

SENATE BILL NO. 504
INTRODUCED BY C. KAUFMANN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SUPPORT SERVICES FOR YOUTH FOSTER HOMES AND KINSHIP FOSTER HOMES; REQUIRING NOTIFICATION OF THE AVAILABILITY OF SUPPORT SERVICES; AMENDING SECTIONS 52-2-603 AND 52-2-627, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

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

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

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

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

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

(ii) the cost per facility for services rendered;

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

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

(v) a profile of public institutional placements;

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

(h) provide reimbursement for mental health outpatient counseling services for persons who experience

the death of a foster child while providing substitute care to the foster child in a youth care facility.

(2) The department may:

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

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

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

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

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

(5) ~~The AT LEAST ONCE A YEAR, THE~~ department shall notify licensed youth foster homes and kinship foster homes of available support services, including but not limited to clothing, transportation, and respite care, ~~and shall offer the support services at each review of a foster child's case plan.~~"

Section 2. Section 52-2-627, MCA, is amended to read:

"52-2-627. Respite care. (1) The department shall provide respite care, to the extent funds are available, for foster children who are:

(a) persons with developmental disabilities and either on a respite care waiting list or not eligible for respite care from another program;

(b) medically demanding because they are nonambulatory or have other special needs requiring intensive supervision or care; or

(c) suffering from severe emotional problems that are manifested in serious behavior problems.

(2) Respite care may be provided by the department on an hourly, daily, or weekly basis at a rate of payment to be determined by the department.

(3) The department shall provide up to ~~12~~ 6 days of respite care EACH YEAR for children in the department's custody who are placed in a youth foster home or kinship foster home and who have been in an out-of-home placement for at least 3 months. The department may not provide fewer than ~~12~~ 6 days of respite care EACH YEAR, except at the request of the youth foster home or kinship foster home. The respite care days may be used consecutively for up to ~~4~~ 3 days at a time.

~~(3)~~(4) Respite care may not be provided in an institutionalized setting except in cases involving foster children who require intensive supervision or care."

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007.

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