

1 HOUSE BILL NO. 624

2 INTRODUCED BY T. FUREY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MINIMUM RATES FOR PAYMENTS FOR YOUTH
5 PLACED IN YOUTH FOSTER HOMES AND KINSHIP FOSTER HOMES; AMENDING SECTION 52-2-603, MCA;
6 AND PROVIDING AN EFFECTIVE DATE."

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8 WHEREAS, 1,642 Montana children were in a foster care placement as of June 30, 2010, with 1,512 of
9 those children placed in a foster family home or with relatives who provided foster care; and

10 WHEREAS, families that take a foster child into their homes see an increase in their food, clothing,
11 recreational, and transportation costs, as well as other expenses related to raising children; and

12 WHEREAS, a national research study published in 2007 by the University of Maryland School of Social
13 Work, the Children's Rights child welfare advocacy group, and the National Foster Parent Association concluded
14 that Montana's payments to foster care families failed to meet the minimum rates the study determined were
15 necessary to cover foster care expenses.

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

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

20 **"52-2-603. Powers and duties of department.** (1) The department shall:

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

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

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

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

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

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

1 the following:

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

3 (ii) the cost per facility for services rendered;

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

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

6 (v) a profile of public institutional placements;

7 (g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for
8 indigent youth in need of care, indigent youth in need of intervention, and indigent delinquent youth who require
9 treatment; and

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

12 (2) The department may:

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

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

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

18 (3) (a) The department shall pay for room, board, clothing, personal needs, and transportation in youth
19 foster care homes and youth group homes for youth who are in the physical or legal custody of the department
20 and who need to be placed in the facilities.

21 (b) The department shall make the following payments to youth foster homes and kinship foster homes
22 for room, board, clothing, personal needs, and transportation:

23 (i) \$598 a month for a child from birth through 4 years of age;

24 (ii) \$685 a month for a child 5 years of age through 13 years of age; and

25 (iii) \$751 a month for a child 14 years of age or older.

26 (c) Payments made under subsection (3)(b) must be adjusted each biennium to reflect changes in the
27 consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the
28 United States department of labor.

29 (d) Payments Additional payments for the clothing of a youth placed in a youth foster home must be
30 provided to the extent that the youth needs a basic wardrobe or has a special clothing need.

1 (e) Upon approval by the department, payments under this subsection (3) may continue for a youth up
2 to 21 years of age who remains in substitute care. Payments under this subsection (3) may not exceed
3 appropriations for the purposes of this subsection (3).

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

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8 NEW SECTION. Section 2. Transition. The department shall phase in the rates established in [this
9 act] over the biennium beginning July 1, 2011. On July 1, 2011, the department shall increase its payment rate
10 for each age category by an amount that represents 50% of the difference between the current rate and the rate
11 established in [this act]. On July 1, 2012, the department shall pay the full rate established in [this act] for each
12 age category.

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14 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2011.

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