



CHILDREN & FAMILY SERVICES

- Q: In the application process, it indicates that the agency will describe the proposed program. If we consider applying, do we propose how our agency will allocate beds available to either CHINS, CHIPS, or Delinquent youth?**

A: Yes. The agency applying to become a certified shelter care program must determine who they serve through the application and specify their population further in policy required in 75-03-14.1. An agency can choose to serve all three populations with separation or only specific populations.
- Q: Our agency will need to do some remodeling in order to separate populations and serve CHINS, CHIPS, and delinquent youth onsite. Is there any financial support to do this?**

A: Yes! Department created the Shelter Care Development/Start-up Grant Program. Providers may apply for up to \$150,000 per site (total grant program limited to 10 sites) to assist with costs associated with bringing facilities up to certification standards, including structural modifications and staffing ratios to meet NDAC. This is a one-time grant opportunity, for more information, view: <https://www.nd.gov/dhs/services/childfamily/docs/shelter-care-development-start-up-grant.pdf>
- Q: Can you provide any clarity regarding what "separation of populations" means?**

A: An agency is required to define who they serve. If the agency plans to serve all populations CHIPS, CHINS and delinquent youth, the agency is responsible to have policy and procedure detailing how they are going to comply with administrative rule regarding separation of populations. A "delinquent child" is a child who committed a delinquent act and is in need of treatment or rehabilitation. The intent of separation means there is no co-mingling delinquent youth with CHIPS or CHINS youth. For example; they cannot eat, have recreation time or be transported together.
- Q: Does our agency have discretion in approving or denying referrals?**

A: Yes. The agency applying to become a certified shelter care program is expected to set their own criteria for referrals, placement into the shelter, etc. This should include the population of youth they will admit into the program. The creation of a program brochure or referral form will be helpful for community partners.
- Q: Will our agency also be able to house youth such as a runaway (non-delinquent) outside of the CHIPS/CHINS classification onsite? Please note we have other sources of funding.**

A: Yes. North Dakota law and rule specific to shelter care programming only references not mixing populations with delinquent youth. If a potential applicant provides services to all populations, the applicant must have policy and procedures detailing how separation of delinquent youth will occur on the property, in order to comply with 75-03-14.1.

6. **Q: Our agency has a federal grant to pay for runaway youth and the runaway youth can reside on our property for up to 21 days. Is there an issue if we utilize funds from another source and allow those youth to stay in the shelter for longer periods of time than 7 days, assuming they are not delinquent?**
A: No issue. The length of stay requirements in law only apply to eligible clients (Zone CPS, IH, FC, Tribal and Division of Juvenile Services and Human Service Center mobile Crisis) placed into the certified shelter care program.
7. **Q: Our agency currently has several sites across the state, will our agency need to submit separate applications for each location?**
A: Yes. Separate applications unique to each location being certified, along with inspection reports, staff lists, background check information and supplemental program documentation regarding program descriptions are required.
8. **Q: Could our agency re-imagine our space and certify as a foster home instead?**
A: An agency can choose to work with a Licensed Child Placing Agency (LCPA) or the CFS Licensing Unit to secure a license to provide foster care and be utilized as an emergency shelter home. However, an individual or family must live in the agency owned property and be solely responsible for the care and supervision of the child/ren. This type of setting would not require shelter care certification. The rate would need to be addressed as the foster home would not receive the same fee for service as a certified shelter with rotating staff.
9. **Q: Who will make a referral (parent/guardian, mobile crisis unit, law enforcement, Human Service Zone staff)?**
A: Depends. If the child is affiliated with a Human Service Zone (CPS, In-home, foster care) or a Human Service Center mobile crisis client, the referral would come from the worker involved in the case and reimbursement would come from the financial contract. Financial contracts must be established with various entities (example: Zone's, Association of Counties-Attendant Care, NDDHS, DJS, Tribal Nations, etc.)
10. **Q: What is the shelter care program daily rate?**
A: Current fee for service rate, determined by the Department, is \$395 per day.
11. **Q: Who will sign the financial arrangements for reimbursement; the Department or the custodial/public agency?**
A: NDAC 75-03-14.1 states that a "Financial contract with the placing agency" or the department. At this time, it is expected that the Department will enter into a financial contract with each certified shelter site in efforts to make payment reimbursement for eligible children. NDDHS will pay for NDDHS Mobile Crisis Unit placements. NDDHS will not be paying for parental placement, Law Enforcement placements, alternatives to detention placements, attendant care clients, Tribal Social Services placement, Human Service Zone placements or Division of Juvenile Services placements.
12. **Q: A child under the custody of a Tribal Nation is placed in our shelter, who will reimburse for the daily rate of the child?**
A: Each Tribal Nation has FMAP funding to support costs for services. Each certified shelter care site will need to establish a financial contract with each Tribal Nation for payment reimbursement.
13. **Q: A child under the custody of the Division of Juvenile Services, is placed in our shelter, who will reimburse for the daily rate of the child?**
A: If the certified shelter care site has space available to separate delinquent youth and the Division of Juvenile Services is the referring agency, the shelter will need to establish a financial contract with the Division of Juvenile Services. However, if Law enforcement places based on a court order or new delinquent charge(s), local law enforcement would pay.

