

**Sixty-fifth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2017**

SENATE BILL NO. 2114  
(Human Services Committee)  
(At the request of the Department of Human Services)

AN ACT to amend and reenact subsection 15 of section 27-20-02, subsection 2 of section 27-20-32.2, subsection 9 of section 50-11-00.1, and section 50-11-03.3 of the North Dakota Century Code, relating to the definition of permanency hearing, reasonable efforts for sibling placement, definition of group home, and liability coverage to foster homes for children.

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

**SECTION 1. AMENDMENT.** Subsection 15 of section 27-20-02 of the North Dakota Century Code is amended and reenacted as follows:

15. "Permanency hearing" means a hearing, conducted with respect to a child who is in foster care, to determine the permanency plan for the child which includes:
  - a. Whether and, if applicable, when the child will be returned to the parent;
  - b. Whether and, if applicable, when the child will be placed for adoption and the state will file a petition for termination of parental rights;
  - c. Whether and, if applicable, when a fit and willing relative or other appropriate individual will be appointed as a legal guardian;
  - d. Whether and, if applicable, to place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that the joint placement would be contrary to the safety or well-being of any of the siblings;
  - e. Whether and, if applicable, in the case of siblings removed from their home who are not jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless it is determined to be contrary to the safety or well-being of any of the siblings;
  - f. In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, whether and, if applicable, when the child, aged sixteen or older, will be placed in another planned permanent living arrangement. The court shall:
    - (1) Ask the child whether the child has a desired permanency outcome of another planned permanent living arrangement,
    - (2) Make a judicial determination explaining why another planned permanent living arrangement is the best permanency plan for the child, and
    - (3) Identify the compelling reasons it continues not to be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative;
  - g. In the case of a child who has been placed in foster care outside the state in which the home of the parents is located, or if the parents maintain separate homes, outside the state in which the home of the parent who was the child's primary caregiver is located, whether out-of-state placements have been considered. If the child is currently in an

out-of-state placement, the court shall determine whether the placement continues to be appropriate and in the child's best interests; and

- h. In the case of a child who has attained age ~~sixteen~~fourteen, the services needed to assist the child to make the transition ~~from foster care to independent living~~to successful adulthood.

**SECTION 2. AMENDMENT.** Subsection 2 of section 27-20-32.2 of the North Dakota Century Code is amended and reenacted as follows:

2. Except as provided in subsection 4, reasonable efforts must be made to preserve families, reunify families, and maintain family connections:
  - a. Prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home;
  - b. To make it possible for a child to return safely to the child's home;
  - c. ~~To~~Whether and, if applicable, to place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that such a joint placement would be contrary to the safety or well-being of any of the siblings; and
  - d. In the case of siblings removed from their home who are not jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless it is contrary to the safety or well-being of any of the siblings.

**SECTION 3. AMENDMENT.** Subsection 9 of section 50-11-00.1 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 4. AMENDMENT.** Section 50-11-03.3 of the North Dakota Century Code is amended and reenacted as follows:

**50-11-03.3. Department to provide liability coverage to foster homes for children.**

1. The department shall provide liability coverage for acts or omissions of foster children placed in the care of foster families. The department may provide this liability coverage through self-insurance.
2. The liability coverage under this section:
  - a. Must provide coverage for damage to property which is caused by the act of a foster child. This coverage must be for the lesser of the reasonable cost to repair or to replace the damaged property.
  - b. Is secondary to any other coverage.
  - c. ~~May~~Except as provided in subdivision d, may not exceed five thousand dollars per claim, with an annual maximum of ten thousand dollars per year per claimant. The coverage under this subsection must include a deductible not to exceed one hundred dollars per claim.
  - d. In cases in which the property damage per event total exceeds twenty-five thousand dollars, the department may further review the claim. The department may cover twenty-five percent of the remaining property damage after any insurance reimbursement, not to exceed ten thousand dollars.

3. The department may provide for exclusions from liability coverage provided under this section.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2114.

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 65            Nays 24           Absent 5

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State