

**CHAPTER 75-03-14**  
**FAMILY FOSTER HOME FOR CHILDREN**

Section

- 75-03-14-01 Definitions
- 75-03-14-02 License, Certification, or Approval
- 75-03-14-03 ~~Minimum Physical Standards for the Family Foster Home for Children~~
- 75-03-14-04 ~~Qualifications of Persons~~ Individuals Residing in the Family Foster Home for Children Dwelling
- 75-03-14-04.1 Background Checks and Criminal Conviction - Effect on Licensure, Certification, or Approval
- 75-03-14-05 ~~Operation of the Family Foster Home for Children~~ Provisions of Service
- 75-03-14-06 ~~Child and Family Team Meeting~~ [Repealed]
- 75-03-14-07 ~~Background Checks Required~~ [Repealed]
- 75-03-14-08 ~~Fingerprints Excused~~ [Repealed]
- 75-03-14-09 Identified Relative Licensing, Approval, and Waiver
- 75-03-14-10 Certification

**Section 1:** Section 75-03-14-01 is amended as follows:

**75-03-14-01. Definitions.**

Those definitions set forth in North Dakota Century Code section 50-11-00.1 are applicable to this chapter. Additionally, in this chapter, unless the context or subject matter requires otherwise:

1. "Authorized licensing agent" means the department or entity identified or licensed by the department to complete the foster care for children license, certification, or approval home study assessment.
2. "Background check" means a fingerprint-based criminal history record investigation inclusive of a child abuse and neglect index check in each state or tribal jurisdiction that the individual has resided in the previous five years.
3. "Certified foster care provider" means an individual residing in a private dwelling providing temporary care and safety services to no more than three children placed out of the home, unless otherwise approved by the department.
4. "Dwelling" means a home, townhouse, apartment, condo, or manufactured home where an applicant resides and is approved by the department.
5. "Foster care provider" means an individual residing in a private dwelling who maintains a license, certification, or approval from the department to provide

family foster care to children in need of temporary safety services when placed out of the home.

6. "Identified relative foster care provider" means an individual residing in a private dwelling providing temporary care and safety services to no more than six relative children placed out of the home, unless otherwise approved by the department.

~~2.7.~~ "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child participating in extracurricular, enrichment, cultural, and social activities.

~~3.8.~~ "Supervising agency" means the human service zone, division of juvenile services, or tribe having care, custody, and control of the ~~foster-child~~ in foster care as ordered by a court of competent jurisdiction or the designee of that agency or person.

**History:** Effective December 1, 1984; amended effective January 1, 2014; April 1, 2016; October 1, 2019; July 1, 2020; April 1, 2024.

**General Authority:** NDCC 50-11-03

**Law Implemented:** NDCC 50-11-00.1, 50-11-06.8

**Section 2:** Section 75-03-14-02 is amended as follows:

**75-03-14-02. License, certification, or approval.**

1. Application ~~for a family to provide~~ to provide foster ~~home~~ care for children license, certification, or approval must be made as prescribed by the department.

2. The ~~family foster home for children licensing or certification~~ process requires completion and documentation of the following items, ~~which must be received by the department for the application to be considered complete:~~

a. ~~Application form;~~

b. ~~Compliance with fire and safety requirements;~~

c. ~~Reference letters;~~

d. ~~Medical history self-declaration;~~

e. ~~Background~~ Initial background check;

f.c. Initial and annual child abuse and neglect index check;

- d. Training requirements;
  - e. Home visits completed by the authorized licensing agent; and
  - g.f. Home study assessment, including completed by the authorized licensing agent. The assessment may include interviews with each household member of the household as determined age appropriate.
3. The license, certification, or approval is issued to the applicant for a specific number of children, a specified, age group of the children, and the sex/gender of the child or children eligible to be served in the foster care provider's dwelling.
  4. The duration of the license, certification, or approval is not to exceed one year/two years.
  - 4.5. The department may issue a license, certification, or approval with stated limitations, restrictions, and conditions.
  - 5.6. The license, certification, or approval is not transferable and is valid only for the applicants residing at a physical location of the family foster home for children at the time the license is issued, or at another location as noted at the time of issuance, unless otherwise approved by the department, provided that the authorized agent performs an onsite visit within seven days of the move, and thereafter approves the temporary. Only one license, certification, or approval is permitted for each physical location.
  - 6.7. After reviewing an individual's application for licensure, the department may deny a license or certification if:
    - a. If the/The application contains fraudulent information, an untrue representation, or is incomplete;
    - b. If the family foster home for children/After completing the home study, it is determined the dwelling is in an unsanitary condition;
    - c. If the family foster home for children/After completing the home study, it is determined the applicant or dwelling is not properly equipped to provide for the health and safety of the children served; or
    - d. If the/The applicant is not in compliance with the regulations prescribed for licensing or certification by the department for the operation of a family foster home for children.