14. **Q: A child under the custody of a Human Service Zone is placed in our shelter, who will reimburse for the daily rate of the child?**
A: Payment is based on who refers for placement. For example, if a Human Service Zone places a child in a certified shelter care site, they will pay the entire stay. Each Human Service Zone will enter into a financial contract with certified shelter care sites in effort to make payment reimbursement for eligible child welfare involved youth with a Human Service Zone.
15. **Q: A child is placed in our shelter by law enforcement, there is no public agency involved, who will reimburse for the daily rate of the child? Will this change after August 1, 2022?**
A: Each shelter will need to enter into a financial contract with the local county (not Human Service Zone), and or attendant care program (Association of Counties). After August 1, 2022, if law enforcement is placing a child at a certified shelter care site who is CHINS, the cost would be to the local law enforcement for the first day (24 hrs) and if the Human Service Zone determines the child needs to stay past the first day, the cost would be paid under the Human Service Zone financial contract as a CHINS or CHIPS case depending on the circumstances.
16. **Q: Does CFS have the Department of Health standards for food and beverage establishment compliance for the inspection?**
A: The NDDOH (local Public Health office) will complete onsite inspection to ensure there are not health hazards on the property. Other "homelike" kitchens are inspected and have been inspected in the past for other licensures (RCCF, QRTP, SILP). The form utilized by Health Department and local fire Marshall has certain areas that pertain to commercial or industrial kitchens, which can be marked as "NA" when the shelter has a homelike kitchen being inspected.
17. **Q: What do you anticipate the extension request process to look like (who can approve, when should request be made and by whom, etc?)**
A: As NDAC 75-03-14.1 the Shelter Care provider will submit the extension request after collaboration with child's parent, guardian or custodial agency. It should be submitted as soon as it is known the placement may exceed the 7-day authorization. SFN 1781 must be submitted to NDDHS Children and Family Services Licensing Unit at cfslicensing@nd.gov.
18. **Q: What would the process be to request a variance of an administrative rule?**
A: NDAC 75-03-14.1-13 indicates a variance request must be made in writing to NDDHS. These can be routed to the Children and Family Services Licensing Unit at cfslicensing@nd.gov or Brittany Fode at brifode@nd.gov.
19. **Q: What if a youth is cited, but not yet adjudicated with delinquency until after they have been admitted to the certified shelter?**
A: The certified shelter care agency should have established policy on how they will separate delinquent youth from CHIPS and CHINS populations. NDCC 27-20.4-01 (7) "Delinquent act" means an act designated a crime under the law, including local ordinances or resolutions of this state, or of another state if the act occurred in that state, or under federal law. NDCC 27-20.4-01 (8) "Delinquent child" means a child who has committed a delinquent act and is in need of treatment or rehabilitation.
20. **Q: What if a child has dual-adjudication. For example, is a victim of human trafficking is a CHIPS placement, but the child engaged in delinquents acts while being trafficked. What status supersedes the other?**
A: If the youth is a CHIPS child and commits a delinquent act, the delinquent act supersedes the CHIPS adjudication. The child must be treated as delinquent case and cannot be comingled with other NON delinquent children in the shelter. The agency should follow their policy surrounding separation of populations.

