

SENATE BILL NO. 2039

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to create and enact section 50-06-06.14 of the North Dakota Century Code,
2 relating to the placement of children in the least restrictive environment; to amend and reenact
3 subsection 5 of section 14-09-08.4, subsections 4 and 5 of section 50-01.2-03, sections
4 50-06-01, 50-06-01.4, 50-06-05.1, 50-06-05.2, 50-06-05.3, 50-06-05.4, 50-06-06.2, and
5 50-06-06.5, and subsection 1 of section 50-06-20 of the North Dakota Century Code, relating to
6 the structure and duties of the department of human services with respect to behavioral health;
7 to repeal chapter 25-10 and sections 25-02-02, 50-06-01.2, and 50-06-23 of the North Dakota
8 Century Code, relating to mental health services, the additional location for a hospital for the
9 mentally ill, and the assumption of duties by the department of human services; to provide for
10 transition; and to provide an effective date.

11 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

12 **SECTION 1. AMENDMENT.** Subsection 5 of section 14-09-08.4 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 5. A determination that a child who is the subject of a child support order is eligible for
15 benefits furnished under subsection ~~4716~~ or ~~4918~~ of section 50-06-05.1 or chapter
16 50-09 or 50-24.1, or any substantially similar program operated by any state or tribal
17 government, constitutes a material change of circumstances. The availability of health
18 insurance at reasonable cost to a child who is the subject of a child support order
19 constitutes a material change of circumstances. The need to provide for a child's
20 health care needs, through health insurance or other means, constitutes a material
21 change of circumstances.

22 **SECTION 2. AMENDMENT.** Subsections 4 and 5 of section 50-01.2-03 of the North Dakota
23 Century Code are amended and reenacted as follows:

- 1 4. Subject to subsection 47~~16~~ of section 50-06-05.1, administer the supplemental
2 nutrition assistance program in the county under the direction and supervision of the
3 department of human services in conformity with the Food Stamp Act of 1964, as
4 amended, and enter into an agreement for administering the supplemental nutrition
5 assistance program with the department of human services.
- 6 5. Subject to subsection 49~~18~~ of section 50-06-05.1, administer the energy assistance
7 program in the county under the direction and supervision of the department of human
8 services and to enter into an agreement for administering the energy assistance
9 program with the department of human services.

10 **SECTION 3. AMENDMENT.** Section 50-06-01 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **50-06-01. Definition.**

13 As used in this chapter, unless the context otherwise requires, "~~department~~" means the
14 ~~department of human services.~~

- 15 1. "Behavioral health" means the planning and implementation of preventive,
16 consultative, diagnostic, treatment, crisis intervention, and rehabilitative services for
17 individuals with mental, emotional, or substance use disorders, and psychiatric
18 conditions.
- 19 2. "Behavioral health provider" means any licensed or accredited behavioral health
20 provider in this state.
- 21 3. "Department" means the department of human services.
- 22 4. "Human services" means services provided to an individual or an individual's family in
23 need of services to assist the individual or the individual's family in achieving and
24 maintaining basic self-sufficiency, including physical health, mental health, education,
25 welfare, food and nutrition, and housing.

26 **SECTION 4. AMENDMENT.** Section 50-06-01.4 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **50-06-01.4. Structure of the department.**

- 29 1. The department includes the state hospital, the regional human service centers, a
30 vocational rehabilitation unit, and other units or offices and administrative and fiscal
31 support services as the executive director determines necessary. The department

1 must be structured to promote efficient and effective operations and, consistent with
2 fulfilling its prescribed statutory duties, shall act as the official agency of the state in
3 the discharge of the following functions not otherwise by law made the responsibility of
4 another state agency:

5 a. Administration of programs for children and families, including adoption services
6 and the licensure of child-placing agencies, foster care services and the licensure
7 of foster care arrangements, child protection services, children's trust fund, state
8 youth authority, licensure of day care homes and facilities, services to unmarried
9 parents, refugee services, in-home community-based services, and
10 administration of the interstate compacts on the placement of children and
11 juveniles.

12 b. Administration of programs for individuals with developmental disabilities,
13 including licensure of facilities and services, and the design and implementation
14 of a community-based service system for persons in need of habilitation.

15 c. Administration of aging service programs, including nutrition, transportation,
16 advocacy, social, ombudsman, recreation, and related services funded under the
17 Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and
18 community-based services, licensure of adult family care homes, committee on
19 aging, and the fund matching program for city or county tax levies for senior
20 citizen activities and services.

