria used in making the decision, and imposing any restrictions deemed necessary, approves the issuance of a license; and

1. The household member has followed the recommendations from the child protection assessment; or
2. The household resident can demonstrate the elimination of an underlying basis precipitating the neglect or abuse.

Agency Support and Supervision 622-05-40-05

(Revised 10/1/2019 ML #3564)

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1. The foster parents shall allow public officials to enter the family foster home for children, at any reasonable time, as determined necessary by the public official to ensure safety. For the purposes of this subsection, "any reasonable time" means a time mutually convenient to the foster parents and the public official.
2. The foster parents shall allow entry to the home, at any reasonable time, personnel of the child's custodial agency. For the purposes of this subsection, "any reasonable time" means a time mutually convenient to the foster parents and the custodial agency's personnel and any time the child's case manager determines that a foster child's health, safety, or welfare requires the admittance.
3. The foster parents shall cooperate with the custodial agency in that agency's efforts to develop plans for the child, implement those plans, and meet the needs of the child and the child's family.
4. The foster parents shall cooperate with the custodial agency in developing plans for the child to visit with parents or guardian. If the foster parents agree, and it is appropriate, visits may take place in the family foster home for children. Visits between the foster child and parents or guardian must be arranged within a plan approved by the agency, foster child where appropriate, foster parents, and the foster child's parents or guardian. If visits are agreed upon at the foster parents home, the foster parents do not have to allow entry to any individual who has been using alcohol, drugs, or any other intoxicating substance, or who attempts a visit in a manner that is not in accordance with the approved visitation plan.
5. The foster parents may not accept other foster children, or special education boarding care children, foreign exchange students or a child for supplemental parental care, as defined in North Dakota Century Code chapter 50-11.1, into their home without the prior approval of the authorized licensing agent. All changes in the number of persons living in the foster home must be immediately reported to the authorized licensing agency.

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6. They must agree to immediately report to the agency any of the child's illnesses or injuries of the child, change of address, disappearance, or behavior problems of the child in the home, school, and community.

Ability to Maintain Confidentiality 622-05-40-10
(NEW 8/15/2010 ML #3224)

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All information given to the foster parents by the supervising agency or the child's family concerning the foster child must remain confidential and may not be disclosed to any person without prior approval of the supervising agency.

(NDAC 75-03-14-05)

Willingness to Participate in the Foster Care Child & Family Team 622-05-40-15

(NEW 8/15/2010 ML #3224)

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The foster parents shall participate in the Foster Care Child & Family Team meeting for the child. The foster parents shall cooperate in carrying out the objectives and goals of the plan for the foster child in their care.

This is the appropriate time for the foster parents to discuss their concerns about care and treatment issues concerning the child, and to discuss their own needs and concerns.

(NDAC 75-03-14-06)

**Adoption of Foster Child by Foster Parents 622-05-40-17
(NEW 10/1/2019 ML #3564)**

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Foster parents may be considered, but are not guaranteed, to be an adoption placement for a foster child. Foster parents shall sign an acknowledgement ([SFN 842](#)) that federal law establishes a permanency preference requiring states to consider relatives of the foster child. Any foster parent interested in adopting a foster child must follow the law as outlined in NDCC Chapter [14-15](#) and Department of Human Services manual provisions. Foster parents will work with the child's custodial case manager in efforts to prepare for a hearing if asked to testify or present information.

Concurrent Planning 622-05-40-20

(NEW 8/15/2010 ML #3224)

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The Adoption and Safe Families Act of 1997 (ASFA) (See CFR 1356.21(b)(4)) specifically provided for concurrent planning for children in foster care. Concurrent planning means when appropriate in a particular situation, two plans for the child will move forward together. The plan may be for the child to return home, or to be placed in relative care. While working with the family toward the goal of reunification, the agency is also working to identify relative resources for the child. This differs from sequential planning – where one plan is tried; and, if it fails, another plan is developed. Concurrent planning moves ahead with both plans, and ultimately shortens the child’s time in foster care. Refer to NDDHS 624-05 for further information regarding concurrent planning.

