

**Foster Care for Children**  
**Licensing Standards**  
**Service Chapter 622-05**

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North Dakota Department of Human Services  
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#### Definitions 622-05-05

(Revised 4/26/2017 ML #3503)

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1. Affidavit of Compliance with Licensing Requirements: A statement in writing by a representative of a recognized Indian Tribe or an Indian agency stating that a specific home on an Indian reservation meets federal and state requirements to provide foster care in their home. The statement must be subscribed and sworn to before the superintendent of a Tribal agency, the Tribal chairperson, or other authorized person from the Tribe.
2. Applicant: Individuals who have completed, signed, dated, and submitted to the agency an application form to provide foster care in a manner foster care to the authorized agency as prescribed by the Department.
3. Approval: The approval by the department of a home of a Native American family located on 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.
4. Authorized agent: Authorized agent means the county social service board, unless another entity is designated by the department.
5. Department: Department means North Dakota Department of Human Services (NDDHS) including its regional human service centers.
6. Director: The Executive Director of the Department.
7. 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,

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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, group home or residential child care facility.

8. 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 four children, unless all the children in foster care are related to each other by blood or marriage, or unless the department approves otherwise for the placement of siblings, in which case the limitation in this subsection does not apply.
9. 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.
10. Group Home: An occupied private residence, in which foster care is regularly provided to at least four, but fewer than thirteen, unrelated children.
11. License Capacity: The maximum number of foster children who can live in a foster home at any given time.
12. Licensed Relative Home: A relative may request to have his or her home licensed or approved. If the home meets the standards for licensure or approval and if the child(ren) meet all requirements of foster care, the appropriate foster care daily rate must be paid to the relative provider. NOTE: There is a relative waiver option that can be considered for non-safety related licensing compliance if needed.
13. 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: (NDCC 50-11-01.)
  - a. The home of a person related to the child by blood or marriage.
  - b. A home or institution under the management and control of the state or a political subdivision.

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- c. A home or facility furnishing room and board primarily to accommodate the child's educational or career and technical education needs.

Although the above three situations do not require a foster care license, the home must be licensed if foster care payments are being made on behalf of the child (NDCC 50-11-01 and NDCC 50-11-03.2).

14. Maintenance Payment - (Family): The foster care payment made to the foster parents to meet the needs of the child(ren) placed in licensed or approved (Tribal Affidavit) foster home.
15. 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 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.
16. Provider: The licensed family or person providing foster care to children responsible for meeting and maintaining minimum licensing requirements and to follow the policies of the supervising agency, working in cooperation with the agency.
17. 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. A specific example is 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.
18. Relative: The child's
  - a. grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin;
  - b. An individual with a relationship to the child, derived through a current or former spouse of the child's parent, similar to a relationship described in subdivision a;

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- c. An individual recognized in the child's community as having a relationship with the child similar to a relationship described I subdivision a; or
  - d. The child's stepparent
  
- 19. 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.
  
- 20. Substitute Caregiver: A substitute care giver 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 supervising agency. 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 supervising agency.
  
- 21. Supervising Agency: Supervising agency means 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).
  
- 22. The Adoption and Safe Families Act of 1997 (ASFA): The Adoption and Safe Families Act of 1997 (ASFA) seeks to ensure safety, permanency, 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

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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 requires 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.

23. 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.
24. 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.
25. ND Rules of Juvenile Procedure, Rules 4 and 15. ([www.ndcourts.gov](http://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

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- 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.

## **Licensing Policies and Procedures 622-05-10**

### **Application to Provide Family Foster Care - Annually 622-05-10-05**

**(Revised 8/15/2010 ML #3224)**

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An annual written application must be completed by families interested in providing family foster care. The application is not complete or considered received until all of the steps have been completed that are outlined on Step One of the Application for License to Provide Foster Care form. (SFN 893)

## **Licensing Data 622-05-10-10**

**(Revised 8/15/2010 ML #3224)**

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### **Name of Potential Foster Parents and Family Members**

Must include all children and adults currently living in the home.

### **Age of Potential Foster Parents and Family Members**

1. Potential foster parents must be twenty-one years of age or older.
2. Age shall be considered only as it affects the parent's physical energy, flexibility, and ability to care for or relate to a specific child.

### **Communications System**

The home should have an operational telecommunications device, and must have available to it some means to make immediate contact with authorities in emergencies. (NDAC 75-03-14-03)

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.

### **Phone Number and Placement of Employment**

Names, phone numbers, and addresses of all places of employment should be listed.

### **Religious Preference**

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)

### **Financial Status**

1. The family's income shall be stable and sufficient to meet the needs of their own family.
2. Foster care payments shall not be the primary source of income or needed for the foster family's own expenses.
3. Management of income is considered more important than amount of income.
4. All foster care payments must be used to meet the needs of the foster child. (NDAC 75-03-14-05)

### **Education**

All education, including experience in the areas of child development or child management, should be documented. The formal education level is not a criteria for licensing.

### **Foster Care Related Training**

Foster parents will be required by the supervising agency to attend training sessions. All required training will be documented in the foster parents file and with the University of North Dakota – Children and Family Services Training Center (UND-CFSTC).