21. **Q: What happens when law enforcement places a youth as a CHINS for attendant care? How do 27-20.3 (06) and (07) play into this.**
A: NDDHS cannot speak to Attendant Care requirements as we are only responsible for the certification of shelter care program. Attendant care can only reimburse for a child who is being held pursuant to a charge (i.e delinquent youth).
22. **Q: We have been operating a shelter care site for many years and have current staff that have background checks, but they are not fingerprint based criminal background checks. Can these background checks be grandfathered in?**
A: No. NDAC 75-03-14.1 requires fingerprint based criminal background checks to be completed on all employees working in the shelter.
23. **Q: What is the process for a shelter care site to have employees complete fingerprint based criminal background checks since NDDHS does not have authority to complete these per law?**
A: There are various ways in which a shelter can proceed. NDDHS has no preference in which an agency proceeds. However, one-way this can be done is by:
1. Employee gets their prints completed by a local vendor or law enforcement office,
 2. Employee completes the SFN 50744; and
 3. The shelter sends the required paperwork and required payment to the address listed.
24. **Q: What is the process for a shelter care site to have employees complete Child Abuse and Neglect Checks?**
A: Please use the SFN 433 found here: <https://www.nd.gov/eforms?sfntitle=433#searchResults> each employee must fill out in its entirety. The agency requesting certification will submit all forms as one bulk request to the email on the bottom of the form. The CFS admin will review each form on the child abuse and neglect index and return the employee forms back to the agency when completed. This is free of charge and will typically take 3 days.
25. **Q: What is the process for a certified shelter care site to request an extension beyond seven days?**
A: Please use the SFN 1781 found here: <https://www.nd.gov/eforms?sfntitle=1781#searchResults> Certified shelter care sites are responsible to submit the completed form to the CFS Licensing Unit at cfslicensing@nd.gov at least three days prior to meeting the seven-day maximum.
26. **Q: What information should be submitted when requesting an extension beyond seven days?**
A: The SFN 1781 specifies what is being requested, what the barriers are to timely discharge, contacts made with the child's collateral contacts, if there are pending safety services to return to the child home and length of time needed to discharge.
27. **Q: How will shelter care agencies know if an extension request has been approved or denied?**
A: The SFN 1781 indicates an approval or denial and will be sent back to the requesting agency once a final decision has been made.
28. **Q: How many days does Children and Family Services have to make a decision of approval or denial?**
A: The CFS Licensing Unit will respond within 2 days of receiving the completed extension request.

29. **Q: What is the state's plan if the extension request is denied but the case manager does not pick up their child?**
A: The agency would be in non-compliance with North Dakota Administrative Code, please work directly with the Supervisor and Director of the agency who is non-compliance.
30. **Q: Is there a specific form the NDDHS will be using for certified shelter care sites to request reimbursement?**
A: NDDHS has not been given authority to have one centralized contract. Reimbursement will need to be managed with a financial contract directly with the placing agencies. The CFS Licensing Unit will only be paying for youth placed in certified shelter care sites by a Human Service Center mobile crisis unit. The CFS Licensing Unit will send out the specific excel claims sheet to agencies who become certified.
31. **Q: Where does the excel claims sheet need to be sent and how often?**
A: The excel claims sheet completed by the agency requesting reimburse specific to Human Service Center mobile crisis unit clients, must be sent to CFS Licensing Unit at cfslicensing@nd.gov and submitted monthly for reimbursement.
32. **Q: As an agency who will be claiming reimbursement, are days prorated?**
A: No, each day a child remains placed within the approved timeframe can be billed. For example, if a child is placed on 4.1.22 at 10pm and discharges 4.7.22 at 8am all 7 days can be billed.
33. **Q: We have been operating a shelter care site for many years and have current staff that have their application for employment on file can this be used as their current application for employment as a certified shelter care site?**
A: If the shelter care site has the employee's initial application for employment, including a record of previous employment, in the employee file today, these documents will be considered appropriate for NDAC 75.0.14.1-05. If the shelter care site has current employees that did not complete an initial application for employment, including a record of previous employment or the agency does not have record of the initial application, the employee must complete an application for employment, including a record of previous employment to ensure compliance with 75-03-14.1-05.
34. **Q. A child with prior delinquent offenses, has completed all requirements and is no longer on probation. The child has now been placed in shelter care as a CHINS, do they need to be placed with shelter care or delinquent youth?**
A: The child could be placed in shelter care, given the child has no pending action for delinquent charges and is not on probation. The child would be placed in shelter care solely for CHINS act (running away, tobacco under the age 14, or unruly or ungovernable behavior towards their parent or guardian) and is not being held pursuant to a charge (i.e. delinquent youth).
35. **Q. The zone has custody of a CHIPS case, the child has been cited for a delinquent act, and placed in attendant care while being held pursuant to the charge. What if the child is not adjudicated delinquent at the hearing, can they be moved to the shelter and no longer be separated as a delinquent child?**
A. Yes, If the child is not charged or the charge is dropped, the child's status is only CHIPS, and they can co-mingle with other CHIPS and CHINS. The shelter would need to have communication with Juvenile Court on case.