~~7.8.~~ If the facility located on or near, as defined by the tribe, a recognized Indian reservation in this state is identified as a ~~family foster home for children~~foster care provider, and is not subject to the jurisdiction of the state of North Dakota for ~~family foster home for children licensing or certification~~ purposes, the department, with a signed agreement with the tribe, shall accept an affidavit from an agent of the tribal child welfare agency or an appropriate tribal officer in lieu of completing the foster care for children licensing or certification procedure. The department shall issue an approval of the ~~foster home for children~~license or certification if the affidavit represents the following:

- a. A home study of the ~~family foster home for children~~care provider was completed by the tribe's child welfare agency or tribal council; and
- b. The ~~prospective family foster home for children~~care provider is in compliance with the standards adopted by the tribe for family foster care for children licensing or certification, as described in the agreement signed by the tribe and the department; or
- c. The ~~prospective family foster home for children~~care provider is in compliance with the standards required by North Dakota Century Code section 50-11-02, as described in the agreement signed by the tribe and the department.

9. The department may withdraw its approval if the provisions in subsection 8 are no longer met.

**History:** Effective December 1, 1984; amended effective April 1, 2004; January 1, 2014; October 1, 2019; April 1, 2024.

**General Authority:** NDCC 50-11-03

**Law Implemented:** NDCC 50-11-01, 50-11-02

**Section 3:** Section 75-03-14-03 is amended as follows:

**75-03-14-03. Minimum physical standards ~~for the family foster home for children.~~**

~~1.~~ The ~~family foster home for children~~ care provider shall reside in a dwelling, mobile home, housing unit, or apartment occupied by an individual or a single family. The foster care provider's dwelling must be in compliance with any applicable state or local zoning requirements and must meet the following criteria:

- ~~2.~~ The ~~family foster home for children~~ must have an operational telecommunications device, and residents of the home must have access to it to make immediate contact with authorities in emergencies.

- ~~3. a. The family foster home for children must have adequate sleeping rooms to accommodate the size of the household, including an individual bed and bedding for each foster child to sleep comfortably.~~
- ~~b. All sleeping rooms must have an accessible window to exit and to allow for proper light and ventilation and appropriate fire alarms or smoke detectors as recommended by the local fire department, state fire marshal, or local building codes.~~
- ~~c. Basement sleeping rooms must be equipped with more than one exit. Foster children in basement sleeping rooms must be able to demonstrate their ability to depart from all exits.~~
- ~~d. Co-sleeping or bed sharing with a foster child is prohibited.~~
- ~~4. Exterior doors must be maintained to permit easy exit.~~
- ~~5. Interior doors must prevent children from being trapped.~~
- ~~6. Every closet door must be one that can be opened from the inside. Bathroom doors must be installed so the door, when locked, may be opened from the outside in an emergency.~~
- ~~7. The family foster home for children and premises must be clean, neat, and free from hazards that jeopardize health and safety. The family foster home for children shall engage in proper trash disposal and be free from rodent and insect infestation.~~
- 8.1. General dwelling specifications must include:
  - a. Clean, neat, and be free from hazards that jeopardize health and safety;
  - b. Adequate light, heat, ventilation, and plumbing;
  - c. A kitchen with operating sink, refrigerator, stove, and oven;
  - d. A bathroom with sink, toilet, and bathtub or shower;
  - e. Interior doors, when locked, to allow for entry from the outside in an emergency;
  - f. Exterior doors maintained to permit easy exit;
  - g. Doors that prevent a child from being trapped, including closet doors that can open from the inside;

- h. An operational telecommunications device; and
- i. Proper storage of medications, alcohol, poisonous materials, cleaning supplies, and other hazardous materials to prevent access to children, as appropriate for age and development of the children in placement.

2. Sleeping space in the dwelling must:

- a. Accommodate the size of the household, including an individual bed and bedding for each child in foster care placed in the foster care provider's dwelling;
- b. Prohibit co-sleeping or bed sharing with a child in foster care; and
- c. Have more than one exit, including an accessible window that opens to the outside.