### **Automobile Liability Insurance**

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 written documentation to the supervising agency that they have liability insurance.

### **References (Three)**

At least three personal references from individuals unrelated to the applicant are required. Other references may be requested at the discretion of the supervising agency.

## **DHS Liability Coverage 622-05-10-10-05**

**(Revised 4/26/2017 ML #3503)**

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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. 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.
2. A completed and signed W-9 for payment purposes.
3. A photograph/s of the damage.
4. A letter from a private insurer denying payment for the damages claimed.
5. A written estimate by a contractor or insurance adjuster, or bill, or receipt of payment made for damages.
6. When applicable, verification of the amount paid by the private insurer.
7. When applicable, proof of the amount of deductible paid by the claimant or others.

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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.

## **Child Restraints/Safety Belts 622-05-10-10-10**

**(Revised 8/15/2010 ML #3224)**

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NDCC §39-21-41.2 amendments effective August 1, 2005, 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 7 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 7 who weigh more than 80 pounds and are more than 57 (4’9”) inches tall.
3. A lap belt may be used by children who weigh more than 40 pounds who ride in vehicles with lap-only seat belts or if all lap and shoulder belts are used by other occupants. (This is because booster seats require both a lap and shoulder belt for correct use.)
4. Children ages 7 through 17 must be properly secured in a seat belt or child restraint (car seat or booster seat).
5. The law applies to all seating positions – front seat and back.
6. The driver is responsible for ensuring that all occupants younger than 18 are buckled up in the appropriate restraint.
7. The penalty for violation is \$25 and one point against the license of the driver.
8. 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.

## **Licensing Requirements 622-05-15**

### **Gathering Information From Foster Parents or Family Members Who Have Been Treated for Any Social or Emotional Problems 622-05-15-05**

**(Revised 8/15/2010 ML #3224)**

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When the supervising agency deems it appropriate, the agency should obtain from the potential foster parents a release of information in order to gather a summary of any social or emotional problems and treatment.

## **Physical Health 622-05-15-10**

**(Revised 2/1/2011 ML #3258)**

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1. All foster parents, prior to licensing and annually thereafter, must submit a Declaration of Good Health (SFN 972), including all residents of the home, except for any foster child, in a manner and form determined by the Department. The supervising agency or Department may require a physical examination or psychological testing of any resident of the home as deemed necessary. The cost of any physical examination is the responsibility of the supervising agency. The cost of any required psychological testing is the responsibility of the Department.
2. 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](#))
3. The supervising agency will specify what type of information they want from any physical examination they should require pursuant to the self-declaration medical history. If this information is available from a previous medical examination, the licensing agency may request the applicant to sign a Release of Information so that the information may be received from the appropriate medical provider.

## **Family Foster Home Study 622-05-15-15**

**(Revised 2/1/2014 ML #3398)**

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The Family Foster Home Study (SFN 889) shall be completed by a social worker with recommendations as to the number of children, ages, sex, and duration of license.

1. The Department must insure that the foster care application is approved or denied within 60 days of the complete application made by the potential foster parent. The supervising agency 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, in writing, that the additional time is necessary.
2. A recommendation for licensing or denial shall be sent to the regional human service center within 45 days of completion of application by applicant.
3. A "License to Provide Care for Children" will be completed and signed by the Director of the Regional Human Service Center or their designee. The effective date of the license is indicated on the license.
4. If denied, a registered letter giving the reasons for the denial will be sent to the applicant by the Regional Human Service Center.
5. The agency may issue a license for a specific age group and/or for specific sex of the children to be served. The letter must contain the notification of rights as outlined in NDCC 50-11-08.
6. Provisional licensing or approval is prohibited. The Adoption and Safe Families Act includes statutory provisions of safety, permanency, and well-being for children. A specific example is the prohibition of anything less than full licensure or approval – to ensure that children are placed safely in licensed homes.

**Family Evacuation Disaster Plan 622-05-15-16**  
**(Revised 2/15/2014 ML #3398)**

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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/evacuation plan which is made part of the licensing file (SFN 445). The licensing agency must provide foster parents information describing who to email or who to call in case they must evacuate and relocate.

In the event that the 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, the licensing agency, or the Department of Human Services. The department has established a CFS email address (dhscfs@nd.gov) and two designated telephone numbers as ways in which to report a disaster: (800)245-3736, or (701)328-2316.

A copy of the plan is forwarded to Children & Family Services where information is stored in the "Q" Drive.

## Licensed Relative Family Foster Care 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. Every effort must be made to ensure that all family foster care providers meet all licensing standards. However, if necessary, waivers are allowable to license relatives willing to care for specific relative children in care. Examples of areas which may be waived: (Not all inclusive.)

1. Specific items listed on the fire safety checklist. (An alternate plan must be provided.)
2. Sleeping arrangements.
3. Physical characteristics of the home.
4. The direct bearing offenses of burglary, robbery or assault, or non-direct bearing charges, if the individual has completed the terms of probation, parole, or other form of community corrections or imprisonment without a subsequent charge or conviction.

