

HOUSE BILL NO. 602

INTRODUCED BY J. ECK

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PROGRAM OF CRISIS RESPONSE FOR YOUTH; PROVIDING RULEMAKING AUTHORITY; DEFINING "CRISIS"; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 52-2-601, 52-2-602, 52-2-603, AND 52-2-617, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Crisis response.** (1) Subject to available funding, the department shall pay for crisis response services that allow a youth to remain in the community and prevent the youth's placement in a higher level of care or a more restrictive setting.

(2) A youth may receive services under this section if:

(a) the youth is eligible for the medicaid program provided for in Title 53, chapter 6, or the healthy Montana kids plan provided for in Title 53, chapter 4, part 11; or

(b) is uninsured and has a family income under 250% of the federal poverty level.

(3) Services covered under this section include but are not limited to:

(a) evaluations and assessments conducted to determine the level of care a youth requires;

(b) residential care in a youth shelter care facility;

(c) treatment planning with the youth and family as established by the department by rule; and

(d) referral to appropriate services.

(4) A youth may receive services under this section if:

(a) the youth's parent or guardian consents to the services; and

(b) the youth is referred for services by:

(i) a law enforcement officer; or

(ii) a member of a crisis response team affiliated with a licensed mental health center as defined in 50-5-101.

(5) Services may be provided for a maximum of 7 days.

1 **Section 2.** Section 52-2-601, MCA, is amended to read:

2 "**52-2-601. Establishment of substitute care for youth.** The legislature, ~~in recognition of the~~
3 ~~recognizes the~~ wide and varied needs of youth in need of crisis response, youth in need of care, delinquent youth,
4 and youth in need of intervention of this state. ~~and of~~ The legislature also recognizes the desirability of meeting
5 these needs on a community level to the fullest extent possible. ~~The legislature~~ establishes by this part a system
6 of substitute care to provide facilities and services for youth who are placed out of their homes or who are in
7 danger of being placed out of their homes and establishes a program to provide those facilities and services
8 through local nonprofit corporations, counties, and the department of public health and human services."

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10 **Section 3.** Section 52-2-602, MCA, is amended to read:

11 "**52-2-602. Definitions.** For the purposes of this part, the following definitions apply:

12 (1) "Child-care agency" means a youth care facility in which substitute care is provided to 13 or more
13 children or youth.

14 (2) "Crisis" means noncriminal behavior that:

15 (a) is beyond the control of a youth's parent, foster parent, physical custodian, or guardian despite
16 attempts to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; and

17 (b) will result in the youth's placement in:

18 (i) a higher level of care in a more restrictive setting; or

19 (ii) the custody of law enforcement or a youth court.

20 ~~(2)~~(3) "Department" means the department of public health and human services provided for in
21 2-15-2201.

22 ~~(3)~~(4) "Foster child" means a person under 18 years of age who has been placed by the department in
23 a youth care facility.

24 ~~(4)~~(5) "Kinship foster home" means a youth care facility in which substitute care is provided to one to six
25 children or youth other than the kinship parent's own children, stepchildren, or wards. The substitute care may
26 be provided by any of the following:

27 (a) a member of the child's extended family;

28 (b) a member of the child's or family's tribe;

29 (c) the child's godparents;

30 (d) the child's stepparents; or

1 (e) a person to whom the child, child's parents, or family ascribe a family relationship and with whom the
2 child has had a significant emotional tie that existed prior to the department's involvement with the child or family.

3 ~~(5)~~(6) "Person" means any individual, partnership, voluntary association, or corporation.

4 ~~(6)~~(7) "Respite care" means the provision of temporary, short-term supervision or care of a foster child,
5 in an emergency or on an intermittent basis, to provide foster parents relief from the daily care requirements of
6 a foster child whose mental or physical condition requires special or intensive supervision or care. Respite care
7 includes but is not limited to homemaker services, child care, and emergency care either in the home or out of
8 the home.

9 ~~(7)~~(8) "Respite care provider" means a person who meets the qualifications and requirements
10 established by the department to provide respite care under 52-2-627.