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Life Books 622-05-40-25

(NEW 8/15/2010 ML #3224)

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The foster parents are encouraged to keep a life book on each child in their care. The books become the property of the child when they leave the home. See the Foster Parent Handbook for detailed information.

**Cooperation in Securing Services for the Child
622-05-40-30**

(NEW 8/15/2010 ML #3224)

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The foster parents must be willing to cooperate with the supervising agency in obtaining any recommended services, such as medical care, transportation, etc. upon the request of the supervising agency.

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Involvement with Court When Appropriate 622-05-40-35 (Revised 10/1/2019 ML #3564)

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Foster parents, when applicable, will be noticed of the foster child's court hearings. Foster parents shall be notified by the court as directed by the child's custodial agency detailing when a hearing is scheduled. A foster parent may be asked to provide pertinent information to the court concerning the foster child and the child's family.

**Notice Regarding Participation in Court Hearings and
Right to be Heard 622-05-40-40**

(Revised 2/15/2014 ML #3398)

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The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires that foster parents of a child and any pre-adoptive parent or relative providing care for the child must receive timely notice of an 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. The custodial agency must notify the foster parent, pre-adoptive parent, or relative caregivers in writing. Email or letter notice constitutes written notice, if there is documentation of the letter or email in the child's case file.

Involvement in Training 622-05-40-45

(Revised 10/1/2019 ML #3564)

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Foster parents must be willing to participate in training sessions made available to enhance their relationships as foster parents and better enable them to deal with problems particular to foster care.

1. Orientation Training

- a. All potential foster parent(s) must be provided orientation training during the licensing process. This training is mandatory for all prospective foster parents.
- b. This training may be provided in one of the following methods:
 - i. To the prospective applicants by the licensing agency during the licensing process;
 - ii. To multiple applicants within a given county during the licensing process;
 - iii. On a regional basis, whenever the opportunity is available; or
 - iv. If the training is provided on more than a single family basis, then other foster parents must be utilized to assist in providing this training.
- c. Orientation training may include, but is not limited to, the following areas.
 - i. Special emphasis should be placed on the following:
 - Roles, relationships, and expectations of foster care.
 - Foster child and the child's parents.
 - Traumas of separation and child's grieving process.
 - The effects of abuse and neglect on children entering foster care.

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- i. Other areas of training that could be included are as follows:
 - Methods of discipline.
 - Legal concerns of foster care.
 - Communication skills.
 - Child and adolescent development.
 - Constructive problem-solving.
 - Human sexuality.
 - Community services for children.
 - Basic First Aid and CPR.
 - Home safety.
 - Abuse and neglect issues.
 - Sexual abuse.
 - Other areas of determined by agencies/foster parents.
- d. The County Social Service Board and Human Service Center staff may utilize staff from other agencies, including licensed family foster parents, to assist them in providing this training.
- e. The prospective foster parents must sign a statement that they have received this training. A copy of this document must be kept in the foster parent file and a copy given to the UND-CFSTC in Grand Forks.
- f. The Department, authorized licensing agent and child's supervising agency must make every effort to make the foster parent training accessible to the foster parents.
- g. If the Department provides or approves training, as listed above, the refusal or failure of the foster parent(s) to comply with the requirements may have an impact upon current and future placements of children in their home.

2. Initial Training

Every foster parent initially licensed must take the PRIDE Pre-Service training prior to child placement* and must complete the full PRIDE training course within the first year of licensure. The PRIDE Pre- Services training provided within the first year of licensure will also meet the annual training requirement, with the exception of initial fire safety.

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* Under certain circumstances, the Department's regional office may waive this requirement.

3. Annual Training

Every licensed foster parent(s) must complete 13 hours of annual training each calendar year, requiring one hour of fire safety training. Training is mandatory for all currently licensed foster parents. This includes both foster parents in a two-parent household, unless this would create a problem for the family, such as a financial burden due to loss of wages, etc.

Foster parents may be exempted from this mandatory training if they have not had a placement in the past 12 months or it is anticipated that they will not be providing foster care for at least 12 months. This exemption from training must be made, in writing, by the Department.