21 ~~Administration of mental health programs, including planning and implementing~~
22 ~~preventive, consultative, diagnostic, treatment, and rehabilitative services for~~
23 ~~persons with mental or emotional disorders and psychiatric conditions.~~

24 ~~Administration of alcohol and drug abuse programs, including establishing quality~~
25 ~~assurance standards for the licensure of programs, services, and facilities,~~
26 ~~planning and coordinating a system of prevention, intervention, and treatment~~
27 ~~services, providing policy leadership in cooperation with other public and private~~
28 ~~agencies, and disseminating information to local service providers and the~~
29 ~~general public.~~Administration of behavioral health programs, including:

30 (1) A policy division responsible for reviewing and identifying service needs and
31 activities in the state's behavioral health system in an effort to ensure health

1 and safety, access to services, and quality of services; establishing quality
2 assurance standards for the licensure of substance use disorder program
3 services and facilities; and providing policy leadership in partnership with
4 public and private entities; and

5 (2) A service delivery division responsible for providing chronic disease
6 management, regional intervention services, and twenty-four-hour crisis
7 services for individuals with behavioral health disorders.

8 f.e. Administration of economic assistance programs, including temporary assistance
9 for needy families, the supplemental nutrition assistance program, fuel
10 assistance, child support enforcement, refugee assistance, work experience,
11 work incentive, and quality control.

12 g.f. Administration of medical service programs, including medical assistance for
13 needy persons, early and periodic screening, diagnosis and treatment, utilization
14 control, and claims processing.

15 2. The department of human services shall publish a quarterly report of all behavioral
16 health services provided by or supported by the department. The report must include
17 each type of behavioral health service, the number of clients served for each service,
18 and the amount of state and federal funds budgeted and spent for each service. Data
19 must be identified for behavioral health services by human service region and by
20 mental health services provided to children, mental health services provided to adults,
21 and substance abuse services.

22 2-3. The executive director shall consult with and maintain a close working relationship with
23 the state department of health; with the department of corrections and rehabilitation
24 and the superintendents of the school for the deaf and the North Dakota vision
25 services - school for the blind to develop programs for individuals with developmental
26 disabilities; and with the superintendent of public instruction to maximize the use of
27 resource persons in regional human service centers in the provision of special
28 education services. The executive director shall also maintain a close liaison with
29 county social service agencies.

30 **SECTION 5. AMENDMENT.** Section 50-06-05.1 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **50-06-05.1. Powers and duties of the department.**

2 The department has the following powers and duties to be administered by the department
3 through its state office or through regional human service centers or otherwise as directed by it:

- 4 1. To act as the official agency of the state in any social welfare or human service activity
5 initiated by the federal government not otherwise by law made the responsibility of
6 another state agency.
- 7 2. To administer, allocate, and distribute any state and federal funds that may be made
8 available for the purpose of providing financial assistance, care, and services to
9 eligible persons and families who do not have sufficient income or other resources to
10 provide a reasonable subsistence compatible with decency and health.
- 11 3. To provide preventive, rehabilitative, and other human services to help families and
12 individuals to retain or attain capability for independence or self-care.
- 13 4. To do needed research and study in the causes of social problems and to define
14 appropriate and effective techniques in providing preventive and rehabilitative
15 services.
- 16 5. To provide for the study, and to promote the well-being, of deprived, unruly, and
17 delinquent children.
- 18 6. To provide for the placing and supervision of children in need of substitute parental
19 care, subject to the control of any court having jurisdiction and control of any such
20 child.
- 21 7. To recommend appropriate social legislation to the legislative assembly.
- 22 8. To direct and supervise county social service board activities as may be financed in
23 whole or in part by or with funds allocated or distributed by the department.
- 24 9. To inform the public as to social conditions and ways of meeting social needs.
- 25 10. To secure, hold, and administer for the purpose for which it is established any property
26 and any funds donated to it either by will or deed, or otherwise, or through court order
27 or otherwise available to the department, and to administer those funds or property in
28 accordance with the instructions in the instrument creating them or in accordance with
29 the instructions in the court order or otherwise.
- 30 11. To formulate standards and make appropriate inspections and investigations in
31 accordance with such standards in connection with all licensing activities delegated by

1 law to the department including child care facilities, nonmedical adult care facilities
2 and maternity homes, and persons or organizations receiving and placing children,
3 and to require those facilities, persons, and organizations to submit reports and
4 information as the department may determine necessary.