Potential waivers need to be staffed with and decided upon by the regional supervisor 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).

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

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/FAME 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

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"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**

**(Revised 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 4/26/2017 ML #3503)**

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### **Purpose of Background Check:**

The purpose of the background check is to obtain information that will assist the licensing authorized agent 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 foster home 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 Regional Supervisor. 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 background check must be submitted on every adult living 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 assessment 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.

Licensing workers must thoroughly inform prospective foster parents of the process to complete all required background check forms. The forms are available online at [www.nd.gov](http://www.nd.gov).

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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 **must be** returned to the individual for completion.

### **Applicants must submit:**

1. Completion of "Personal Authorization for Criminal History Background Check Inquiry," SFN 838, for **each** adult in the prospective foster home.
2. Completion of "Background Check Address Disclosure/Release of Information," SFN 377, for **each** adult in the prospective foster home.
3. Completion of two fingerprint cards, or electronic Live Scan fingerprints obtained at the Human Service Center locations.

Fingerprint appointments can be made by calling the local Regional Human Service Center. SFN 838 and SFN 377 must be completed prior to the fingerprint appointment and must be submitted the day the fingerprints are obtained. Once the fingerprints are completed, the prints and forms will be sent by the Human Service Center to the 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.

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. The applicant must disclose each and every address at which they have resided in the five years prior to the date of the application. An annual child abuse and neglect check is required as part of the licensing renewal process. The annual Child Abuse &

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Neglect Index check (SFN 433) will be completed by the Regional Supervisor.

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 when:**

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.

### **Relative/Kinship Care (TANF) Background Checks:**

NDAC 75-03-14 sets forth criminal background check requirements for family foster care for children licensing, including kinship care families. Relative caregivers may choose to apply for the Kinship Care (TANF) program benefits, where a background check is needed in order to receive timely economic assistance for a foster child placed into their home. If the relative/kinship family chooses to pursue foster care licensing, their initial background check is valid for a period of 180 days from the date of completion. This will allow additional time for the foster care licensing process to conclude, while utilizing the same (initial) background check. The background check results will be sent to the licensing authorized agent labeled "Criminal Background Check Results – Foster Care/Kinship Care" as the memo subject.

**Annual Licensing Requirement 622-05-15-30**  
**(Revised 8/15/2010 ML #3224)**

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1. Foster parents will be notified by the supervising agency at least 60 days in advance of their annual licensure date. An application may be enclosed with this notice or the supervising agency 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. Step One of the application must be completed by the foster parents to begin the process of the annual licensing study.
3. The evaluation of the home and family will be completed by the social worker on the Family Foster Home Licensing Report (SFN 1941) and submitted with the appropriate recommendations to the Director of the Regional Human Service Center or their designee.
4. The licensing study and materials must be submitted to the Regional Human Service Center 15 days prior to the expiration date of the current license and acted upon with that 15 day period of time.

**Policy on Licensing Agency Staff 622-05-15-35**  
**(Revised 8/15/2010 ML #3224)**

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1. The decision to license an employee of a county social service board, regional human service center, or North Dakota Department of Human Services will be considered on a case-by-case basis. Each case will be reviewed in regard to any potential conflict of interest which may arise by the licensing of that particular employee.
2. If a county social service employee should desire to be licensed, the study could be completed by regional human service center staff. If a regional human service center staff member should request to be licensed, the study can be completed by the county social service board.

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### **Adoption of Foster Child by Foster Parents 622-05-15-40 (Revised 8/15/2010 ML #3224)**

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Any foster parent interested in adopting a child follows the law as outlined in NDCC Chapter [14-15](#) and Department of Human Services manual provisions.

**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**

**(New 4/26/2017 ML #3503)**

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Foster Care for Children licensing form can be found at <http://www.nd.gov/eforms>. The forms were created to accommodate online and electronic access; each form is fillable and savable. Description of each form and when it should be used is detailed below.

#### **1. Initial Licensing**

- a. SFN 893 "Initial Application To Provide Family Foster Care For Children"
  - i. Initial application form 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.
  - ii. The Department of Human Services has sixty days from the date of completion of all steps noted on this form, to make a decision on the application. Upon notice to the prospective foster family, the Department may take an additional forty-five days in which to make its decision. Due to the time limits, prospective families may be contacted regarding interviews and home visits before all the steps of the application have been completed.
- b. SFN 889 "Initial Home Study Foster Care For Children"
  - i. Initial home study form is completed by the authorized licensing agent worker thoroughly detailing all information with applicants. This form must be submitted to the Department in conjunction with all required licensing paperwork.

#### **2. Annual Licensing**

- a. SFN 400 "Annual Application To Provide Family Foster Care"
  - i. Annual licensing form is completed by the foster parent/s every twelve months. ND foster care licensed or approved

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(Tribal Affidavit) providers must be re-evaluated. This information is used to update the payment system, gain a better understanding of the family composition and assist the licensing authorized agent with the annual renewal process.