3. Fire safety parameters in the dwelling must include:

- a. Compliance with local building code and guidelines prescribed by the local fire department or state fire marshal regarding fire safety in a dwelling;
- b. Completion of a fire safety self-declaration;
  - (1) The department may request the foster care provider satisfactorily complete a fire inspection by the local fire inspector or, in the absence of a local fire inspector, the state fire marshal; and
  - (2) If an inspection is required, the foster care provider shall ensure all deficiencies noted during the inspection are remedied in efforts to obtain a license, certification, or approval;
- c. Smoke detectors installed and maintained in accordance with the manufacturer's instructions and located in areas defined in the fire code;
- d. Carbon monoxide detectors, where applicable, installed and maintained in accordance with the manufacturer's instructions and located in areas defined in the fire code; and
- e. 2A 10BC fire extinguishers certified by Underwriters' Laboratories

maintained in accordance with the manufacturer's instructions and located in areas defined in the fire code.

4. Food, water, and milk consumption in the dwelling must include:
  - a. Food in wholesome condition, free from spoilage or contamination, and must be safe for human consumption;
  - b. Water supply in compliance with regulations for human consumption as noted in chapter 33.1-16 of the North Dakota Century Code. Water must be from an approved municipal water system where available. Where a municipal system is not available, a water sample must pass the approved drinking water standard bacteriological water analysis testing. The foster care provider shall obtain results from an environmental protection agency laboratory approved by the department; and
  - c. The milk supply consumed in the family foster home for children must be obtained from a department-approved source.
5. Firearms must be kept in locked storage or trigger locks must be used, and ammunition must be kept separate from firearms.
9. ~~The family foster home for children must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy. The family foster home for children shall have a properly operating sink, refrigerator, stove, and oven in the kitchen and at least one sink, toilet, and bathtub or shower in the bathroom.~~
10. ~~The family foster home for children and grounds must be in compliance with any applicable state and local zoning requirements.~~
11. ~~The water supply must be from an approved municipal water system where available. Where a municipal system is not available, a water sample must pass the approved drinking water standard bacteriological water analysis testing. The family foster home for children shall obtain results from an environmental protection agency approved laboratory for testing through licensing with the department of environmental quality. In addition, the family foster home for children shall ensure the water temperature is monitored for safety.~~
12. ~~The milk supply consumed in the family foster home for children must be obtained from a department-approved source.~~
13. ~~If required by the department, the family foster home for children must satisfactorily complete a fire inspection by the local fire inspector or, in the~~

~~absence of a local fire inspector, the state fire marshal. The family foster home for children shall ensure all deficiencies noted during the inspection are remedied.~~

- ~~14. The family foster home for children must be equipped with the approved Underwriters' Laboratories fire extinguishers, smoke detectors, and smoke alarms as recommended by the local fire inspector, state fire marshal, or building code. The fire extinguishers, smoke detectors, and smoke alarms must be in working condition at all times. In an apartment building, the fire extinguisher, smoke detectors, and smoke alarms must be inside the apartment unit.~~
- ~~15-6. The family foster home for children shall have Transportation must be available, reliable, legal, and safe ~~transportation available~~ to transport children in placement.~~
- ~~16. The family foster home for children shall be equipped with a carbon monoxide detector.~~
- ~~17. The family foster home for children shall develop a written emergency preparedness plan, maintain and post a list of emergency contacts, including poison control, and have first aid supplies on hand while a foster child is in placement.~~
- ~~18. The family foster home for children shall properly store medications, alcohol, poisonous materials, cleaning supplies, and other hazardous materials to prevent access to children, as appropriate for age and development of the children in placement.~~
- ~~19-7. Pets belonging to the foster family care provider must be properly vaccinated as-per veterinary guidelines.~~
- ~~20-8. Swimming pools ~~in~~ must meet safety standards prescribed by the department. In the ground or ~~an~~ aboveground pool ~~swimming pools~~ with a depth of four feet or greater must have a barrier on all sides in efforts to minimize unsupervised access. ~~The barrier must be equipped with a safety lock. If the pool cannot be drained, the swimming pool must have a working pump and filtering system. The pool area must have a life saving device available in the event of an emergency. This standard does not apply to a small wading pool.~~~~
- ~~21-9. Hot tubs on the premises of a foster home for children must have a safety code covers cover that are is locked when not in use.~~

**History:** Effective December 1, 1984; amended effective July 1, 1993; April 1, 2004; January 1, 2014; April 1, 2016; October 1, 2019; April 1, 2024.