5 12. To permit the making of any surveys of human service needs and activities if
6 determined to be necessary.

7 13. To issue subpoenas, administer oaths, and compel attendance of witnesses and
8 production of documents or papers whenever necessary in making the investigations
9 provided for herein or in the discharge of its other duties. A subpoena may not be
10 issued to compel the production of documents or papers relating to any private
11 child-caring or child-placing agency or maternity hospital or to compel the attendance
12 as a witness of any officer or employee of those facilities except upon the order of a
13 judge of the district court of the judicial district in which the facilities are located.

14 14. ~~To provide insofar as staff resources permit appropriate human services, including~~
15 ~~social histories, social or social psychological evaluations, individual, group, family,~~
16 ~~and marital counseling, and related consultation, when referred by self, parent,~~
17 ~~guardian, county social service board, court, physician, or other individual or agency,~~
18 ~~and when application is made by self (if an adult or emancipated youth), parent,~~
19 ~~guardian, or agency having custody; also, on the same basis, to provide human~~
20 ~~services to children and adults in relation to their placement in or return from the life~~
21 ~~skills and transition center, state hospital, or North Dakota youth correctional center.~~

22 15. To provide insofar as staff resources permit social services, including
23 social-psychological evaluations, predisposition reports, treatment, probation, and
24 aftercare services when requested by the judge of a juvenile court, all reports to be
25 kept confidential for the use of the judge except as may be disclosed by the judge.

26 ~~16.15.~~ To provide insofar as staff resources permit social services, including
27 social-psychological evaluations, predisposition reports, treatment, and probation and
28 parole services, when requested by the judge in a criminal case, all reports to be kept
29 confidential for use by the judge except as may be disclosed by the judge.

30 ~~17.16.~~ To act as the official agency of the state in the administration of the supplemental
31 nutrition assistance program and to direct and supervise county administration of that

1 program. Provided, however, that the department with the consent of the budget
2 section of the legislative management may terminate the program if the rate of federal
3 financial participation in administrative costs provided under Public Law 93-347 is
4 decreased or limited, or if the state or counties become financially responsible for all or
5 a portion of the coupon bonus payments under the Food Stamp Act. Unless at least
6 seven years has elapsed since the most recent felony conviction that has as an
7 element the possession, use, or distribution of a controlled substance, the department
8 shall deny assistance under the supplemental nutrition assistance program to any
9 individual who has been convicted of a felony offense that has as an element the
10 possession, use, or distribution of a controlled substance as defined in section 102(6)
11 of the Controlled Substances Act [21 U.S.C. 802(6)].

12 ~~48.17.~~ To administer, allocate, and distribute any funds made available for the making of
13 direct cash assistance payments, housing assistance payments, and rental subsidies
14 under any rental assistance programs initiated by the federal government not
15 otherwise by law made the responsibility of another state agency possessing
16 statewide jurisdiction.

17 ~~49.18.~~ To act as the official agency of the state in the administration of the energy assistance
18 program; to direct and supervise county administration of that program; and to take
19 such actions, give such directions, and adopt such rules, subject to review in the
20 courts of this state, as may be necessary or desirable to carry out this subsection. For
21 purposes of the administration of the energy assistance program, funds are obligated
22 at the earlier of the time a written commitment is made to pay a vendor or contractor
23 for services or supplies delivered or to be delivered, or at the time payment is made to
24 a vendor or contractor for services or supplies delivered or to be delivered. The
25 provisions of this subsection concerning obligation of funds apply to payments and
26 commitments made on or after July 1, 1991. The department with the consent of the
27 budget section of the legislative management may terminate the program if the rate of
28 federal financial participation in administrative costs is decreased or limited to less
29 than fifty percent of total administrative costs, or if the state or counties become
30 financially responsible for all or a portion of the cost of energy assistance program
31 benefits.