- b. SFN 1941 "Annual Licensing Report-Foster Care For Children"
  - i. Annual licensing report/study of the home is completed by the licensing worker. The form will detail relevant information since the date of the last licensure study.

### 3. Tribal Affidavit Forms

- a. SFN 400 "Annual Application To Provide Family Foster Care"
  - i. No initial application required. Approved (Tribal Affidavit) foster parent/s must complete this form in an effort to provide initial and updated information for the ND payment system.
- b. SFN 890 "Affidavit of Compliance in lieu of License for Foster Care For Children"
  - i. An affidavit must be signed each year. This is a statement in writing by a representative of a recognized Indian Tribe or an Indian agency stating that a specific home on an Indian reservation meets federal and state requirements to provide foster care in their home. The statement must be subscribed and sworn to before the superintendent of a Tribal agency, the Tribal chairperson, or other authorized person from the Tribe.

**Licensing Files 622-05-20-05**

**(Revised 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 § 40-04-18, otherwise referred to as the "sunshine" law. 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 4/26/2017 ML #3503)**

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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 must assess the situation and provide written documentation of their assessment to the Regional Supervisor within 45 days of the change. The Regional Supervisor will have 15 days to review and approve the changes as a temporary licensing period may not exceed 60 days. 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. Below are examples of changes a foster family may encounter throughout their licensure.

1. **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,
  - b. Background checks for any new adult living in the home must be completed as soon as possible.
  - 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 Supervisor 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.

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- 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.
    - i. The provider can retain their original ND provider number.
    - ii. If the new property is not viewed within seven days, 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.
  - d. The licensing worker must forward the updated paperwork to the Regional Supervisor 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 regarding licensing paperwork.
  - b. The new licensing agent 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 Supervisor within 45 days of the change.
  - e. The Regional Supervisor will update and enter pertinent information into the payment system:
    - i. The county must close the license in CCWIPS when a county foster home license ends.
    - ii. A new provider number must be issued.
    - iii. The therapeutic family foster care home provider number must be assigned. The start date of the therapeutic license must be consecutive with the end 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:**

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- a. The family must sign a release of information for the two agencies to communicate regarding 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:
    - i. The start date of the county license must be consecutive with the end date of the therapeutic foster care license.
    - ii. A new provider number is not needed. Add the application and home study under that original provider number.
    - iii. In order to avoid payment errors, provide new family direct deposit information to CFS immediately. All therapeutic providers are set up in the payment system under the Licensed Child Placing Agency (ex: PATH) banking information not to the family directly.
  - 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 Supervisor within 45 days of the change.
5. **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, as well as provide all required licensing paperwork to assist the receiving county with the transition.
  - c. The new licensing agent must visit and assess the new physical location within seven days.
  - d. 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.
  - e. 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.

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- f. The licensing worker will update and enter pertinent information into the payment system under the same provider number.
    - i. The provider can retain their original ND provider number.
    - ii. The originating county must transfer the case in CCWIPS to the receiving county worker and end the license in the payment system.
    - iii. The receiving county will accept the transfer; the start date of the license must be consecutive with the end date of the transferring county.
  - 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 Supervisor within 45 days of the change.
- 6. Therapeutic foster home moves from one region to another:**
- a. The licensing agent must new physical location must be visited and assessed within seven days.
  - b. The licensing agent must notify the Regional Supervisor that the family will be moving to a new region.
  - 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.
  - d. The licensing agent must review and update the recent home study (SFN 889) as soon as possible, not to exceed 30 days of notification.
  - e. The licensing worker must forward the updated paperwork to the Regional Supervisor within 45 days of the change.
  - f. The regional office will update the address and pertinent information in the payment system.
    - i. The provider can retain their original ND provider number.
  - g. The receiving region will submit an incident report to the ITD Service Desk to assist with the license transfer in the payment system.
- 7. 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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When a family announces that they will be leaving the state of ND, the Child & Family Team must make decisions regarding children in placement. In some cases, it may be determined that the foster children placed will move out of state with the family because of the established permanency goal. When the plan is for a ND foster child to move out of state, the foster care case manager must comply with Interstate Compact for the Placement of Children (ICPC) Policy 619-01 to obtain the required approval before the child leaves the state of ND.

If the family chooses to become licensed in their new state of residence in order to continue to care for a ND foster child, a copy of the out of state foster care license must be submitted to the ND ICPC Administrator who will enter the license into the ND payment system. At that time, the child's foster care placement can be reopened for payment at the out of state rate.

**\*\*NO EXCEPTIONS\*\*** North Dakota does not have jurisdiction to license on Tribal land or in another state. In addition, North Dakota cannot make foster care maintenance payments to an unlicensed provider.

**Family Assessment Process - PRIDE 622-05-20-15**  
**(Revised 8/15/2010 ML #3224)**

[View Archives](#)

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)**

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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.

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### **Study Process 622-05-20-20**

**(Revised 8/15/2010 ML #3224)**

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The study of the foster care 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 husband, wife, and family members are required.

