Sixty-fourth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2081

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

A BILL for an Act to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to immunity for a person providing foster care for approving reasonable and prudent activities; and to amend and reenact section 50-11-00.1 of the North Dakota Century Code, relating to definitions used in foster care homes for children and adults.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-11-00.1 of the North Dakota Century Code is amended and reenacted as follows:

50-11-00.1. Definitions.

As used in this chapter:

1. "Approval" means the approval by the department of a home of a Native American family located on a recognized Indian reservation in North Dakota or of a facility owned by the tribe or a tribal member and located on a recognized Indian reservation in North Dakota, not subject to the jurisdiction of the state of North Dakota for licensing purposes, to allow the home or facility to receive title IV-E funding.
2. "Authorized agent" means the county social service board, unless another entity is designated by the department.
3. "Department" means the department of human services.
4. "Facility" means a ~~family~~ foster home for adults, family foster home for children, group home, or residential child care facility for children.
5. ~~"Family foster home for adults" means an occupied private residence in which foster care for adults is regularly provided by the owner or lessee thereof, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation.~~

~~6.~~ "Family foster home for children" means an occupied private residence in which foster care for children is regularly provided by the owner or lessee 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.

~~7.~~6. "Foster care for adults" means the provision of food, shelter, security and safety, guidance, and comfort on a twenty-four-hour per day basis, in the home of a caregiver, to a person age eighteen or older, who is unable, neglects, or refuses to provide for the person's own care.

~~8.~~7. "Foster care for children" means the provision of substitute parental child care for those children who are in need of care for which the child's parent, guardian, or custodian is unable, neglects, or refuses to provide, and includes the provision of food, shelter, security and safety, guidance, and comfort on a twenty-four-hour basis, to one or more children under twenty-one years of age to safeguard the child's growth and development and to minimize and counteract hazards to the child's emotional health inherent in the separation from the child's family. Foster care may be provided in a family foster home, group home, or residential child care facility.

8. "Foster home for adults" means an occupied private residence in which foster care for adults is regularly provided by the owner or lessee of the residence, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation.

9. "Group home" means a licensed or approved residence in which foster care is regularly provided for more than four, but ~~less~~fewer than ~~ten~~thirteen, unrelated children.

10. "Residential child care facility" means a licensed or approved facility other than an occupied private residence providing foster care to ~~more than eight~~thirteen or more unrelated children, except as may be otherwise provided by rule or regulation.

SECTION 2. A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

1 **Immunity for a person providing foster care.**

2 A person providing foster care for children in a licensed or approved facility is immune from
3 civil liability for any act or omission resulting in damage or injury to or by a child in foster care if,
4 at the time of the act or omission, the person providing foster care for children applied the
5 reasonable and prudent parent standard in a manner that protects child safety, while also
6 allowing the child in foster care to experience age or developmentally appropriate activities.