- a. Annual mandatory training may include, but is not limited to, the following:
 - Child and adolescent development
 - Communication skills
 - Roles and relationships in foster care
 - Community services for children
 - Methods of discipline
 - Constructive problem-solving
 - Foster child's natural parents
 - Legal concerns of foster care
 - Basic first aid and CPR
 - Home safety
 - Traumas of separation
 - Child's grieving process
 - Human sexuality
 - Child Neglect and Abuse issues
 - Sexual abuse
 - Other areas of concern determined by the agencies and foster parents
 - Cultural awareness or competency
- b. This annual training may be provided by agencies other than the County Social Service Boards, human service zone and the

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Department of Human Services. All training received by the foster parents must be approved in advance by the authorized licensing agent, in writing.,

- c. The foster parents must acknowledge to the department, in writing, that they have received this annual training and a copy given to the UND-CFSTC in Grand Forks.
- d. Notification of training opportunities must be given to the foster parents in writing.

Acceptance of Foster Child's Family 622-05-40-50
(Revised 10/1/2019 ML #3564)

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The foster parents must attempt to maintain and accept the relationships between the foster child and the family where appropriate and possible. This includes such things as visitation.

The foster parents must attempt to maintain and improve relationships between the foster child and the child's family whenever appropriate and possible. The foster parents may not attempt to diminish the relationship between the foster child and the child's parent or between supervising agency and the foster child.

Tribal Affidavit Service Area 622-05-45-03

(NEW 9/15/2020 ML #3593)

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The Department has State Tribal Title IV-E agreements with four ND Tribes; Spirit Lake Nation, Standing Rock Nation, Three Affiliated Tribes, and Turtle Mountain Band of Chippewa. Title IV-E agreements allow for the Tribe to license foster parents “on or near” the Indian reservation. Each Tribe has the authority to define their service area. Foster parent licensing home study is completed by the Tribe. After the home study is complete, the tribal licensing worker completes the affidavit paperwork for families living on or near tribal reservation and submits the request to approve to the ND Department of Human Services.

1. Turtle Mountain Band of Chippewa defines “near” as the selected area where Turtle Mountain Band of Chippewa enrolled members reside within the boundaries of Rolette County.
2. Spirit Lake Nation defines “near” as the selected area where individuals (not required to be enrolled members) reside within the 100-mile radius of the exterior boundary of the Spirit Lake Reservation.
3. Standing Rock Nation defines “near” as the selected area where individuals (not required to be enrolled members) reside within the 100-mile radius of the exterior boundary of the Standing Rock Reservation within the North Dakota state lines.
4. MHA Nation – Three Affiliated Tribes definition is pending.

**Native American Foster Families on or near the
Reservation 622-05-45**

**Tribal Affidavit of Compliance - Licensing Approval
622-05-45-05**

(Revised 9/15/2020 ML #3593)

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The Department has State Tribal Title IV-E agreements with four ND Tribes; Spirit Lake Nation, Standing Rock Nation, Three Affiliated Tribes, and Turtle Mountain Band of Chippewa. Title IV-E agreements allow for the Tribe to license providers and submit an affidavit to the Department for approval. The affidavit ([SFN 890](#)), completed application ([SFN 400](#)) and pertinent background check results are the only documents required for approving a Tribal affidavit home. All licensing forms, checklists and safety measures are to be reviewed or completed by the tribal licensor prior to submitting an affidavit to request approval.

A Tribal affidavit family foster home is not issued a foster care "license" by the Department, rather an "approval" to provide foster care for children is issued. ND authorized licensing agent's outside the jurisdiction of the Tribe, have no authority to license a home on reservation land. However, if requested the Tribe can enter into an agreement with an agency to complete a home study on Tribal lands (Ex. PATH to assist in licensing TFC home on the reservation).

If the home is located on or near, as defined by the Tribe, a recognized Indian reservation in the state of ND, and is not subject to the jurisdiction of the state of North Dakota for family foster home for children for licensing purposes, the Department shall accept an affidavit from an agent of the Tribal chair or designee. The department shall issue an "approval" of the family foster home for children if the affidavit represents the following:

- A. A home study of the family foster home for children was completed by the Tribe; and

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- B. The prospective family foster home for children is in compliance with the standards adopted by the tribe for family licensing; or
- C. The prospective family foster home for children is in compliance with the standards required by the North Dakota Century Code section 50-11-02.