**Information Meeting (Individual or Group)**

**622-05-20-20-05**

**(Revised 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 8/15/2010 ML #3224)**

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It is the supervising agency's responsibility to conduct the study of the foster family and recommend licensing or denial to the Regional Human Service Center. The study includes:

1. Licensing rules that the foster family home must meet.
2. Characteristics of children served by the agency, including range of problems and positive traits shown by children requiring placement.
3. The kind of parental problems and situations necessitating placement.
4. Special problems 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, should a change become necessary.
6. Varying length of time for which children require foster care.
7. Differences between foster family care and adoption.
8. Special characteristics of being a foster family, and how this differs from their own family in terms of problems 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 payment of board, 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 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

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

**Family Interviews 622-05-20-20-15**  
**(Revised 2/15/2014 ML #3398)**

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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 study.

It should be noted that the number of interviews is not the issue. There should be sufficient sessions as required in a given family situation, but certainly not less than those indicated above.

The entire point of these interviews is to form a thorough and complete 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 2/15/2014 ML #3398)**

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Information to be obtained about the family should indicate current functioning of individual 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.
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, 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),

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- 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 husband and wife 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 to work with the social worker in helping the children to resolve their conflicting feelings about them; 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**

**(Revised 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.**

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### **Physical Characteristics of Home 622-05-25**

#### **Housing 622-05-25-05**

**(Revised 8/15/2010 ML #3224)**

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The representative of the supervising agency shall inspect and approve the entire premises of the licensee. This inspection is in addition to any fire or other inspections deemed necessary.

## **Transfer of License 622-05-25-10**

**(Revised 4/26/2017 ML #3503)**

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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 not to exceed 60 days, provided an onsite visit and assessment of the new location occurred within seven days of the move.

The authorized licensing agent must visit and assess the new home within seven days and grant a temporary approval of the new location. Within 45 days of the move, the authorized licensing agent must submit all required documentation to the Regional Supervisor ensuring the new physical location (new home) is in full compliance and/or the changes presented for the family do meet licensing standards. This will allow up to 15 days for the Regional Supervisor to review and approve the changes.

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

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### **Type of Home 622-05-25-15**

**(Revised 8/15/2010 ML #3224)**

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The home must be a dwelling, mobile home, housing unit, or apartment occupied by an individual or a single family. (NDAC [75-03-14-03](#))

## **Bedroom Requirements 622-05-25-20**

**(Revised 2/15/2014 ML #3398)**

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1. All sleeping rooms must be outside rooms and have ample window space for light and ventilation.
2. Basement bedrooms must be equipped with the appropriate fire alarms and smoke detectors as recommended by the local Fire Department or State Fire Marshal. A basement, which shall be used for the care of children, must be equipped with more than one exit. One exit may be an accessible window. Children in basement sleeping rooms must be able to demonstrate their ability to depart from all exits.
3. The home shall have sleeping rooms adequate for the foster care family and the foster children.

(NDAC [75-03-14-03](#))

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### **Doors 622-05-25-25**

**(Revised 8/15/2010 ML #3224)**

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1. Exterior doors must be maintained in such a manner which would permit easy exit. Interior doors should be designed to prevent children from being trapped.
2. 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.

(N.D.A.C. [75-03-14-03](#))

**Safety 622-05-25-30**

**(Revised 2/1/2011 ML #3258)**

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1. The house and premises must be clean, neat, and free from hazards that jeopardize health and safety.
2. The home must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy.
3. The house and grounds shall be in compliance with any state and local zoning requirements. (NDAC [75-03-14-03](#))
4. The supervising agency 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. Firearms must be kept in locked storage or trigger locks must be used, and ammunition must be kept separate from firearms.
7. Safety surrounding the distribution, storage, and disposal of medications in the foster home must be ensured.
  - a. All medications should be stored and dispensed according to labeling instructions and as instructed by the physician/pharmacist.
  - b. The age, maturity level and history of the foster child will help determine the following:
    - Should medications in the foster home be kept in locked storage?
    - Is the foster child old enough and mature enough to be responsible to take their own medication in an effort to work toward independent living?
  - c. The make up of the foster home should be taken into account when taking steps to ensure safety surrounding medications.
  - d. Procedures should be in place to ensure that medications are being distributed as prescribed/directed. A record should be kept to track the distribution or refusal of medication.
  - e. Procedures should be in place to ensure that the foster child receives needed medications while at school or when away from

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the foster home during times when they should be receiving medication.

- f. Unused or outdated medications should be disposed of as directed by a physician or pharmacist.

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### **Milk Supply 622-05-25-30-05**

**(Revised 8/15/2010 ML #3224)**

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The milk supply shall be obtained from an approved source.

(NDAC [75-03-14-03](#))

## **Water Testing 622-05-25-30-10**

**(Revised 4/26/2017 ML #3503)**

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NDAC 75-03-14-03(18) requires an initial and annually thereafter water test for foster homes if the water in the home is from any source other than an approved municipal water supply. The sample must pass the approved drinking water standard bacteriological water analysis testing.

The water sample must be sent to an Environmental Protection Agency approved laboratory for testing and approval through licensing with the ND Department of Health. 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.