Sixty-fifth
Legislative Assembly

- 1 ~~20-19.~~ To administer, allocate, and distribute any funds made available for the payment of the
2 cost of the special needs of any child under the age of twenty-one years, who is living
3 in an adoptive home and would probably go without adoption except for acceptance by
4 the adopted family, and whose adopted family does not have the economic ability and
5 resources, as established by the department, to take care of the special needs of the
6 child, including legal fees, maintenance costs, medical and dental expenses, travel
7 costs, and other costs incidental to the care of the child.
- 8 ~~21-20.~~ To exercise and carry out any other powers and duties granted the department under
9 state law.
- 10 ~~22-21.~~ To coordinate services for pregnant women.
- 11 ~~23-22.~~ To administer, allocate, and distribute any funds made available for the payment of
12 transitional living services, to develop standards and conduct needs assessments
13 regarding transitional living services, to develop or approve and to evaluate
14 demonstration projects offering transitional living programs, to approve transitional
15 living facilities for the purpose of providing foster care, and to apply for and administer
16 federal and other funds that may be made available to undertake any of the activities
17 described in this subsection. For purposes of this subsection:
- 18 a. "Transitional living facility" means a specific site, identified by a licensed
19 child-placing agency and approved by the department, for the provision of
20 transitional living services.
- 21 b. "Transitional living program" means a program that provides transitional living
22 services and may include an identified program operations location approved by
23 the department.
- 24 c. "Transitional living services" may include housing, supervision, and supportive
25 services intended and designed to assist persons who have received foster care
26 services and who have reached age seventeen, but who have not reached age
27 twenty-one, to achieve independence and self-sufficiency.
- 28 ~~24-23.~~ With the approval of the governor, to lease or transfer use of any part of the life skills
29 and transition center facilities or properties, located in section thirteen, township one
30 hundred fifty-seven north, range fifty-three west, located in Walsh County, North

- 1 Dakota, to the federal government, or any public or private agency, organization, or
2 business enterprise, or any worthy undertaking, under the following provisions:
- 3 a. The department determines that the facility or property is not needed to serve
4 any present or reasonably foreseeable need of the life skills and transition center.
 - 5 b. The transaction is exempt from the provisions of section 50-06-06.6.
 - 6 c. The term of any lease may not exceed ninety-nine years.
 - 7 d. All required legal documents, papers, and instruments in any transaction must be
8 reviewed and approved as to form and legality by the attorney general.
 - 9 e. Any funds realized by any transaction must be deposited in the state's general
10 fund.

11 ~~25-24.~~ To act as a decedent's successor for purposes of collecting amounts due to the
12 department. Any affidavit submitted by the department under section 30.1-23-01 must
13 conform to the requirements of that section except that the affidavit may state that
14 twenty days have elapsed since the death of the decedent.

15 ~~26-25.~~ To provide those services necessary for the department and for county social service
16 boards to comply with the provisions of any law, rule, order, or regulation of the United
17 States or any federal agency or authority requiring civil service or merit standards or
18 classifications as a condition for providing funds administered by the department.

19 ~~27-26.~~ For purposes of administration of programs, and subject to legislative appropriation,
20 funds are obligated at the time a written commitment is made to pay a vendor or
21 contractor for services or supplies either delivered or to be delivered. This subsection
22 applies to payments and commitments made on or after January 1, 1997.

23 ~~28-27.~~ Notwithstanding section 50-01.2-00.1, to determine eligibility for medical assistance
24 and children's health insurance program benefits when the department receives a joint
25 application for these benefits.

26 **SECTION 6. AMENDMENT.** Section 50-06-05.2 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **50-06-05.2. Regional human service centers - Licensure - Collocation with county**
29 **social service boards.**

30 Human services must be delivered through regional human service centers in the areas
31 designated by the governor's executive order 1978-12 dated October 5, 1978. ~~Services-~~

1 provided by regional human service centers must include those services formerly provided by
2 mental health and retardation service units and area social service centers. The regional human
3 service centers must be accredited by a national accrediting body and are subject to licensing
4 by the department. The department shall adopt rules ~~and standards for the licensing and for the~~
5 operation of the regional human service centers. ~~No~~ human service center may not operate
6 without a license issued ~~hereunder~~ in accordance with this section. Regional human service
7 centers are authorized to receive federal and other funds available to finance, in whole or in
8 part, the services and operations of the centers. Any county social service board collocating its
9 offices with a regional human service center must, within the limits of legislative appropriations,
10 be reimbursed up to fifty percent of the amount expended for space costs in excess of the
11 amount provided by the federal government.