The Tribal affidavit paperwork must be submitted to the Department for approval. The Department will review the paperwork, approve the affidavit home and enter the information into the payment system.

- **Example:** The family lives on the Turtle Mountain Indian Reservation in Belcourt, the affidavit paperwork must be submitted to the Lake Region Human Service Center. The Department will review the request, seek any additional information required to make a decision and forward the "approval" paperwork back to the Tribe.

Tribal Responsibility: The Tribe is responsible to train, educate, support and prepare prospective foster families on the process of becoming a foster parent for children. The Tribe continues to support the foster parents with ongoing training, placement concerns, non- IV-E payments, etc. The Tribe assists the family in submitting required paperwork to gain "approval" to provide IV-E foster care.

Initial Tribal Affidavit "Approval" Paperwork Includes:

1. SFN 890, Affidavit (Completed by the Tribe)
2. SFN 400
 - a. On the form, the family will complete the top section of the form by updating family demographics. The foster parents must sign the form and provide it to the licenser at the Tribe.
 - b. On the form, the section labeled, "Authorized Licensing Agent" must be completed and signed by the Tribe detailing the number of beds, ages, gender of foster children accepted into the home, etc.
3. Background checks - satisfactory completion of a fingerprint based criminal background check. The Tribe must provide

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documentation that a fingerprint based criminal background check was conducted on each adult living in the home.

The requested background check is forwarded to NDDHS Criminal Background Check Unit (CBCU). CBCU will conduct a Child Abuse and Neglect Index search, request Tribal court/child welfare records and review the National Sex Offender Registry. CBCU will forward the authorization form and print cards to the Bureau of Criminal investigation (BCI) for final processing.

Annual Tribal Affidavit "Approval" Paperwork:

1. SFN 890, Affidavit (Completed by the Tribe)
2. SFN 400, Annual Application (Completed by the Parents/Tribe)
 - a. On the form the family will complete the top section by updating family demographics. The foster parents must sign the form and provide it to the licensor at the Tribe.
 - b. On the form, the section labeled, "Authorized Licensing Agent" must be completed and signed by the Tribe detailing the number of beds, ages, gender of foster children accepted into the home, etc.

Affidavit foster homes located on or near the reservation are held to the same timeliness standard as licensed family foster homes licensed by the Department in partnership with a Human Service Zone or other licensed child placing agency. Annual renewal paperwork must be presented to the Department at least fifteen (15) days before the expiration of the approval in order for the previous approval to be continued. If the information is not received timely and the approval lapses; the process, including each adult background check, will need to start over. If a foster home is not "approved" by the Department, no payment can be made until the approval process is complete.

Tribal Affidavit Reimbursement 622-05-45-07
(NEW 9/15/2020 ML #3593)

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Foster parents licensed by the Tribe and approved by the state are subject to reimbursement for the care of the foster children placed in the home eligible to receive state funded Title IV-E payments. The Human Service Zone (county office) working with the Tribe will need various documents completed in order to determine a foster child's eligibility for Title IV-E reimbursement (See Policy Chapter 447-10). Once a child under the custody of the Tribe is determined Title IV-E eligible, in order to authorize reimbursement, the Human Services Zone must have a copy of:

1. A valid court order,
2. Approved care plan from case management, and
3. A licensed/approved provider.

The Human Service Zone will authorize eligible reimbursement and the Department will issue maintenance payments to licensed/approved foster homes to meet the needs of the child in placement. If a child under the custody of the Tribe does not meet the eligibility criteria for Title IV-E, the Tribe is responsible to reimburse the foster parent. For more information on foster care payments, see Policy Chapter 623-05.

Placement Preferences 622-05-45-10

(Revised 10/1/2019 ML #3564)

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Foster parents may be considered, but are not guaranteed, to be a permanent placement option for the child. Foster parents shall sign an acknowledgement ([SFN 842](#)) that federal law establishes a permanency preference requiring states to consider relatives of the foster child.

All efforts for child placement must include analysis of cultural preference and accommodations to best meet the needs of the child. All efforts should be made to ensure the placement of a child is in a location where the parent can have ongoing access to the child without undue economic, physical, or cultural hardship. Placement decisions are made by the custodial agency supervising the child.