NDDHS 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 Laboratory (Bismarck) at 328-6272
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 agency worker conducting the home study will request 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

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- received "NDDHS - Foster Care Licensing" to help the lab identify where to bill the test.
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 supervisor for the licensing file.
  6. The approved laboratory will bill CFS monthly for foster home testing.
  7. CFS will initiate payment to the approved laboratory once per month.

**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, NDDHS does understand distance offers great barriers for rural communities outside of Bismarck. If an approved laboratory is not listed

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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 above.

### **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 agency, and Regional Supervisor.

## **Fire Prevention and Safety 622-05-25-35**

**(Revised 2/15/2014 ML #3398)**

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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:

Completion of a two-hour fire prevention and safety course available from the regional supervisor, human service center; and,

Completion and signing of self-declaration form SFN 800, "Family Foster Home – Fire Safety Self-Declaration," by **each** foster parent.

In addition, under certain circumstances, a fire inspection by the local fire department or the state fire marshal may be indicated. NDAC provides for this to occur if indicated. (NDAC 75-03-14-03)

The foster home must also comply with the requirements of NDAC 75-03-14-03.(11) related to fire extinguishers, smoke detectors, smoke alarms, as well as the requirement that extinguishers, smoke detectors, and smoke alarms must be inside the apartment in an apartment building.

### Annual Licensure:

Prior to annual licensure, each foster parent shall complete the one-hour fire safety training course. All other fire safety requirements related to initial licensure must also be met for annual licensure.

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### **Nutritional Needs 622-05-25-40**

**(Revised 8/15/2010 ML #3224)**

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The foster child is required to have a nutritional, balanced diet. Special diets must be provided by the foster family when required by the child's condition.

**Personal Characteristics of Foster Families 622-05-30**  
**(Revised 2/15/2014 ML #3398)**

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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 have a present condition of substance abuse, or emotional instability. No person may smoke, 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. If a condition of substance abuse or emotional instability occurs in a foster home at the time when a Foster Care for Children Licensing Standards child is in long-term placement, every effort should be made to keep the placement intact if the resident of the foster home is seeking treatment for the problem. No further placements will be made until successful completion of the treatment has occurred. A resident of a foster home, who has a past condition of substance abuse or emotional instability, should have had no incidents

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- of substance abuse or emotional instability for a period of at least twelve months prior to licensure. (NDAC 75-03-14-04).
8. 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.
  9. Has reputable character, values, and ethical standards conducive to the well-being of the children.
  10. 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.
  11. 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.
  12. An acceptance and resolution of any of their own negative childhood experiences.
  13. The capacity to absorb the presence of a foster child with all his/her needs without undue disruption of their own family life.
  14. 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.
  15. 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.
  16. A willingness to treat the child as a member of their own family, including for example, such things as family vacation.
  17. Demonstrate a working knowledge and understanding of North Dakota's approved pre-service training.

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

**Discipline 622-05-30-05-05  
(Revised 2/15/2014 ML #3398)**

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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 adult 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, 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 8/15/2010 ML #3224)**

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A person residing in the home, 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 director or foster care supervisor of the regional center, after making appropriate consultation with person qualified to evaluate the capabilities of the home's resident, documenting criteria used in making the decision, and imposing any restrictions deemed necessary, approves the issuance of a license; and

1. The home's resident can demonstrate the successful completion of an appropriate therapy; or
2. The home's resident can demonstrate the elimination of an underlying basis precipitating the neglect or abuse.

(NDAC [75-03-14-04](#))

**Agency Supervision 622-05-40-05**

**(Revised 8/15/2010 ML #3224)**

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1. The foster parents shall admit to the home, at any reasonable time, public officials, such as fire and building inspectors, for the purpose of determining fire and building 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 admit to the home, at any reasonable time, personnel of the supervising agency. For the purposes of this subsection, "any reasonable time" means a time mutually convenient to the foster parents and the supervising agency's personnel and any time the supervising agency determines that a foster child's health, safety, or welfare requires the admittance.
3. The foster parents must cooperate with the supervising 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. The foster parents must cooperate with the supervising 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 foster parents' home. 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. The foster parents need not admit a foster child's parent, relative, or guardian 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.
4. 4. The foster parents may not accept other foster children or special education boarding care children, or accept 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 supervising agency. All changes in the number of persons living in the foster home must be immediately reported to the supervising agency. (NDAC 75-03-14-05)
5. They must agree to immediately report to the agency any of the child's illnesses or injuries of the child, change of address,

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disappearance, or behavior problems of the child in the home, school, and community.

**Ability to Maintain Confidentiality 622-05-40-10**  
**(Revised 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**

**(Revised 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](#))

## **Concurrent Planning 622-05-40-20**

**(Revised 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** **(Revised 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**

**(Revised 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 8/15/2010 ML #3224)**

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The foster parents must provide pertinent information to the court upon request.

**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 2/15/2014 ML #3398)**

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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.

Special emphasis should be placed on the following:

- i. Roles, relationships, and expectations of foster care.
- ii. Foster child and the child's parents.
- iii. Traumas of separation and child's grieving process.
- iv. The effects of abuse and neglect on children entering foster care.

