

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2084  
(Human Services Committee)  
(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 50-06-06.11, 50-33-01, 50-33-06, and 50-33-08 of the North Dakota Century Code, relating to child care assistance payments to providers.

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

**SECTION 1. AMENDMENT.** Section 50-06-06.11 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-06.11. Child care provider payments.**

Within the limits of federal regulations, the department, ~~at the election of the early childhood facility,~~ shall directly pay early childhood facilities monthly under child care assistance programs administered by the department.

**SECTION 2. AMENDMENT.** Section 50-33-01 of the North Dakota Century Code is amended and reenacted as follows:

**50-33-01. Definitions.**

For the purposes of this chapter:

1. "Allowable activities" means paid work, job search, attending job training or an education program, any activity in the job opportunity and basic skills program, transportation time related to the activities, temporary illness or incapacity of a current recipient, and temporary illness of the child.
2. "Approved relative" means an individual provider related to a child in that provider's care by marriage, blood, or court decree as a grandparent, step-grandparent, great grandparent, step-great grandparent, aunt, step-aunt, uncle, step-uncle, sibling, or step-sibling, who has been approved to care for specific children in the provider's own home, but does not mean a sibling provider who resides in the home of a child in that provider's care.
3. "Caretaker" means a child's biological or adoptive parent, the spouse of the child's biological or adoptive parent, or an individual acting in the stead of a child's parent at the request of the parent or another with authority to make the request, but does not mean a provider.
4. "Child care assistance unit" means all members of the caretaker's immediate household, including a child through the month of that child's nineteenth birthday, and any parent or stepparent of a child, including an acknowledged or adjudicated father of one or more children in the household, but does not mean any other person who is not acting in the stead of a parent, a child who is nineteen years of age or older, a child for whom the household receives foster care payments, or a minor parent of a child in the household unless the minor parent also requires child care or is incapable of caring for the child.
5. "Child care center" has the meaning provided in chapter 50-11.1.
6. "Department" means the department of health and human services.
7. "Family child care" has the meaning provided in chapter 50-11.1.
8. "Group child care" has the meaning provided in chapter 50-11.1.

9. ~~"Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department~~ has the meaning provided in section 50-35-01.
10. "In-home provider" has the meaning provided in section 50-11.1-02.
11. "Provider" means an individual who is eighteen years of age or older, licensed as a provider in a family child care, group child care, or child care center, with a self-declaration as a provider of early childhood services who requires no license, registered as a child care provider by a tribal entity, or an approved relative, who meets criteria established by the jurisdiction with authority to regulate child care services.
- ~~11-12.~~ "Recipient" means an individual who is receiving child care assistance.
- ~~12-13.~~ "Tribal entity" means an organization authorized by the government of an Indian tribe within North Dakota to license, register, or otherwise recognize a child care provider operating within the jurisdiction of that Indian tribe.
- ~~13-14.~~ "Work":
- a. Means any paid employment and any self-employment providing commensurate income; and
  - b. Does not mean any unpaid activity except:
    - (1) With respect to a caretaker who is involved in job opportunity and basic skills or tribal native employment works required by temporary assistance for needy families, any approved activity for the program; and
    - (2) When a state has been determined to have a major disaster, activity by an individual who is residing in the disaster area and involved in unpaid work activities, including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools.

**SECTION 3. AMENDMENT.** Section 50-33-06 of the North Dakota Century Code is amended and reenacted as follows:

**50-33-06. Approved relative provider.**


1. The department may approve a relative provider to provide care for specific children within a specified county. The department shall provide an approved relative provider with a provider identification number. An approved relative provider may provide care for no more than five children ~~under~~through the age of twelve or three children under the age of two, including the provider's children under the age of twelve.
2. Before approving an individual as an approved relative provider, the department shall seek a criminal history record investigation as provided under section 50-11.1-06.2 and pursuant to section 12-60-24. The department shall consider any criminal history record information available at the time approval decision is made. A background check must be completed for each adult living in the household of the prospective provider.
3. No payment may be made to a relative provider who is not an approved relative provider.

**SECTION 4. AMENDMENT.** Section 50-33-08 of the North Dakota Century Code is amended and reenacted as follows:


**50-33-08. Limitations on in-home child care benefits.**

No benefits under this chapter may be provided ~~for~~to an in-home provider or for a child receiving in-home child care unless:

1. A health professional provides written documentation demonstrating to the department's satisfaction that the child's health would be at risk if taken to an outside provider; or
2. A developmental disabilities case manager or a special education case manager provides written documentation demonstrating to the department's satisfaction that the child's disability is such that taking the child to an outside provider creates an undue hardship.

  
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President of the Senate

  
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Speaker of the House


  
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Secretary of the Senate

  
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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2084.

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 92            Nays 0            Absent 2

  
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Secretary of the Senate

Received by the Governor at 9:52 A.M. on March 14, 2023.

Approved at 4:59 P.M. on March 14, 2023.

  
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Governor

Filed in this office this 15th day of March, 2023,  
at 2:58 o'clock P. M.

  
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Secretary of State