When ICWA applies to an Indian child, placement preferences apply in any foster care, pre-adoptive, and adoptive placement, unless the court finds good cause to deviate from the placement preferences, or the Indian child's Tribe has established a different order of preference than those identified by ICWA law.

1. 1. Order of ICWA Placement Preference are:
 - a. A member of the child's extended family,
 - b. A foster home licensed or specified by the Tribe,
 - c. An American Indian foster home approved by the state, or a
 - d. A group home or facility approved by a Tribe or operated by an American Indian organization that has a program suitable to meet the child's needs.

The foster parents should be made aware of the cultural background of the children in their care. Opportunities should be available for children in foster care to learn about and participate in cultural activities that are unique to their particular background as requested by the foster child, parents, or supervising agency.

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Role of the Agency/Foster Parents/Guardian 622-05-50 (NEW 8/15/2010 ML #3224)

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The agency, parent/guardian, foster parents, and child (when appropriate) and the foster parents have certain roles and responsibilities that they must perform to ensure that the most safe and adequate care possible are provided to children in foster care.

Agency 622-05-50-05

(Revised 2/1/2011 ML #3258)

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1. To provide supervision to the foster parents and the child throughout placement and foster care.
2. To coordinate efforts necessary to meet the child's needs in terms of medical costs, food, shelter, and other expenses.
3. To assist the parents with development of permanent plans for their child, including the provision of or arranging for needed services for the family.
4. To report and make recommendations to the court whenever necessary or requested.
5. To notify the parents/guardian, in writing, if a change in placement is made.
6. To keep the parents/guardian, foster parents, and child (where appropriate) involved in any plans that are developed concerning all aspects of the child's life and planning for permanency.
7. To assist the foster parents, parents/guardian, and child to be able to attend Foster Care Child & Family Team meetings and to inform them when these hearings are going to be held. (See "Notice and Right to be Heard.")
8. To assist the parents/guardian in arranging for visitation privileges with their child.
9. To have direct contact, as needed, with the foster family and child.
10. To have ongoing, direct contacts with the parents/guardians regarding placement issues.
11. To have the right to remove the child at any time the agency deems necessary and within a reasonable time after foster parent request removal.
12. To inform the foster parents of any problems known to the agency that the child is experiencing at the time of placement or which arise during foster care.
13. To ensure that the child's religious needs are met including allowing the child to attend the church of their or the parents/guardians choice if available within the community in which the foster family lives.
14. To identify and notify all parents, grandparents, and any other adult relative suggested by the parents and grandparents, subject to

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exceptions due to family or domestic violence, within 30 days of the child's removal. The relatives must also be advised of all available options to become a placement resource for the child. (See 624-05, "Permanency Planning" for notice requirements.)

15. To provide foster parents with foster youth's health and education records upon placement, or as soon as possible.
16. See the 624-05, "Permanency Planning" manual chapter.

Foster Parent 622-05-50-10

(NEW 8/15/2010 ML #3224)

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1. To provide safety, food, and, as required, clothing, transportation, daily supervision, shelter, and other services as deemed necessary by the agency.
2. To inform the agency of any illness or problems arising with the child, including discipline issues.
3. To work with the custodian/social worker to ensure that the child receives appropriate medical care.
4. To follow the standards, rules, policies and laws of the Foster Care Program in North Dakota.
5. To maintain ongoing documentation regarding the child's care.
6. To secure written authorization from the agency, and where appropriate, from the parents/guardian prior to taking a child out-of-state. The foster parents must leave information as to where they can be reached during this time.
7. To participate in Foster Care Child & Family Team meetings.
8. To accept supervision from the agency.
9. To cooperate with the agency's plan for parent and sibling visitation and contact, and to maintain other significant relationships.
10. Other.