Other areas of training that could be included are as follows:

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- i. Methods of discipline.
  - ii. Legal concerns of foster care.
  - iii. Communication skills.
  - iv. Child and adolescent development.
  - v. Constructive problem-solving.
  - vi. Human sexuality.
  - vii. Community services for children.
  - viii. Basic First Aid and CPR.
  - ix. Home safety.
  - x. Abuse and neglect issues.
  - xi. Sexual abuse.
  - xii. Other areas of concern determined by the agencies and 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 and 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-Service training provided within the first year of licensure will also meet the annual 12-hour requirement for that year.

(\* Under certain circumstances, the Regional Supervisor may waive this requirement.)

### 3. Annual Training

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Every licensed foster parent(s) must be provided with a minimum of 12 hours of training each calendar year. This training is mandatory for all currently licensed foster parents. This includes both foster mother and foster father, 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:
  - i. Child and adolescent development
  - ii. Communication skills
  - iii. Roles and relationships in foster care
  - iv. Community services for children
  - v. Methods of discipline
  - vi. Constructive problem-solving
  - vii. Foster child's natural parents
  - viii. Legal concerns of foster care
  - ix. Basic first aid and CPR
  - x. Home safety
  - xi. Traumas of separation
  - xii. Child's grieving process
  - xiii. Human sexuality
  - xiv. Child Neglect and Abuse issues
  - xv. Sexual abuse
  - xvi. Other areas of concern determined by the agencies and foster parents
  - xvii. Cultural awareness or competency
- b. This annual training may be provided by agencies other than the County Social Service Boards and the Department of Human Services. All training received by the foster parents must be approved in advance by the supervising agency, in writing, to meet the 12 hours requirement.

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- 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.
- e. Initial and annual fire safety training hours will not be counted toward the minimum number of training hours required for initial or annual licensing.

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### **Acceptance of Foster Child's Family 622-05-40-50** **(Revised 8/15/2010 ML #3224)**

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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.

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

**Affidavit of Compliance with Licensing Requirements in  
Lieu of License for Foster Care 622-05-45-05**

**(Revised 4/26/2017 ML #3503)**

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In cases where a family is located on a recognized Indian reservation in ND, and is not subject to the jurisdiction of the state of North Dakota licensing, NDDHS shall accept an affidavit of licensing compliance signed by the superintendent of a Tribal agency, the Tribal chairperson, or other authorized person from the Tribe. An agreement was put into law to allow for the Tribe to license providers and submit an affidavit for approval. The affidavit (SFN 890) and completed SFN 400 will be accepted in lieu of a foster parent licensing packet. (NDCC 50-11-02 and NDAC 75-03-14-02)

A Tribal affidavit family foster home is not issued a foster care "license" by NDDHS, rather an "approval" to provide foster care for children is issued. ND authorized licensing agent's (County, PATH, etc.), outside the jurisdiction of the Tribe, have no authority to license a home on reservation land. The Tribe cannot license family foster homes for children off reservation land and a ND authorized licensing agent cannot license family foster homes for children on reservation land.

NDDHS has Tribal IV-E agreements with four ND Tribes; Spirit Lake Nation, Standing Rock Nation, Three Affiliated Tribes, and Turtle Mountain Band of Chippewa. Each Tribe has their own family foster home licensing standards, adopted by Tribal resolution.

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

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The Tribal affidavit paperwork must be submitted to the Regional Supervisor for approval. The Regional Supervisor will review the paperwork, approve the affidavit home, enter the information into the payment system, and forward the information to the ND County Social Service office that encompasses the reservation land where the affidavit provider lives.

**Example:** the family lives on the Turtle Mountain Indian Reservation in Belcourt, the affidavit paperwork must be submitted to the Regional Supervisor who will forward the "approval" paperwork to Rolette County Social Services for the payment/eligibility file.

\*\*If the Tribal affidavit home chooses to be an "approved" therapeutic provider, their paperwork must be submitted by the Tribe to the authorized licensing agent (Ex: PATH). The authorized licensing agent will submit the paperwork to the Regional Supervisor for final approval. The regional office will forward the approval to the local County Social Service office for payment purposes.

### Initial Approval Paperwork Includes:

1. SFN 890, Affidavit (Completed by the Tribe)
2. SFN 400
  - a. 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 licensor at the Tribe. There is a section of the form labeled, "Authorized Licensing Agent". This section 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 documentation that a fingerprint based criminal background check was conducted on each adult living in the home. The background check consists of the following submitted to NDDHS – Criminal Background Check Unit (CBCU):
  - a. Completion of "Personal Authorization for Criminal Record Inquiry," SFN 838, for each adult living in the prospective home.
  - b. Completion of "Background Check Address Disclosure," SFN 377, for each adult in the prospective home.
  - c. Completion of two fingerprinting cards or Live Scan prints at a Regional Human Service Center.

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- d. CPS registry check in each State the prospective foster parent, and other adults living in the home, have resided in the preceding 5 years.

