

HOUSE BILL NO. 182

INTRODUCED BY F. GARNER

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A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING THE POLICY OF THE STATE OF MONTANA REGARDING YOUTH IN FOSTER CARE AND FOSTER PARENTS; ESTABLISHING A POSITION AND REQUIRING A PROCEDURE TO HANDLE COMPLAINTS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Declaration of policy -- youth in foster care.** (1) It is the policy of the state of Montana that a youth in foster care:

- (a) receive good care and treatment that meets the youth's needs in the least restrictive setting available;
- (b) to the extent it is known, be informed about the reason the youth is in foster care and what will happen to the youth and the youth's family;
- (c) be free from physical, sexual, or psychological abuse, physical neglect, and exploitation;
- (d) be free from physical punishment, including shaking, hitting, spanking, other forms of corporal punishment, and the denial of food, sleep, or access to a bathroom;
- (e) attend school and receive an education that is appropriate for the youth's age and needs, including choosing classes and schools and, if allowed, receiving tutoring;
- (f) receive quality medical, dental, vision, developmental, and mental health services;
- (g) be free from the administration of medication or chemical substances, unless authorized by a health care provider;
- (h) contact persons outside of the foster care system, including but not limited to teachers, church members, mentors, and friends, unless an appropriate professional or court imposes necessary restrictions in accordance with the youth's best interests;
- (i) participate in age and developmentally appropriate activities;
- (j) attend religious or cultural services and activities of the youth's choice;
- (k) visit and have regular contact with family, including the youth's parent, grandparent, aunt, uncle, brother, or sister, unless restricted by a court order or case plan;

1 (l) when appropriate, actively participate in creating the youth's plan for services and permanent living
2 arrangements and participate in meetings when the youth's medical services are reviewed;

3 (m) when appropriate, receive and review a copy or summary of the case plan for the youth;

4 (n) engage in age and developmentally appropriate work and job skills training, maintain possession of
5 the youth's personal earnings, and receive payment for any work done for an employer;

6 (o) when appropriate, receive a comprehensive transition plan that includes participating in training for
7 independent living skills, planning for a career, and assistance in enrolling in an educational or vocational job
8 training program;

9 (p) receive assistance in obtaining an independent residence if the youth is aging out of foster care;

10 (q) if residing in a youth placement facility, be informed of the facility's search policies and forbidden
11 items and receive documentation of any belongings removed from the youth's possession;

12 (r) contact and communicate privately with the youth's caseworker, attorney, guardian ad litem, probation
13 officer, or court-appointed special advocate;

14 (s) when appropriate, attend or participate in court hearings that affect where the youth is residing,
15 including status hearings, permanency hearings, and placement review hearings, or provide information directly
16 to the court;

17 (t) call the child abuse hotline to report abuse, neglect, exploitation, or violations of personal rights,
18 without fear of punishment, interference, coercion, or retaliation; and

19 (u) MAY complain, anonymously if the youth chooses, to the ~~department~~ CRITICAL RESPONSE AND
20 COMPLAINT MANAGER ESTABLISHED IN [SECTION 3] if the youth believes the youth's rights have been violated or
21 ignored, without fear of being punished or threatened with punishment.

22 (2) This section does not create a new or separate cause of action.

23
24 NEW SECTION. Section 2. Declaration of policy -- foster parents. (1) It is the policy of the state of
25 Montana that a foster parent:

26 (a) be treated with dignity, respect, trust, and value and be considered a primary provider of foster care
27 and a member of the professional team caring for youth in foster care;

28 (b) be free from discrimination based on age, race, religion, or creed;

29 (c) receive the information described in this section;

30 (d) receive a concise, written explanation of the roles of the foster parent, the birth parents and family

- 1 members, the guardian ad litem and other providers, and the department in providing foster care;
- 2 (e) provide input to social workers and other providers in identifying resources and services that would
- 3 help meet the needs of a youth in the foster parent's care and to advocate for these resources and services;
- 4 (f) receive in a timely manner an explanation of the plan for placing a youth in the foster parent's home;
- 5 (g) receive on an ongoing basis information regarding the youth that will affect the foster parent's home
- 6 or family life during the care of the youth;
- 7 (h) be notified of any changes affecting the youth's placement in the foster parent's home;
- 8 (i) accept or refuse placement of or request the removal of a youth from the foster parent's home;
- 9 (j) provide information to the professionals who are working directly with the youth;
- 10 (k) to the extent permitted under 41-3-205, be informed of any allegations of abuse against the foster
- 11 parent or a member of the foster parent's household; ~~and~~
- 12 (l) request a new social worker or licensing worker; AND
- 13 (M) MAY COMPLAIN TO THE CRITICAL RESPONSE AND COMPLAINT MANAGER ESTABLISHED IN [SECTION 3] WITHOUT
- 14 FEAR OF RETALIATION.

15 (2) This section does not create a new or separate cause of action.

17 **NEW SECTION. SECTION 3. CRITICAL RESPONSE AND COMPLAINT MANAGER -- PROCEDURE -- RULEMAKING**

18 **-- REPORT. (1) THERE IS A POSITION OF CRITICAL RESPONSE AND COMPLAINT MANAGER WITHIN THE DEPARTMENT.**

19 **(2) THE MANAGER SHALL HANDLE COMPLAINTS PURSUANT TO [SECTION 1] AND [SECTION 2].**

20 **(3) THE DEPARTMENT SHALL ADOPT RULES TO PROVIDE FOR THE COMPLAINT PROCEDURE AND PROVIDE COPIES**
21 **OF THE PROCEDURE UPON REQUEST.**

22 **(4) THE DEPARTMENT SHALL REPORT EACH INTERIM TO THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES**
23 **INTERIM COMMITTEE PROVIDED FOR IN 5-5-225 ABOUT THE COMPLAINT PROCEDURE AND THE NATURE OF THE COMPLAINTS**
24 **RECEIVED PURSUANT TO [SECTIONS 1 THROUGH 3].**

26 **NEW SECTION. Section 4. Notification to tribal governments.** The secretary of state shall send a
27 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
28 Chippewa tribe.

30 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 ~~and 2~~ THROUGH 3] are intended to

1 be codified as an integral part of Title 41, chapter 3, part 1, and the provisions of Title 41, chapter 3, part 1, apply
2 to [sections 1 ~~and 2~~ THROUGH 3].

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4 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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