

Testimony on House Bill 74

An Act allowing the Department of Public Health and Human Services to locate, contact, and share information with extended family members upon placement of children in out-of-home care

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Division's Mission: Keeping Children Safe and Families Strong

- Proponent of House Bill 74
- House Bill 74 has been introduced at the request of the Department of Public Health and Human Services, Child and Family Services Division.
- Thanks to Rep. Schmidt for graciously agreeing to sponsor the bill for the Division
- Reason the Department is requesting the changes proposed in House Bill 74: To expedite the notification of relatives when a child is removed from his/her parents because s/he cannot safely remain in the home.

Background:

- When a child cannot remain safely with his/her parents, children experience less trauma and less disruption in their lives when they are placed with kin or families they know instead of stranger foster care; therefore, the most desirable placement for a child is with an appropriate kinship family. For example:
 - Research indicates children in kinship care experience greater placement stability and are more likely to be placed with their siblings;
 - Children in kinship care are more likely to report that they like those with whom they live, they are less likely to try to run away or leave, and they are more likely to report that they "always feel loved;" and
 - Children in kinship care are also less likely to have behavioral problems while placed outside of their home.

(Center for Law and Social Policy, [Is Kinship Care Good for Kids?](#), March 2, 2007. www.clasp.org)

- Montana has focused on placing children with extended family members for a long period of time. Over the past several legislative sessions, 12 separate provisions related to placing a child with extended family members have been incorporated into Mont. Code Ann. Title 41, chapter 3, Child Abuse and Neglect.
- Under the current system, a child protection specialist can contact and share information with an identified relative if:
 - 1) the parent signs a release of information allowing the contact and sharing of information (a delay may occur between removal and the time at which the parent signs the release);
 - 2) the court authorizes the contact and sharing of information (generally occurs at least 7 days after the placement); or
 - 3) the relative has registered with the Close Relative Registry.
- Congress passed and the President signed into law, legislation which requires the state to “exercise due diligence” to identify and provide notice to extended family members when a child is placed in foster care within 30 days of the removal of the child from the child’s parent(s).
- This bill, if passed, will allow the child protection specialist to:
 - 1) contact identified relatives at the time of removal or shortly after the child is removed from his/her home; and
 - 2) share information with the relative being considered as a placement option;
 - 3) eliminate the current delay in identifying and contacting extended family members; therefore
 - 4) increasing the child protective specialist’s ability to “exercise due diligence” and initiate contact with identified extended family members within 30 days of foster care placement.
- This bill is necessary and will improve overall outcomes for children who cannot remain safely in their home by allowing CFSD to place them with family more quickly.

Federal Reference: Fostering Connections to Success and Increasing Adoptions Act of 2008
(Public Law 110-351)

House Bill 74:

Section 1—41-3-301: Emergency protective service (pg. 2, lines 11-13): This proposed change allows the Child Protection Specialist to contact identified relatives upon removal of the child from the birth home and share information about the child with the relative which the relative needs to make a decision as to whether or not the relative wishes to have the child placed with their family.

Section 2—41-3-427: Petition for immediate protection and emergency protective services—order—service (pg. 4, lines 2-3): This proposed change provides the Child Protection Specialist with judicial authority to continue the search for relatives and to share information about the child with those relatives contacted. This allows the relative to make an informed decision as to whether to consider having the child placed with them.

Section 3—Effective date (pg. 4, line 27): If passed, this proposed change would become effective upon the Governor's signature.

Please vote "do pass" on House Bill 74