

October 31, 2023

Liz Fordahl, Counsel  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-14  
Family Foster Home for Children

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, December 15, 2023, beginning at 9:00 a.m. and continuing until 10:30 a.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm  
Legal Division

JA/rv

cc: Kelsey Bless, Children & Family Services  
Brittany Fode, Children & Family Services  
Cory Pedersen, Children & Family Services  
Jessica Thomasson, Executive Director of Human Services Division

Enclosures

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NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D. ADMIN. CODE CHAPTER 75-03-14  
FAMILY FOSTER HOME FOR CHILDREN

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-03-14 at 9:00 a.m. on Friday, December 15, 2023, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-03-14, Family Foster Home for children, are necessary to comply with 2023 House Bill No. 1091.

The proposed changes are as follows:

**Section 75-03-14-01** is amended to add definitions for “authorized licensing agent”, “certified foster care provider”, “dwelling”, “foster care provider”, and “identified relative foster care provider”; and to replace “foster children” with “children in foster care”.

**Section 75-03-14-02** is amended to include reference to all three levels of licensing (license, certification or approval) as well as update terminology to ensure consistency throughout the chapter, to clarify what is required in the application process, to allow the department to grant a two-year license instead of annual, and to update the approval process.

**Section 75-03-14-03** is amended to update minimum physical standards for a foster parent’s dwelling and to offer clarity to the general dwelling specifications, and update terminology to ensure consistency throughout the chapter.

**Section 75-03-14-04** is amended to update to offer clarity to the qualifications of an applicant, provider, or household member residing in a family foster home for children, to allow for physical examination exemption for all identified

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relatives of a child in foster care, and to update terminology to ensure consistency throughout the chapter.

**Section 75-03-14-04.1** is amended to incorporate relevant provisions of sections 75-03-14-07 and 75-03-14-08 into one section and to allow consistency for all foster related licensing programs, to update fingerprint-based criminal background check requirements and processes, to update what is considered a direct bearing offense and when an individual may be sufficiently rehabilitated, to allow an individual to request a review of fingerprint-based criminal background check results, and to update terminology to ensure consistency throughout the chapter.

**Section 75-03-14-05** is amended to incorporate relevant provisions of section 75-03-14-06 into one section, to clarify expectations of foster care providers to ensure the health and safety of children placed in their dwelling as well as to emphasize their role as a safety service for the child, and to update terminology to ensure consistency throughout the chapter.

**Section 75-03-14-06** is repealed as portions were added to section 75-03-14-05.

**Section 75-03-14-07** is repealed as portions were added to section 75-03-14-04.1.

**Section 75-03-14-08** is repealed as portions were added to section 75-03-14-04.1.

**Section 75-03-14.1-09** is amended to update identified relative requirements and to offer clarity and to update terminology to ensure consistency throughout the chapter.

**Section 75-03-14-10** is created to ensure authority to meet the certification needs and standards for applicants interested in offering short-term, emergency shelter or respite care services.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Tuesday, December 26, 2023.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 31st day of October, 2023.

October 31, 2023

RE: Proposed Amendments to N.D. Admin. Code chapter 75-03-14  
Family Foster Home for Children

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 75-03-14, Family Foster Home for Children. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Tuesday, December 26, 2023.

The department has scheduled an oral hearing for Friday, December 15, 2023. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Sara Stolt  
Interim Commissioner

SES/rv

Enclosures

cc: Liz Fordahl, Legislative Council  
Kelsey Bless, Children & Family Services  
Brittany Fode, Children & Family Services  
Cory Pedersen, Children & Family Services  
Jessica Thomasson, Executive Director of Human Services Division

**EXECUTIVE OFFICE**

GOVERNOR  
Doug Burgum

INTERIM COMMISSIONER  
Sara Stolt