**General Authority:** NDCC 50-11-03



Law Implemented: NDCC 50-11-02

Section 4: Section 75-03-14-04 is amended as follows:

**75-03-14-04. Qualifications of ~~persons~~individuals residing in the family foster home for childrendwelling.**

1. An applicant for licensure, certification, or approval must:
  - (a). Be age twenty-one years or greater;
  - (b). Be financially stable with reasonable income or resources available to the ~~home~~foster care provider to properly care for children; and
  - (c). Have functional literacy, demonstrating their ability to read licensing~~communications delivered by the authorized licensing agent or supervising agency,~~ policy, ~~handbook,~~ child care plans, and medication labels.
2. ~~A person residing in the family foster home for children, except a foster child or ward of the court, may not exhibit symptoms of substance abuse or emotional instability that inhibit their ability to care for children.~~
3. ~~No ~~person~~individual may smoke or vape in the family foster home for children, in circumstances which present a hazard to the health of the foster child, care provider's dwelling or in an enclosed area when the foster child in foster care is present. All foster parents must be aware of the potential hazards of smoking in the presence of children, particularly infants and children with respiratory or allergic sensitivity.~~
4. ~~3.~~ If symptoms of substance abuse or emotional instability that inhibit the ability to care for children occur in a family foster home for children at a time when No household member, except a child in foster care, may exhibit symptoms of a mental health or behavioral health condition, including substance use, that inhibit the applicant's ability to provide care to children.
  - a. Upon initial licensing, certification, or approval, an applicant or household member may not have symptoms of a mental health or behavioral health condition, including substance use, inhibiting the applicant's ability to provide care to children for a period of at least twelve months.
  - b. Throughout licensing, certification, or approval periods, if an applicant or household member is experiencing symptoms of a mental health or behavioral health condition, including substance use, and a foster child in foster care is in placement, every effort should be made to keep the placement intact if safety has been

assessed and the household member is seekingreceiving treatment or services. ~~The supervising agency may make no further placements in that family foster home for children until the household member successfully completes treatment. If a household member has symptoms of substance abuse or emotional instability, the household member may have had no incidents which inhibited their ability to care for children for a period of at least twelve months prior to an applicant obtaining licensure~~The authorized licensing agent must reassess the foster care provider's protective capacities to ensure the symptoms do not inhibit the applicant's ability to provide care.

- 5.4. ~~A member of the~~No household member, except a foster child in foster care, may ~~not~~ have been the subject of a child abuse or neglect assessment where a confirmed decision was made unless the department, after making appropriate consultation with ~~persons qualified to evaluate the capabilities of the household member, documenting criteria used in making the decision, and imposing any restrictions deemed necessary~~child protective services, approves the issuance of a license, certification, or approval; and
- a. The household member has followed the recommendations of the child protection ~~team~~assessment; or
  - b. The household member can demonstrate the elimination of ~~an underlying basis~~factors precipitating the ~~neglect or abuse~~confirmed decision.
5. The department may require psychological testing for any household member, as determined necessary. The cost of any psychological testing required pursuant to this subsection is the responsibility of the department.
6. Prior to the department approving ~~an~~an initial license, certification, or approval, the applicant shall submit the results of a physical examination dated within twelve months of the date of application. All foster ~~parent~~care providers, annually thereafter, shall ~~submit a declaration of good health, including all residents of the family foster home for children, except any foster child, in a manner and form required by the department. The authorized agent is the payer of last resort whenever any other benefit or source of third-party payment is available for the cost of any physical examinations required pursuant to this subsection~~discuss the health of the provider and all other individuals residing in the dwelling as part of the home study assessment. Any foster ~~parent~~care provider continuously licensed prior to October 1, 2019, is exempt from having to submit a ~~declaration of good health~~physical examination. Identified relative foster care providers are exempt from completing the initial physical exam, unless otherwise determined by the department.

