

HOUSE BILL NO. 214

INTRODUCED BY WINDY BOY, BERGREN, CAMPBELL, HARRINGTON, JOPEK, NOONAN, PARKER,
SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT STATE GENERAL FUND MONEY BE
AVAILABLE TO MATCH FEDERAL FUNDS FOR FOSTER CARE SERVICES TO ELIGIBLE CHILDREN UNDER
THE JURISDICTION OF A TRIBAL COURT; AND AMENDING SECTION 52-2-603, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 52-2-603, MCA, is amended to read:

"52-2-603. Powers and duties of department. (1) The department shall:

(a) administer all state and federal funds allocated to the department for youth foster homes, kinship
foster homes, youth group homes, youth shelter care facilities, child-care agencies, and transitional living
programs for youth in need of care, as defined in 41-3-102;

(b) exercise licensing authority over all youth foster homes, kinship foster homes, youth group homes,
youth shelter care facilities, child-care agencies, transitional living programs, and youth assessment centers;

(c) collect and disseminate information relating to youth in need of care;

(d) provide for training of program personnel delivering services;

(e) in cooperation with youth care facility providers, develop and implement standards for youth care
facilities;

(f) maintain adequate data on placements it funds in order to keep the legislature properly informed of
the following:

(i) the number of youth in need of care in out-of-home care facilities;

(ii) the cost ~~per~~ for each facility for services rendered;

(iii) the type and level of care of services provided by each facility;

(iv) a profile of out-of-home care placements by level of care; and

(v) a profile of public institutional placements;

(g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for
indigent youths in need of care, indigent youths in need of intervention, and indigent delinquent youths who

1 require treatment; and

2 (h) provide reimbursement for mental health outpatient counseling services for persons who experience
3 the death of a foster child while providing substitute care to the foster child in a youth care facility.

4 (2) The department may:

5 (a) enter into contracts with nonprofit corporations or associations or private organizations to provide
6 substitute care for youth in need of care in youth care facilities;

7 (b) accept gifts, grants, and donations of money and property from public and private sources to initiate
8 and maintain community-based services to youth;

9 (c) adopt rules to carry out the administration and purposes of this part.

10 (3) The department shall pay for room, board, clothing, personal needs, and transportation in youth foster
11 care homes and youth group homes for youth who are in the physical or legal custody of the department and who
12 need to be placed in the facilities. Payments for the clothing of a youth placed in a youth foster home must be
13 provided to the extent that the youth needs a basic wardrobe or has a special clothing need. Upon approval by
14 the department, payments under this subsection may continue for a youth up to 21 years of age who remains in
15 substitute care. Payments under this subsection may not exceed appropriations for the purposes of this
16 subsection.

17 (4) The department may provide a subsidy for a guardianship of a child who is in the department's legal
18 custody if the guardianship has been approved by the department pursuant to 41-3-444 and in accordance with
19 eligibility criteria established by department rule.

20 (5) ~~(a)~~ Subject to appropriation, the department shall:

21 (A) provide state general fund money to match federal funds made directly available to tribal governments
22 under Title IV-E of the Social Security Act for the administration of tribal foster care programs and provision of
23 Title IV-E-related foster care services to children under the jurisdiction of a tribal court who are eligible for the
24 services; AND

25 (b) ~~The department shall~~ provide the matching funds in the same manner and amount FOR EACH CHILD
26 as it provides matching funds for services provided to children who are eligible for services funded under Title
27 IV-E and who are under the jurisdiction of a state district court."

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29 **NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send a
30 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band

1 of Chippewa.

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