The completed background check information 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 SO Registry. CBCU will forward the authorization form and print cards to the Bureau of Criminal investigation (BCI) for final processing.

**Annual Approval Paperwork:** Affidavit foster homes are held to the same timeliness standard as licensed family foster homes located off the reservation. Timeliness of the paperwork required for the annual renewal must be presented to the Regional office 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 provider home is not "approved", no payment can be made until the approval process is complete.

Required Annual Paperwork Includes:

1. SFN 890, Affidavit (Completed by the Tribe)
2. SFN 400, Annual Application (Completed by the Parents/Tribe)
  - a. 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 licensor at the Tribe. There is a section of the form labeled, "Authorized Licensing Agent". This section must be completed and signed by the Tribe detailing the number of beds, ages, gender of foster children accepted into the home, etc.

**Tribal Affidavit Payments:** The financial County Social Service 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, the county must have a copy of:

1. A valid court order,
2. Approved care plan, and

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3. A licensed/approved provider in order to authorize a payment.

The County will authorize eligible payments and NDDHS will issue maintenance payments to licensed/approved providers 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 pay the provider. For more information on payment, see Policy Chapter 623-05.

**Cultural Preferences 622-05-45-10**

**(Revised 8/15/2010 ML #3224)**

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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 (Revised 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**

**(Revised 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**

**(Revised 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**  
**(Revised 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 (Revised 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  
(Revised 8/15/2010 ML #3224)**

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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**

**(Revised 8/15/2010 ML #3224)**

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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
8. Foster child, where appropriate, or child's representative such as the Guardian ad Litem

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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  
(Revised 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**

**(Revised 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.

**Hearing Decision 622-05-55-05-25**

**(Revised 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.

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### **Confidentiality 622-05-55-05-35**

**(Revised 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 8/15/2010 ML #3224)**

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The Department is not able to authorize a minor to secure a driver's license. Even though it is desirable and the Department would like to provide this experience for young people, it is prohibited by the absence of insurance protection.

NDCC §39-06-08 sets out conditions under which an application for an operator's license on behalf of a minor can be made. It provides as follows:

The application of any minor for an initial instruction permit or operator's license must be signed and verified before a person authorized to administer oaths or the director's agent, by the father, mother, or legal guardian, or, in the event there is no parent or legal guardian, then by another responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor.

Thus, in the event there is no parent or guardian having legal custody of the child and willing to assume responsibility on behalf of the child, another responsible adult; e.g. a foster parent, 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 who has signed the application of such minor for a permit or license, which person must be jointly and severally liable with such minor for any damages caused by such negligence, except as otherwise provided in section 39-06-10.

Under NDCC §39-06-10:

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If a minor deposits or there is deposited for the minor proof of financial responsibility for the operation of a motor vehicle owned by the minor, or for the operation of any motor vehicle, as required under the motor vehicle financial responsibility laws of this state, then the director may accept the application of the minor.

It is suggested that before a child committed to the care, custody, and control of a county social service board be allowed to operate a motor vehicle, the following conditions be met:

1. That the child have a valid instruction permit or operator's license; and
2. That the child deposit, or have deposited on his behalf, proof of financial responsibility; or, in lieu thereof, furnish proof that the parent, guardian, or foster parent signing the minor's application for permit or license has proof of financial responsibility which ensures against the negligent operation of the motor vehicle by the minor in an amount required under the financial responsibility laws of this state.

Should foster parents be willing to obtain the necessary insurance protection they may sign as responsible party on the application for permit or license. Prior doing this, there are certain considerations:

1. The custodian and foster child's parents should be involved.
  - a. The parent is the first resource to consider in terms of assuming responsibility and providing insurance coverage for foster care youth.
  - b. In circumstances of long-term placement with little or no parental involvement, the custodial agency may determine that the foster parents are free to assume responsibility and to provide the insurance coverage.
2. Foster parent assumption of responsibility and provision of insurance coverage for motor vehicle operation by a foster child is not an agency expectation. Foster parents take significant risks when they do this. They should be encouraged to consult with their insurance agency and perhaps with their attorney before they assume responsibility.

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3. Unless the foster parent is expecting to have youth in care until adulthood, authorization for licenses should be withheld. The person signing the application may be liable for the youth's negligence. Any person who has signed the application of a minor for a license may file a verified written request that the license be canceled. The director can cancel the license or permit of the minor and the person who signed the application is relieved from the liability imposed by reason of having signed such application on account of any subsequent negligence of the minor in operating a motor vehicle.
4. By signing for the minor to have a license, the foster parent is assuming responsibility for that minor's actions as a driver. It should be carefully explained to foster parents that the Department does not provide automobile insurance, and that they (foster parents) are assuming responsibility for their foster child's actions by authorizing the minor to secure a driver's license.
5. The foster parent(s) may not assume this responsibility if the youth's custodian or youth's parent(s) are opposed to this.

**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.

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### **Pet Vaccination 622-05-65** **(Revised 2/15/2014 ML #3398)**

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Pets belonging to the foster family must be properly vaccinated as per veterinary guidelines.