Parents/Guardian 622-05-50-15

(NEW 8/15/2010 ML #3224)

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1. The parents are expected to visit with their child.
2. To follow through on the plan(s) developed for the parents/guardian as agreed upon between the agencies, courts, and themselves.
3. To follow any mandate given to them by court personnel.
4. To pay an agreed upon amount of the maintenance payment and any medical expenses deemed appropriate, including keeping their child covered under the parents/guardian medical insurance policy whenever possible.
5. To keep the agency informed of any significant changes in their lives such as moving, etc.
6. To provide the Department with information regarding the child's history, including medical history, developmental history and family information whenever possible. This information will be shared with the foster parents as deemed appropriate by the Department.
7. To send all meaningful items and necessary belongings such as toys, clothes, etc. with the child at the time of placement.
8. To attend Foster Care Child & Family Team meetings when appropriate.
9. Other.

Child (when appropriate) 622-05-50-20
(NEW 8/15/2010 ML #3224)

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1. The child will obey the rules as set forth by the agency and foster parents.
2. To follow any mandate given them by court personnel.
3. To assist in developing a transition plan during the 90-day period immediately prior to the date on which the child will reach the age of 18. (See 624-05 "Permanency Planning" related to the transition plan.)

Legal Rights 622-05-55

Grievance Procedures for Foster Parents 622-05-55-05 (NEW 8/15/2010 ML #3224)

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The foster parents who are providing, or who most recently provided care to a foster child, may file a grievance. A grievance cannot be filed with respect to any decision concerning a foster child who has not been living in the grievant's home within 100 days prior to the filing of a grievance.

Grievances must be filed in writing and contain a succinct statement of the grievant's reason for objecting to a decision and the grievant's proposed substitute decision. The foster parents wishing to file a grievance may do so on an Informal Meeting Request, SFN 1247, which should be provided to them by the County Social Service Board. If this form is not available, the foster parents may file their grievance in some other written format, such as a letter.

**Time Frame for Filing a Grievance 622-05-55-05-05
(NEW 8/15/2010 ML #3224)**

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PI 20-19

A grievance must be filed within ten days of the grievance receipt of the written decision of the Department or County Social Service Board. The Department or the County Social Service Board is required to give the foster parents a written decision only when the foster parents have indicated an interest in filing a grievance over a particular decision made by the Department or County Social Service Board.

If the decisions that are made on behalf of children in foster care are not going to be grieved by a foster family, then notifying the foster family in writing is left to the discretion of the Department or County Social Service Board.

The foster parents must be given appropriate copies of the plans for the children in their care, such as the permanency planning report, so that they will be aware of the plans that are being made for the children in their care.

Informal Meeting 622-05-55-05-10

(NEW 8/15/2010 ML #3224)

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PI 20-19

Once the agency that has made the grieved decision has been notified by the foster parents that they wish to file a grievance in regard to a decision made by the agency, the Department will schedule an informal meeting with the foster parents.

This meeting shall be held within ten days of the receipt of the written grievance received from the foster parents.

The foster parents must be informed of the date, time, and address of the informal meeting on the Notice of Informal Meeting Concerning Grievance form, SFN 1248.

Informal meetings related to children whose parental rights have been terminated will be held at the regional human service center.

When the decision which is the subject of the grievance is a decision made by a County Social Service Board staff member, a member of the County Social Service Board must preside at the informal meeting.

The informal meeting may include, but is not limited to, the following participants:

1. Foster Parents
2. County social service board members and staff
3. County directors
4. Division of Juvenile Services
5. Juvenile Court staff
6. State's attorney
7. Parents of the foster child

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8. Foster child, where appropriate, or child's representative such as the Guardian ad Litem
9. Staff of the agency having care, custody and control of the foster child
10. Any other person having information concerning the decision which is the subject of the grievance.

If the County Social Service Board has any concern about the confidentiality of the information being discussed, particularly with people who are not agency staff or the foster parent filing the grievance, these people may be requested to share the information they have about the given situation and they shall then be excused from the informal meeting. This should alleviate any possible violation of confidentiality on the part of the county or any other official having a direct interest in the particular grievance.

TIMEFRAME: Within two working days after the conclusion of the informal meeting, the agency which has made the grieved decision shall prepare a written summary of the meeting and any resolution of the grievance.