11 ~~(8)~~(9) "Substitute care" means full-time care of a youth in a residential setting who is placed by the
12 department, another state agency, or a licensed child-placing agency. Individuals who provide care to youth who
13 are recipients of services provided through the department's developmental disabilities, mental health, or
14 medicaid home- and community-based services waiver program are also considered to be providing substitute
15 care. This part does not apply when a person accepts the care and custody of a child on a temporary basis as
16 an accommodation for the parent or parents, guardian, or relative of the child.

17 ~~(9)~~(10) "Transitional living program" means a program with the goal of self-sufficiency in which
18 supervision of the living arrangement is provided for a youth who is 16 years of age or older and under 21 years
19 of age.

20 ~~(10)~~(11) "Youth assessment center" has the meaning provided in 41-5-103.

21 ~~(11)~~(12) "Youth care facility" means a facility that is licensed by the department or by the appropriate
22 licensing authority in another state and in which facility substitute care is provided to youth. The term includes
23 youth foster homes, kinship foster homes, youth group homes, youth shelter care facilities, child-care agencies,
24 transitional living programs, and youth assessment centers.

25 ~~(12)~~(13) "Youth foster home" means a youth care facility in which substitute care is provided to one to
26 six children or youth other than the foster parents' own children, stepchildren, or wards.

27 ~~(13)~~(14) "Youth group home" means a youth care facility in which substitute care is provided to 7 to 12
28 children or youth.

29 ~~(14)~~(15) "Youth shelter care facility" means a youth care facility that regularly receives children under
30 temporary conditions until the court, probation office, department, or other appropriate social services agency has

1 made other provisions for the children's care."

2

3 **Section 4.** Section 52-2-603, MCA, is amended to read:

4 **"52-2-603. Powers and duties of department.** (1) The department shall:

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

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

10 (c) establish a program for payment of services for youth in need of crisis response pursuant to [section
11 1];

12 ~~(d)~~ collect and disseminate information relating to youth in need of crisis response and youth in need
13 of care;

14 ~~(e)~~ provide for training of program personnel delivering services;

15 ~~(f)~~ in cooperation with youth care facility providers, develop and implement standards for youth care
16 facilities;

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

19 (i) the number of youth in need of crisis response and youth in need of care in out-of-home care facilities;

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

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

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

23 (v) a profile of public institutional placements;

24 ~~(h)~~ administer all funds allocated to the department for residential alcohol and drug abuse treatment
25 for indigent youth in need of care, indigent youth in need of intervention, and indigent delinquent youth who
26 require treatment; and

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

29 (2) The department may:

30 (a) enter into contracts with nonprofit corporations or associations or private organizations to provide

1 substitute care for youth in need of care in youth care facilities;

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

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

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

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

15 (5) The department shall adopt rules to implement the program of crisis response provided for in [section
16 1]."

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18 **Section 5.** Section 52-2-617, MCA, is amended to read:

19 **"52-2-617. Governmental contracts with nonprofit organizations.** (1) The department of public health
20 and human services and the department of corrections may contract with nonprofit corporations or associations
21 to provide facilities and services for youth in need of crisis response, youth in need of care, youth in need of
22 intervention, and delinquent youth in youth care facilities and are authorized to expend money that is appropriated
23 or available for those purposes. The contracts must be based on the following considerations:

24 (a) budgets submitted by the nonprofit corporation or association identifying fixed and variable costs;

25 (b) reasonable costs of service;

26 (c) appropriation level; and

27 (d) availability of funds.

28 (2) Governmental units, including but not limited to counties, municipalities, school districts, or state
29 institutions of higher learning, are authorized to provide funds, materials, facilities, and services for
30 community-based services at their own expense."

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2 NEW SECTION. Section 6. Appropriation. (1) There is appropriated \$150,000 from the general fund
3 to the department of public health and human services in each year of the biennium beginning July 1, 2013, to
4 be used for the purposes of [section 1].

5 (2) Money from the appropriation may be used to:

6 (a) match federal funds received from the medicaid or children's health insurance program; or

7 (b) pay directly for services for youth meeting the requirements of [section 1(2)(b)] or for services that
8 do not qualify for federal matching funds.

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10 NEW SECTION. Section 7. Codification instruction. [Section 1] is intended to be codified as an
11 integral part of Title 52, chapter 2, part 6, and the provisions of Title 52, chapter 2, part 6, apply to [section 1].

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13 NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2013.

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