

Introduced by

Senators Hogan, Braunberger

Representatives Dakane, Dobervich, Schreiber-Beck

1 A BILL for an Act to amend and reenact sections 50-33-02 and 50-33-07 of the North Dakota
2 Century Code, relating to the child care assistance program; and to provide a statement of
3 legislative intent.

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

5 **SECTION 1. AMENDMENT.** Section 50-33-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-33-02. Child care assistance - Application for benefits - Applicant's duty to**
8 **establish eligibility - Decisions - Rules.**

- 9 1. An individual desiring child care assistance or an individual seeking assistance on
10 behalf of another individual may apply for child care assistance. An applicant shall
11 submit a request for child care assistance in writing to a human service zone on a form
12 prescribed by the department. The form must provide for streamlined application
13 coordinated with the supplemental nutrition assistance program and medical
14 assistance. The applicant shall complete, sign, and date the application. Eligibility
15 begins on the first day of the month in which a signed and dated application is
16 received by the human service zone. Eligibility may begin on the first day of the month
17 prior to the month in which a signed and dated application is received by the human
18 service zone, if the applicant requests child care assistance for that month and
19 demonstrates eligibility in that month.
- 20 2. The applicant shall provide information sufficient to establish the eligibility of each
21 individual for whom assistance is requested, including the age, verification of relative
22 relationship, citizenship or resident alien status of the children, verification of
23 participation in an allowable activity, and financial eligibility.

- 1 3. An eligibility decision must be made within thirty days on child care assistance
2 applications whenever possible. The human service zone shall notify the applicant
3 following a determination of eligibility or ineligibility.
- 4 4. The department shall establish rules for the administration of the child care assistance
5 program, including rules on income requirements, appeals of eligibility determinations
6 for child care assistance, closure of a child care assistance case, and a sliding scale
7 fee schedule for child care assistance benefits and to establish and enforce standards
8 against program fraud and abuse. Using the 2023 program year monthly benefit rates
9 as the base, the rules must provide for an annual increase of ten percent per year of
10 the allowable maximum monthly benefits.
- 11 5. The department shall advertise the child care assistance program and shall provide
12 sign up assistance to increase awareness of and enrollment in the program.

13 **SECTION 2. AMENDMENT.** Section 50-33-07 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **50-33-07. Sliding fee schedule.**

- 16 1. The sliding fee schedule established by the department for inclusion within the child
17 care and development fund state plan to determine eligibility, benefit levels, and the
18 portion of the allowable child care cost that may be paid as a benefit under this
19 chapter, must not:
 - 20 a. Exceed available federal and non-federal funding; and
 - 21 b. Provide benefits to a family whose income exceeds eighty-five percent of the
22 state median income for a family of the same size.
- 23 2. The sliding fee schedule established by the department may not charge a fee to a
24 family whose income does not exceed forty-one percent of the state median income
25 for a family of the same size.
- 26 3. Child care costs that exceed maximums established under this section are the
27 responsibility of the family and may not be considered in determining the child care
28 assistance program payment amount.

29 **SECTION 3. STATEMENT OF LEGISLATIVE INTENT - CHILD CARE ASSISTANCE**
30 **PROGRAM.**

Sixty-eighth
Legislative Assembly

- 1 1. During the 2023-24 interim the department of health and human services shall simplify
2 the child care assistance program client application process and provider payment
3 process. Additionally, the department shall develop consistent standards and policies
4 for the program.
- 5 2. It is the intent of the sixty-eighth legislative assembly that the department of health and
6 human services use temporary assistance for needy families funding to assure all
7 children placed in legal custody have immediately available child care reimbursed at
8 one hundred percent of costs.