On "Agency Summary of and Decision From Informal Meeting," SFN 1249, the summary shall be submitted to the grievants for approval and signing. If the grievants do not approve of the summary or any stated resolution, they shall, within two working days of receipt of the agency summary, prepare a written grievance summary of the meeting and any resolution on "Foster Parent Summary and Alternative Resolution," SFN 1250. The foster parents must be given a copy of the "Foster Parent Summary and Alternative Resolution," SFN 1250, for them to use for their response if they desire to present an alternative solution.

If the parties cannot agree to the contents of the summary, the proposed summary of each shall be made a part of the record of any informal hearing

**Request for Formal Hearing 622-05-55-05-15
(NEW 8/15/2010 ML #3224)**

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If the foster parents and the Department or County Social Service Board do not resolve the grievance at the information hearing, the foster parents may submit a written request for a formal hearing to the Regional Foster Care Director. This request must be made on "Foster Parent Request for Formal Grievance Hearing," SFN 1251.

TIMEFRAME: The request for a formal hearing with the Regional Foster Care Director must be received by the Regional Foster Care Supervisor within three working days after receipt by the foster parents of the written summary of the informal meeting.

Formal Hearing 622-05-55-05-20

(NEW 8/15/2010 ML #3224)

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1. The Department or the County Social Service Board involved shall provide the Regional Foster Care Director with pertinent files and records for review by the Regional Foster Care Director.
2. The Regional Foster Care Director, or the director's designee, shall conduct the hearing, swear witnesses, and maintain order.
3. Testimony taken at the hearing shall be preserved by a suitable recording device. Any party may receive a transcribed copy of the testimony upon request and payment of the transcription costs; provided, that the request is received within 90 days of the hearing.
4. The statements received at the hearing must be limited to those probative of the grievance under review.
5. The Regional Foster Care Director shall notify the foster parents of the date, time, and place of the formal grievance hearing on Notice of Formal Grievance Hearing, SFN 1252. The Regional Foster Care Director shall also be responsible for notifying all the people who should be in attendance at the formal hearing.
6. Formal hearings will be held at Children and Family Services, Department of Human Services, related to children whose parental rights have been terminated.

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Hearing Decision 622-05-55-05-25

(NEW 8/15/2010 ML #3224)

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The Regional Foster Care Director shall prepare a written decision upon the files, records, and testimony received at the hearing. The decision constitutes the final determination of the grievance.

TIMEFRAME: The findings and conclusions of the Regional Foster Care Director shall be sent to the grievants and the county social service board within five working days of the formal hearing on "Results of Formal Grievance Hearing," SFN 1253.

Denial or Revocation of License 622-05-55-05-30

(Revised 2/15/2014 ML #3398)

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Before any application for a license under the provisions of this chapter shall be denied, or before revocation of any such license shall take place, written charges as to the reasons shall be served upon the applicant or licensee. Such applicant or licensee shall have the right to a hearing before the Department of Human Services if such hearing is requested within twenty days after service of the written charges. (NDCC §50-11-08) Standards included in this manual are guidelines for workers; however, denial or revocation of a license can only be made for failure to meet requirements of the statute or the rules, 75-03-14. Denial or revocation of a foster care license is also permitted when/if the family fails to meet any of the five competency categories in PRIDE pre-service training.

The letter must be sent registered mail and must contain the notification of rights as outlined in NDCC 50-11-08.

Foster Care for Children Licensing Standards

Division 20
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Confidentiality 622-05-55-05-35

(NEW 8/15/2010 ML #3224)

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Information furnished at the informal meeting and formal hearing is confidential and subject to the provisions of NDCC §50-06-15.

Motor Vehicle Operation by Youth in Foster Care 622-05-60

(Revised 7/23/2018 ML #3536)

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ND Department of Human Service personnel are not authorized to sign for a minor to secure a permit or driver's license even though it is desirable and would provide normalcy for the foster child. However, NDCC §39-06-08 sets out conditions under which an application for an operator's license on behalf of a minor can be made. The law provides the following: The application of any minor for an operator's license must be signed and verified before an individual authorized to administer oaths or the director, by the father, mother, or legal guardian, or if there is not a parent or legal guardian, then by another responsible adult who is willing to assume the obligation imposed under this chapter upon an individual signing the application of a minor. If the father, mother, or legal guardian is unable to appear, a father, mother, or legal guardian may designate, through a notarized document, an individual temporarily authorized to sign the application.