7. ~~The department may require proof of immunizations for all residents living in the family foster home for children~~individuals residing in the foster care provider's dwelling, except any foster a child in foster care. It is recommended all members of the household be up to date on immunizations as recommended by a health care professional, unless the immunization is contrary to the ~~person's~~individual's health as documented by a licensed health care professional or the ~~person~~individual provides written documentation that immunizations are against the ~~person's~~individual's religious, philosophical, or moral beliefs.
8. The department or supervising agency may require ~~foster parents~~a foster care provider specializing in the care of medically fragile infants ~~and children~~ to receive specific vaccines if the needs of the child require such precaution, ~~such as influenza or pertussis.~~
9. ~~The department may require psychological testing of any resident of the family foster home for children as determined necessary. The cost of any psychological testing required pursuant to this subsection is the responsibility of the department.~~
10. ~~Physical disabilities or age of a foster parents~~decare provider does not affect licensing of the family foster home for children, certification, or approval 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~~to care for children in foster care.
11. ~~All~~All ~~foster parents or potential parents must demonstrate a working knowledge and~~care provider shall comply with the department's approved family foster home for children preservice training competencies and demonstrate the ability to apply the skills when caring for children in foster care.
12. ~~All~~All ~~foster parents or potential parents demonstrate a working knowledge of the~~care provider shall comply with the department's reasonable and prudent parent standard by allowing foster children in foster care the opportunity to participate in developmentally and age appropriate activities. All foster parents must engage in the reasonable and prudent parent standard.
13. ~~Fire safety~~A foster care provider shall meet the training is required annuallyrequirements defined by the department.

**History:** Effective December 1, 1984; amended effective April 1, 2004; July 1, 2006; January 1, 2014; April 1, 2016; October 1, 2019; July 1, 2020; April 1, 2022; April 1, 2024.

**General Authority:** NDCC 50-11-03, 50-11-03.4

**Law Implemented:** NDCC 50-11-02

**Section 5:** Section 75-03-14-04.1 is amended as follows:

**75-03-14-04.1. Criminal Background checks and criminal conviction - Effect on licensure, certification, or approval.**

1. The department requires an initial fingerprint-based criminal background check for each applicant and adult household member residing in the dwelling. Subsequent fingerprint-based background checks are not required when a foster care provider maintains continuous licensure, certification, or approval, unless the authorized licensing agent, supervising agency, or the department determines a need exists to conduct a subsequent investigation.
2. The department requires a child abuse and neglect index check as part of the initial fingerprint-based background check. An annual child abuse and neglect index must be completed and placed in the licensing, certification, or approval file.
3. ~~A family foster home for children applicant, family foster home for children care provider, or adult household members residing in the family foster home for children dwelling must not be known to have been found guilty of, pled guilty to, or pled no contest to:~~
  - a. An offense described in North Dakota Century Code chapter 12.1-16, homicide; 12.1-17, assaults - threats - coercion - harassment; 12.1-18, kidnapping; 12.1-27.2, sexual performances by children; ~~or~~ 12.1-41, Uniform Act on Prevention of and Remedies for Human Trafficking; or 19-03.1, Uniform Controlled Substance Act, if class A, B, or C felony under that chapter; or in North Dakota Century Code section 12.1-20-03, gross sexual imposition; 12.1-20-03.1, continuous sexual abuse of a child; 12.1-20-04, sexual imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-05.1, luring minors by computer or other electronic means; 12.1-20-06, sexual abuse of wards; ~~12.1-20-12.3, sexual extortion;~~ 12.1-20-07, sexual assault; 12.1-20-12.3, sexual extortion; 12.1-21-01, arson; 12.1-22-01, robbery, if a class A or B felony under subsection 2 of that section; ~~or~~ 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; 12.1-29-01, promoting prostitution; 12.1-29-02, facilitating prostitution; or 12.1-31-05, child procurement; 12.1-31-07, endangering an eligible adult - penalty; 12.1-31-07.1, exploitation of an eligible adult - penalty; 14-09-22, abuse of child; or 14-09-22.1, neglect of child;

- b. An offense under the laws of another jurisdiction which requires proof of substantially similar elements as required for conviction under any of the offenses identified in subdivision a; or
- c. An offense, other than an offense identified in subdivision a or b, if the department determines that the individual has not been sufficiently rehabilitated.
  - (1) The department will not consider a claim that the individual has been sufficiently rehabilitated until any term of probation, parole, or other form of community corrections or imprisonment, without a subsequent charge or conviction, for all other criminal convictions has elapsed.
  - (2) An offender's completion of a period of five years after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent charge or conviction, is prima facie evidence of sufficient rehabilitation.

2.4. The department has determined that the offenses enumerated in subdivisions a and b of subsection 4~~3~~ have a direct bearing on an individual's ability to provide foster care for children.