12 **SECTION 7. AMENDMENT.** Section 50-06-05.3 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **50-06-05.3. Regional human service centers - Powers - Duties - Human service**
15 **advisory groups.**

- 16 1. ~~Regional human service centers organized under this chapter are those centers~~
17 ~~established to provide human services as authorized by law. The term "human~~
18 ~~service" means service provided to individuals or their families in need thereof to help~~
19 ~~them achieve, maintain, or support the highest level of personal independence and~~
20 ~~economic self-sufficiency, including health, mental health, education, manpower,~~
21 ~~social, food and nutrition, and housing service. Regional human service centers shall~~
22 ~~function as regional administrative units established, within the multicounty areas~~
23 ~~designated by the governor's executive order 1978-12 dated October 5, 1978, to~~
24 ~~provide for the planning and delivery of human services.~~
- 25 2. Regional human service centers shall provide human services to all eligible individuals
26 and families to help ~~them~~ individuals and families achieve or maintain social,
27 emotional, and economic self-sufficiency; ~~prevent, by providing human services to:~~
- 28 a. Prevent, reduce, or eliminate dependency; ~~prevent~~
- 29 b. Prevent or remedy the neglect, abuse, or exploitation of children and of adults
30 unable to protect their own interests; ~~aid~~
- 31 c. Aid in the preservation, rehabilitation, and reuniting of families; ~~prevent~~

- 1 d. Prevent or reduce inappropriate institutional care by providing for care while
2 institutionalized or providing for community-based or other forms of less
3 restrictive care; ~~secure~~
- 4 e. Secure referral or admission for institutional care; ~~provide~~
- 5 f. Provide outpatient diagnostic and treatment services; ~~provide~~
- 6 g. Provide information concerning guardianship to people interested in becoming or
7 who are guardians; and ~~provide~~
- 8 h. Provide rehabilitation and crisis services for patients with mental ~~or~~, emotional, or
9 substance use disorders, an intellectual disability, and other psychiatric
10 conditions, particularly for those patients who have received prior treatment in an
11 inpatient facility.
- 12 2. Regional human service centers shall deliver services in the manner prescribed by the
13 department.
- 14 3. ~~The director shall appoint a human service advisory group for each human service-~~
15 ~~center consisting of up to thirteen members~~Each human service center shall have a
16 human services advisory group consisting of the county social service and public
17 health directors of the region served. The regional director shall appoint five additional
18 members to the advisory group. Each group member must be a resident of the region
19 the member is appointed to serve. ~~The director shall appoint two current county-~~
20 ~~commissioners and one current county social service board member to serve as-~~
21 ~~members of a human service advisory group. The director may appoint an additional-~~
22 ~~current commissioner to serve in lieu of the current county social service board-~~
23 ~~member. The term~~term of office ~~must befor each appointed member is~~ two years and
24 arranged so that the term of ~~one-half~~two of the appointed members expires at the end
25 of the first year and the term of the remaining three appointed members expires at the
26 end of the second year, except for those first members appointed, two members shall
27 serve a one-year term and three members shall serve a two-year term. The director
28 shall select the appointed members of each human service advisory group on the
29 basis of population of the counties in the region served by the human service center.
30 Each county in the region must be represented by at least one member on the human
31 service advisory group. To the extent possible, appointed membership of the advisory

1 group must reflect regional interests in the fields of developmental disabilities, social
2 services, mental health, and ~~alcoholism and drug abuses~~substance use disorders. The
3 director shall appoint a chairman for each advisory group from the membership of the
4 advisory group. The director shall fill a vacancy occurring within an advisory group for
5 other than the expiration of a term in the same manner as original appointments,
6 except that appointments must be made only for the unexpired term. The department
7 shall compensate appointed members of a human service advisory group at the rate
8 of forty-five dollars per day, not to exceed twenty-five days in any one year. The
9 department also shall pay members for mileage and actual expenses incurred in
10 attending meetings and in the performance of their official duties in the amounts
11 provided by law for other state officers.

12 **SECTION 8. AMENDMENT.** Section 50-06-05.4 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **50-06-05.4. Duties of human service advisory groups.**

15 Each human service advisory group of the regional human service centers shall perform the
16 following duties:

- 17 1. Provide information to the department relative to needs assessment and the planning
18 and development of health and social resources for the effective and efficient delivery
19 of high-quality human services fully accessible to all citizens.
- 20 2. Review services and programs provided by the regional human service centers and
21 make periodic recommendations ~~the advisory group may have~~ for improvement in
22 services, programs, or facilities.
- 23 3. Promote cooperation and working agreements with public agencies, including public
24 health and corrections and private human service agencies.
- 25 4. Promote local and regional financing from public and private sources.