In the event there is not a parent or guardian with legal custody of the child willing to assume responsibility on behalf of the child, another responsible adult; ex: the child's relative, could sign the application and, in so doing, assume the obligation imposed under NDCC §39-06. With respect to the obligations assumed by a person signing an application on behalf of a minor, NDCC §39-06-09 provides the following: Any negligence of a minor when driving a motor vehicle upon a highway must be imputed to the person individual who has signed the application of the minor for an operator's license, or upon the father, mother, or legal guardian if signing authority has been temporarily transferred under section 39-06-08. This individual is jointly and severally liable with the minor for any damages caused by the negligence, except as provided in section 39-06-10.

NDCC §39-06-10 provides the following: If a minor provides proof of financial responsibility for the operation of a motor vehicle, then the director (NDDOT) may accept the application of the minor.

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If an individual is willing to sign as the responsible party on the application for the foster child's permit or driver's license, the foster care case manager should:

1. Involve the custodian and child's parents in decision making.
 - a. The child's parent is the first resource to consider in terms of assuming responsibility and providing insurance coverage for the child while he/she is placed in foster care.
 - b. In circumstances of long-term placement with little or no parental involvement, the custodial agency may review the risk and determine if the willing relative or foster parents are free to assume responsibility and provide the insurance coverage on behalf of the foster child.
2. Review with the individual (ex: child's relative or a foster parent) it is not an expectation to assume responsibility or provide insurance coverage for motor vehicle operation by a foster child.
3. Encourage the individual to consult with their insurance agency and attorney before they assume responsibility and authorize for a minor to secure a motor vehicle license.
4. Review with the individual the significant risk they are assuming.
 - a. An individual signing the application may be liable for the youth's negligence when they assume responsibility for the foster child's actions by authorizing the minor to secure a driver's license.
 - b. The Department does not provide automobile insurance coverage to foster parents on behalf of foster children.
5. Notify the person individual who has signed the application of a minor for a license that he/she may file a verified written request that the minor's license be canceled at any time.
 - a. NDDOT Director can cancel a license or permit of a minor and the individual who signed the application is relieved from the liability.
6. The individual foster parent(s) may not assume this responsibility if the custodian or foster child's parent(s) are opposed.

Notice/Acknowledgment (Foster Parents) of Receipt of Information Related to Operation of Motor Vehicles by Youth in Foster Care, DN 310 622-05-60-05

(Revised 2/15/2014 ML #3398)

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Foster parents must be supplied with a written notice conveying the policy concerning operation of motor vehicles by youth in foster care. This information is available in pamphlet form ([DN 271](#), "Motor Vehicle Operation by Youth in Foster Care") and must be furnished to foster parents at the time of initial licensure, annual licensure, and as needed thereafter.

The notice/acknowledgment ([DN 310](#)) includes a required provision for the foster parent(s) signed acknowledgment of receipt of the information related to policy on motor vehicle operation by youth in foster care. The foster parent(s) signed and dated acknowledgment is kept in the foster home licensing file.

Foster Parent Direct Deposit 622-05-65

(Revised 10/1/2019 ML #3564)

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The ND Department of Human Services (NDDHS) issues a warrant check to licensed family foster care providers requiring reimbursement. It is requested that each foster home set up direct deposit into a personal bank account. Direct deposit is more efficient and allows a timely reimbursement.

The foster parent must submit third party verification (voided check or direct deposit letter from the bank) of their account information including:

1. Bank Routing Number;
2. Personal Account number; and
3. Detailing if the account is a "checking or savings".

The foster parent or authorized licensing agent worker can scan/email the direct deposit information to dhscfs@nd.gov or mail the information to:

Children and Family Services
Attn: Foster Care
600 East Boulevard Avenue #325
Bismarck, ND 58505

It is very IMPORTANT to forward all banking changes to Children and Family Services immediately in order to ensure correct and timely deposits.

NOTE: Foster parents licensed through PATH or LSS do not submit personal banking information to the Department. The Department has an agreement with licensed child placing agencies to receive reimbursement directly. The agency, in turn, will reimburse the foster parents depending on the level of care.