3.5. ~~If~~In the offense is a ~~misdemeanor simple assault~~case of offenses described in North Dakota Century Code section 12.1-17-01, simple assault; 12.1-17-03, reckless endangerment; 12.1-17-06, criminal coercion; 12.1-17-07, harassment; 12.1-17-07.1, stalking; 12.1-22-01, robbery, if a class C felony; or 12.1-31-07.1, exploitation of an eligible adult – penalty, if a class B felony under subdivision c of subsection 2 of that section or a class B felony under subdivision d of subsection 2 of that section; or chapter 19-03.1, Uniform Controlled Substance Act, if a class A, B, or C felony; or equivalent conduct in another jurisdiction which requires proof of substantially similar elements as required for conviction, the department may determine that an individual has been sufficiently rehabilitated if five years have elapsed after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent conviction for all other criminal convictions. The department may not be compelled to make such determination.

4.6. The department may discontinue processing a request for a criminal background check for any individual who provides false or misleading information about the individual's criminal history.

5.7. An individual is known to have been found guilty of, pled guilty to, or pled no contest to an offense when it is:

- a. Common knowledge in the community;
  - b. Acknowledged by the individual; or
  - c. Discovered by the authorized agent or department as a result of a background check.
8. The department also has authority to request a fingerprint-based criminal background check whenever a licensed, certified, or approved foster care provider or adult household member is known to have been involved in, charged with, or convicted of an offense.
9. Review of fingerprint-based criminal background check results.
  - a. If an individual disputes the accuracy or completeness of the information contained in the fingerprint-based criminal background check required under this chapter, the individual may request a review of the results by submitting a written request for review to the department within thirty calendar days of the date of the results. The individual's request for review must include a statement of each disputed item and the reason for the dispute.
  - b. The department shall assign the individual's request for review to a department review panel.
  - c. An individual who has requested a review may contact the department for an informal conference regarding the review any time before the department has issued its final decision.
  - d. The department shall notify the individual of the department's final decision in writing within sixty calendar days of receipt of the individual's request for review.
  - e. The final decision of the review panel may not be appealed.
10. The department may excuse an individual from providing fingerprints if usable prints have not been obtained after two sets of prints have been submitted and rejected. If an individual is excused from providing fingerprints, the department may conduct a nationwide name-based criminal history record investigation in any state in which the individual lived during the eleven years preceding the signed authorization for the background check.

11. A foster care provider consecutively licensed or approved prior to August 1, 1999, is not required to have a record of a fingerprint-based background check on file.

**History:** Effective April 1, 2004; amended effective January 1, 2014; April 1, 2016; October 1, 2019; April 1, 2024.

**General Authority:** NDCC 50-11-03

**Law Implemented:** NDCC 50-11-02

**Section 6:** Section 75-03-14-05 is amended as follows:

**75-03-14-05. Operation of the family foster home for children Provisions of service.**

Foster care providers shall ensure the health and safety of children placed in their dwelling as well as provide a safety service to best meet the needs of the child in foster care. The provision of service can be accomplished in many ways, specifically by meeting the daily needs of the child, supporting family connections, and complying with goals and tasks to assist the child in achieving timely permanency. The foster care provider shall:

1. The foster parents shall allow public officials to enter the family foster home for children as determined necessary by the public official to ensure safety.
2. The foster parents shall allow entry to the family foster home for children, 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 or any time the supervising agency determines that a foster child's health, safety, or welfare require the admittance.
3. The foster parents shall cooperateParticipate in the child and family team meetings. Child and family team meetings are held at least quarterly, facilitated by the supervising agency to address and review the permanency plan of the child.
2. Cooperate in carrying out the objectives and goals of the permanency plan for the child developed and implemented in collaboration with the supervising agency in that agency's efforts to develop plans for the child, implement those plans, and child and family team. Foster care providers shall meet the needs of the child and the child's family. The foster parents shall cooperatewhile placed in the foster care provider's dwelling.
3. Acknowledge their role as a service provider and recognize, as a foster care provider, they may be considered, but are not guaranteed, to be a permanent option for the child. Foster care providers shall sign an

acknowledgment that federal law establishes a permanency preference for children eligible under the Indian Child Welfare Act and North Dakota Century Code chapter 27-19.1 and with identified relatives of the child.

