

CHAPTER 50-11.2 FOSTER CARE PARENT GRIEVANCE

50-11.2-01. Foster care parent grievance. (Effective through December 31, 2019)

A foster parent who is duly licensed to care for a foster child may object to any decision made by the department of human services or county social service board which substantially affects the foster parent or the needs of the foster child. An objection may be made in the form of a grievance which must be filed in the county of the foster care parent's residence with the county social service board. The county social service board shall notify foster parents of the grievance procedure and provide them with grievance procedure forms.

Foster care parent grievance. (Effective after December 31, 2019) A foster parent who is duly licensed to care for a foster child may object to any decision made by the department of human services or human service zone which substantially affects the foster parent or the needs of the foster child. An objection may be made in the form of a grievance, which must be filed in the county of the foster care parent's residence with the human service zone. The human service zone shall notify foster parents of the grievance procedure and provide them with grievance procedure forms.

50-11.2-02. Grievance procedure. (Effective through December 31, 2019)

The grievance procedure to be followed by the department of human services, county social service board, and foster parents is:

1. Any decision made by the department of human services or county social service board which substantially affects the licensed foster parent or the needs of a foster child must be sent in writing to the foster parents who have been given the responsibility of providing foster care for that child. Nothing herein may be construed to prohibit the department of human services or county social service board from immediately implementing a decision, when the best interests of the child require such immediate action, as long as notice is given to the foster parent as soon as possible.
2. A foster parent may object to any decision referred to in subsection 1. Upon the filing of a grievance by the foster care parents, the county social service board shall schedule an informal meeting to be held within ten days of the filing of the grievance. The needs and responsibilities of all interested parties must be discussed at this meeting in an attempt to maintain a continuing relationship which will serve the best interests of the foster child. A written resolution relating to the grievance should be agreed to and signed by both parties.
3. If no written resolution between the parties relating to the grievance is made at the informal meeting, the foster parents may request a formal hearing to be held at the regional foster care office. This meeting must be held within ten working days of the informal meeting unless both parties agree to an extension. The regional foster care director shall provide for a record of this hearing. The regional foster care director shall review all prior contact between the foster care parents and the department of human services or county social service board relating to the grievance. The regional foster care director shall then make a final determination relating to the grievance. The regional foster care director's findings and conclusions must be sent to the county social service board and the foster care parents.
4. All decisions of the regional foster care director relating to a grievance under this chapter are final.
5. The department of human services shall adopt rules to carry out the purpose and intent of this section and these rules must be given to the foster parent upon licensing.
6. Denial or revocation of a foster care license may be appealed as provided in chapter 28-32.
7. Nothing herein may be construed to require a grievance proceeding under this chapter, when the department of human services or county social service board is acting to implement a specific placement decision issued by a court with competent jurisdiction.

Grievance procedure. (Effective after December 31, 2019) The grievance procedure to be followed by the department of human services, human service zone, and foster parents is:

1. Any decision made by the department of human services or human service zone which substantially affects the licensed foster parent or the needs of a foster child must be sent in writing to the foster parents who have been given the responsibility of providing foster care for that child. Nothing herein may be construed to prohibit the department of human services or human service zone from immediately implementing a decision, when the best interests of the child require such immediate action, as long as notice is given to the foster parent as soon as possible.
2. A foster parent may object to any decision referred to in subsection 1. Upon the filing of a grievance by the foster care parents, the human service zone shall schedule an informal meeting to be held within ten days of the filing of the grievance. The needs and responsibilities of all interested parties must be discussed at this meeting in an attempt to maintain a continuing relationship which will serve the best interests of the foster child. A written resolution relating to the grievance should be agreed to and signed by both parties.
3. If no written resolution between the parties relating to the grievance is made at the informal meeting, the foster parents may request a formal hearing to be held at a conflict-free human service zone office. This meeting must be held within ten working days of the informal meeting unless both parties agree to an extension. The human service zone director or the director's designee shall provide for a record of this hearing. The human service zone director or the director's designee shall review all prior contact between the foster care parents and the department of human services or human service zone relating to the grievance. The human service zone director or the director's designee shall then make a final determination relating to the grievance. The human service zone director's or the director's designee's findings and conclusions must be sent to the human service zone and the foster care parents.
4. All decisions relating to a grievance under this chapter are final.
5. The department of human services shall adopt rules to carry out the purpose and intent of this section and these rules must be given to the foster parent upon licensing.
6. Denial or revocation of a foster care license may be appealed as provided in chapter 28-32.
7. Nothing herein may be construed to require a grievance proceeding under this chapter, when the department of human services or human service zone is acting to implement a specific placement decision issued by a court with competent jurisdiction.