36. **Q. We have been operating attendant care site within our shelter, can the attendant care space be included as part of the certified shelter care program?**
- A.** If an agency is wanting to become a certified shelter, the agency must meet the rules and standards of NDAC 75-03-14.1. The administrative rules do not prohibit an agency from offering both shelter care and attendant care. The attendant care room or space, housing a child pursuant to charge, can be included as part of the certified shelter care program in efforts to maintain a separate space for all delinquent cases. The space must be in the same building structure (property and physical address) as the proposed shelter care site.
37. **Q: Can you clarify and define "Recreational Space" and what the expectations are for reaction?**
- A:** This would be the responsibility of the shelter care program requesting certification to define. NDAC requires a shelter care program to have a recreational space. If the agency has recreational space inside the building such as a Wii/gaming system, workout DVD's, board games, pool table, etc the agency must define in policy what the recreational space is and how to accommodate the separation of populations, if needed. If the agency has recreational space outside, policy must define where, and how staff will engage with residents in placement.
38. **Q: Can you define "limited quantity" on hygiene items?**
- A:** This would be the responsibility of the shelter care agency requesting certification to define. In general, the intent of the rule was to ensure smaller amounts at one time. However, the agency policy will need to define what you allow residents to have accessible to them. For example, shampoo, body wash, hair products and hand sanitizer, only when they are showering/using bathroom and then require all items to be returned to staff after use and locked. Agency policy must define how staff will distribute these items to residents.
39. **Q: For youth who are admitted by law enforcement for CHINS acts (running away, tobacco under the age 14, or unruly or ungovernable behavior towards their parent or guardian) do they need to be placed with shelter care youth or delinquent?**
- A:** If law enforcement is placing a child for a CHINS act, they may be placed in shelter care with CHIPS, but would have to be separated from delinquent children.
40. **Q: For youth who are admitted by law enforcement for a CHINS act (running away, tobacco under the age 14, or unruly or ungovernable behavior towards their parent or guardian) who is responsible for payment to the agency?**
- A:** If a child was placed at a certified shelter care site who is CHINS, the cost would be to the local law enforcement for the first day (24 hrs) and if the Human Service Zone determines the child needs to stay past the first day, the cost would be paid under the Human Service Zone financial contract as a CHINS or CHIPS case depending on the circumstances. Unless law enforcement placed the youth into protective custody and the zone makes the placement of a CHINS youth, the entire placement stay would be paid under the Human Service Zone financial contract.
41. **Q: Should youth who are admitted by law enforcement with a minor consuming or minor in possession of alcohol citation be placed with shelter care youth or delinquent youth?**
- A:** As of July 1, 2021, Minor in Consumption/ Minor in Possession (MIC/MIP) falls under the delinquent legal category and should be admitted with the delinquent youth or attendant care youth.
42. **Q. In our area, there is an attendant care site and a shelter care site managed by two separate agencies. Can they both be certified as a shelter care program?**
- A.** If an agency is wanting to become a certified shelter, the agency must meet the rules and standards of NDAC 75-03-14.1.

43.Q. If there is not a certified shelter program in our area, can we place a child in attendant care and use certified shelter care funds?

A. No. The child is not eligible to be placed in attendant care unless they are being held pursuant to a charge. NDDHS cannot reimburse an attendant care site unless the site is also a certified shelter care program.

44.Q: Who do I call if I have questions regarding becoming a certified shelter care site?

A: Please contact Brittany Fode at brifode@nd.gov or (701)328.4934