4. Provide, when requested by the supervising agency or the juvenile court, information concerning the child in foster care and the child's family.
5. Allow public officials to enter the provider's dwelling as determined necessary by the public official to ensure child safety.
6. Allow entry to the provider's dwelling, at any reasonable time, to personnel of the authorized licensing agent or supervising agency. For the purposes of this subsection, "any reasonable time" means a time mutually convenient to the foster care provider and authorized licensing agent or supervising agency personnel or any time the authorized licensing agent or supervising agency determines that a child in foster care's health, safety, or welfare requires the admittance.
7. Cooperate with the supervising agency to make efforts to maintain and improve the relationships between the child in foster care and the child's family, whenever appropriate and possible. The foster care providers may not attempt to diminish the relationship between the child in foster care and the child's parents or between the supervising agency and the child in foster care.
8. Cooperate with the supervising agency in developing plans for the child to visit to develop an approved visitation plan with the child's parents or guardian. If the foster parents agree, and it is appropriate, these visits/visitation may take place in the family foster home for children/care provider's dwelling or in a community setting to allow for formal or informal mentoring and support by the foster care provider. Visits between the foster child and the child's 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 self visitation occurs in the foster parents/care provider's dwelling, the provider does not have to allow entry to any individual who has been using alcohol, drugs, or any other intoxicating substance, or who attempts a visit in a manner that is not in accordance with the approved visitation plan.
- 4.9. The foster parents may not accept other foster children or special education boarding care children, foreign exchange students, or children for supplemental parental care into their family foster home for children without the prior approval of Inform the authorized licensing agent if a child or adult is moving into the dwelling. All changes in the number of persons/individuals living in the foster home/care provider's dwelling must be immediately reported to the authorized agent.



- ~~5-10.~~ When Communicate with the supervising agency when a foster-child in foster care is placed in need of substitute care during the absence of the foster parents, prior care provider. Prior approval of the substitute care must be given by the supervising agency, not to exceed fourteen calendar days. Prior approval is not required for short periods of substitute care such as a portion of one day. A foster-child in foster care may not be removed from this state without the prior approval of the supervising agency.
- ~~6-11.~~ The foster parents must make Make opportunities available for a foster-child in foster care to attend religious ceremonies chosen by the foster-child in foster care, or that child's parents, within the community in which the foster family resides. The foster parents care provider must respect and not interfere with the religious belief of the foster-child in foster care and the foster-child's family.
- ~~7-12.~~ Discipline must be Engage in appropriate discipline that is constructive or educational in nature and may include diversion, separation from problem situation, talk discussions with the foster-child in foster care about the situation, praise for appropriate behavior, and gentle therapeutic physical restraint such as holding, for providers with proper training.
- a. No child in foster child care may be kicked, bitten, punched, spanked, shaken, pinched, roughly handled, or struck with an inanimate object by a foster parents care provider or any other resident living in the family foster home for children individual residing in the family foster provider's dwelling.
  - b. Cruel and unusual punishments are prohibited.
  - c. Authority to discipline may not be delegated to or be accomplished by children.
  - d. Separation, when used as discipline, must be brief and appropriate to the foster-child's age and circumstances of the child in foster care, and when used to discipline a foster-child in foster care, must be within hearing of an adult in a safe, lighted, well-ventilated room. A foster-child in foster care may not be isolated separated from the household in a locked room or closet.
  - e. A foster-child in foster care may not be physically disciplined for lapses in toilet training.
  - f. Verbal abuse or derogatory remarks about a child in foster child care, the foster-child's family, race, religion, sexual orientation, gender

identity, or cultural background may not be used and are not permitted.

- g. A ~~foster child~~ in foster care may not be force fed unless medically prescribed and administered under a physician's care.
- h. Deprivation of means, including food, clothing, shelter, hygiene, and medical care, ~~may not be used as a form of discipline~~ is not permitted.

~~8-13.~~ All Maintain confidentiality of all information given to the foster parents care provider by the supervising agency or the child in foster care's family concerning the ~~foster child~~ must remain confidential and. Information may not be disclosed to any person without prior approval of the supervising agency.

~~9-14.~~ All family Utilize foster care for ~~children~~ maintenance payments must be used to meet the needs of the child in foster care.

**History:** Effective December 1, 1984; amended effective April 1, 2004; January 1, 2014; October 1, 2019; April 1, 2024.