26 **SECTION 9. AMENDMENT.** Section 50-06-06.2 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **50-06-06.2. Clinic services - Provider qualification - Utilization of federal funds.**

29 Within the limits of legislative appropriation therefor and in accordance with rules
30 established by the department, the department may defray the costs of preventive diagnostic,
31 therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible

1 individuals by regional human service centers or designated behavioral health providers. Within
2 the limits of legislative appropriations and to the extent permitted by state and federal law and
3 regulations established thereunder, it is the intent of the legislative assembly that federal funds
4 available under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] be utilized to defray
5 the costs of identifiable mental health clinic services furnished eligible individuals in regional
6 human service centers and that federal funds available under title XX of the Social Security Act
7 [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable social services furnished
8 eligible individuals by county social service boards and regional human service centers.

9 **SECTION 10. AMENDMENT.** Section 50-06-06.5 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-06-06.5. Continuum of services for ~~chronically mentally ill~~ individuals with serious**
12 **and persistent mental illness.**

13 1. The department of human services shall develop a plan for an integrated,
14 multidisciplinary continuum of services for ~~chronically mentally ill~~ individuals with
15 serious and persistent mental illness. The continuum may consist of an array of
16 services provided by private mental health professionals, private agencies, county
17 social service agencies, human service centers, community-based residential care
18 and treatment facilities, and private and public inpatient psychiatric hospitals. ~~To the~~
19 ~~extent feasible~~ When appropriate, access to the continuum must be through human
20 service centers. Within the limits of legislative appropriations, the plan for a continuum
21 may include:

- 22 1. a. Programs, and appropriate related facilities, to provide socialization skills.
23 2. b. Programs, and appropriate related facilities, to provide basic living skills.
24 3. c. Appropriate residential facilities and other housing options.
25 4. d. Appropriate training, placement, and support to enhance potential for
26 employment.
27 5. e. Appropriate delivery and control of necessary medication.
28 6. f. Appropriate economic assistance.
29 7. g. An inpatient facility with appropriate programs to respond to persons who require
30 hospitalization.
31 h. Peer and recovery support.

- 1 i. Crisis service that is available twenty-four hours a day seven days a week.
- 2 2. The continuum of care must provide that a person requiring treatment be submitted to
- 3 the least restrictive available conditions necessary to achieve the purposes of
- 4 treatment. The department shall ensure appropriate cooperation with county social
- 5 service agencies and private providers in achieving the continuum of care.

6 **SECTION 11.** Section 50-06-06.14 of the North Dakota Century Code is created and

7 enacted as follows:

8 **50-06-06.14. Placement of children - Least restrictive care.**

9 The department and county social service boards shall explore the option of kinship care

10 when a child is unable to return home due to safety concerns. Absent kinship options, the

11 department and county social service boards shall provide permanency options that are in the

12 least restrictive care and near the family's home as required by the federal Adoption and Safe

13 Family Act of 1997 [Pub. L. 105-89; 111 Stat. 2115; 42 U.S.C. 671]. The department of human

14 services shall issue a request for proposal for the provision of residential treatment services to

15 meet the needs of youth with a history of sexual offenses within the state and explore options of

16 therapeutic foster care for those youth who would benefit from this service level.

17 **SECTION 12. AMENDMENT.** Subsection 1 of section 50-06-20 of the North Dakota

18 Century Code is amended and reenacted as follows:

- 19 1. The state shall bear the cost, in excess of the amount provided by the federal
- 20 government, of:
- 21 a. As provided in section 50-24.1-14, medical assistance services provided under
- 22 chapter 50-24.1;
- 23 b. Energy assistance program benefits provided under subsection ~~49~~18 of section
- 24 50-06-05.1;
- 25 c. Supplements provided under chapter 50-24.5 as basic care services;
- 26 d. Services, programs, and costs listed in section 50-09-27;
- 27 e. Welfare fraud detection programs; and
- 28 f. Special projects approved by the department and agreed to by any affected
- 29 county social service board.

30 **SECTION 13. REPEAL.** Chapter 25-10 and Sections 25-02-02, 50-06-01.2, and 50-06-23

31 of the North Dakota Century Code are repealed.

1 **SECTION 14. TRANSITION.** All unexpired terms of members of a human service advisory
2 group under section 50-06-05.3 are deemed expired as of July 31, 2017. An individual who is a
3 member of a human service advisory group as of July 31, 2017, who is otherwise qualified, may
4 be reappointed to the human service advisory group on which the individual previously served.

5 **SECTION 15. EFFECTIVE DATE.** Section 6 of this Act becomes effective on August 1,
6 2021.