HOUSE BILL NO. 399

INTRODUCED BY S. MENDENHALL

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE FOR CHILD-TO-STAFF RATIOS IN A CERTAIN MANNER; AND AMENDING SECTION 52-2-622, MCA."

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

Section 1. Section 52-2-622, MCA, is amended to read:

"52-2-622. Issuance of license -- authority of issuing agency -- rules. (1) The department may issue licenses to persons operating youth care facilities or grant approval of kinship or extended family care providers and prescribe the conditions upon which licenses and approvals may be issued.

(2) (a) The department may ~~make~~ adopt rules necessary for the licensure or approval, operation, and regulation of ~~those~~ youth care facilities consistent with the welfare of the residents.

(b) In adopting rules establishing youth care facility child-to-staff ratios, the department shall establish a minimum child-to-staff ratio and shall provide for staff ratios for subsequent increments of four children over the minimum child-to-staff ratio number.

~~(2)~~(3) The department may inspect all licensed facilities or approved homes and, as appropriate, undertake action, including but not limited to the revocation of licenses and approvals.

~~(3)~~(4) The person providing care in the facilities or homes shall give the department any information that may be required and afford the department every reasonable opportunity for observing the operation of the facilities or homes.

~~(4)~~(5) The department shall require an applicant for a youth foster home license to submit to a criminal and child protection background check, which must include information pertaining to criminal convictions, reports of domestic violence, and substantiated child abuse or neglect of children. The department shall require a criminal background investigation of each applicant by means of a fingerprint check by the Montana department of justice and the federal bureau of investigation."

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