**General Authority:** NDCC 50-11-03

**Law Implemented:** NDCC 50-11-02

**Section 7:** Section 75-03-14-06 is repealed:

### **75-03-14-06. Child and family team meeting.**

[Repealed effective April 1, 2024]

- ~~1. Every foster child shall have a permanency plan reviewed by a child and family team that meets not less than once each quarter in which the human service zone, division of juvenile services, or tribe acts as a supervising agency to the foster child.~~
- ~~2. The supervising agency shall invite the foster child's parents, the foster parents, and the guardian ad litem to participate in the child and family team for the foster child unless good cause exists to exclude any person from the planning meeting. The supervising agency shall determine the good cause basis and shall document the basis in the foster child's file.~~
- ~~3. The foster parents shall participate in the child and family team meetings for the foster child. The foster parents shall cooperate in carrying out the objectives and goals of the plan for the foster child in their care. Foster parents may be considered, but are not guaranteed, to be a permanency option for the child. Foster parents shall sign an acknowledgment that~~

~~federal law establishes a permanency preference for a relative of the foster child.~~

- ~~4. The foster parents, when requested by the supervising agency or the juvenile court, shall provide information concerning the foster child and the child's family.~~
- ~~5. The foster parents and the supervising agency, working in cooperation, must attempt to maintain and improve the relationships between the foster child and the child's family whenever appropriate and possible. The foster parents may not attempt to diminish the relationship between the foster child and the child's parents or between the supervising agency and the foster child.~~

**History:** ~~Effective December 1, 1984; amended effective April 1, 2004; July 1, 2006; January 1, 2014; October 1, 2019; July 1, 2020.~~

**General Authority:** ~~NDCC 50-11-03~~

**Law Implemented:** ~~NDCC 50-11-02~~

**Section 8:** Section 75-03-14-07 is repealed:

#### **75-03-14-07. Background checks required.**

[Repealed effective April 1, 2024]

~~Background checks are required for all adults residing in the family foster home for children:~~

- ~~1. Prior to initial licensure or approval to provide a family foster home for children;~~
- ~~2. If there is a lapse of license or approved status of the family foster home for children; or~~
- ~~3. In the case of a foster parent grandfathered in as of August 1, 1999, or after the initial background check was completed, whenever a licensed or approved foster care parent or other adult living in the family foster home for children is known to have been involved in, charged with, or convicted of an offense.~~
- ~~4. Annually, a child abuse and neglect index check must be completed as part of the licensing renewal process.~~

**History:** ~~Effective April 1, 2004; amended effective January 1, 2014; October 1, 2019.~~

**General Authority:** ~~NDCC 50-11-03~~

**Law Implemented:** ~~NDCC 50-11-02, 50-11-06.8~~

**Section 9:** Section 75-03-14-08 is repealed:

**75-03-14-08. Fingerprints excused.**

[Repealed effective April 1, 2024]

~~The department may excuse a person from providing fingerprints if usable prints have not been obtained after two sets of prints have been submitted and rejected. If a person is excused from providing fingerprints, the department may conduct a nationwide name-based criminal history record investigation in any state in which the person lived during the eleven years preceding the signed authorization for the background check.~~

~~**History:** Effective April 1, 2004; amended effective January 1, 2014; April 1, 2016.~~

~~**General Authority:** NDCC 50-11-03~~

~~**Law Implemented:** NDCC 50-11-02~~

**Section 10:** Section 75-03-14-09 is amended as follows:

**75-03-14-09. Relative identified relative licensing, approval, and waiver.**

~~Upon written application and good cause shown to the satisfaction of the department, the~~Applicants who meet the definition of identified relative, who apply to be an identified relative foster care provider shall comply with this chapter and standards for relative licensing prescribed by the department. The department may grant a waiver from a provision of this chapter to a family~~an applicant to provide foster home~~care for children if the proposed foster parents are relatives~~applicant is an identified relative of a foster child in foster care.~~No waiver may be issued if it would result in a danger to the health and safety of any child in foster child~~care cared for by the foster-child's identified relatives in the family foster home for children.~~The department shall prescribe the terms of the waiver. A refusal to grant or revoke a~~an identified relative~~waiver is not subject to appeal.

~~**History:** Effective April 1, 2014; amended effective April 1, 2024.~~

~~**General Authority:** NDCC 50-11-03~~

~~**Law Implemented:** NDCC 50-11-02~~

**Section 11:** Section 75-03-14-10 is created as follows:

**75-03-14-10. Certification.**

Applicants who apply to be a certified foster care provider offering time limited foster care for children shall comply with the standards for certification prescribed by the department.

~~**History:** Effective April 1, 2024.~~

~~**General Authority:** NDCC 50-11-03~~

~~**Law Implemented:** NDCC 50-11-02~~