

## FOSTER CARE

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** A child who is removed from the home because of imminent danger of harm due to abuse or neglect may be placed in foster care. State law establishes different levels of foster care that range from a homelike setting with up to a handful of children to larger, congregate settings. Some settings provide therapeutic care and intensive supervision. State law also allows for kinship foster homes, which provide care for up to six children by people who are either: related to the child by blood or marriage; a member of the child's or family's tribe; a godparent or stepparent; or a person to whom the child or child's family ascribe a family relationship and with whom the child had a significant emotional tie that existed before the child's removal from the home.

The Department of Public Health and Human Services (DPHHS) licenses individuals and facilities that provide foster care and makes payments for the daily care of the children, using a mix of state and federal funds. The daily rates for a child's care range from about \$21 a day for family and kinship-based care to about \$219 a day for therapeutic group homes that provide 24-hour intensive supervision and professional counseling services. DPHHS also pays for some additional expenses, which are capped at the following levels:

- \$40 a month for diapers;
- \$400 a year for clothing;
- the lesser of \$87.50 a month or actual costs for transportation involving special needs; and
- 111 hours of respite care for children with developmental disabilities, significant medical needs, or severe emotional problems. Respite care is reimbursed at a rate of \$4 per hour per child for up to 8 continuous hours and \$32 per child per day when the care is provided for anywhere from 8 to 24 hours.

## Legislative Services Division Materials

- [House Joint Resolution 44 Study: Foster Care System](#) – 2021-2022 Interim  
(Page provides links to all material presented by legislative staff, agency representatives, and other speakers)
  - Final Report: CPS Studies – [HJR 44](#), [HJR 45](#), and [HB 39](#), 2021-22 Interim

## DPHHS Materials

- [Child and Family Services Division Website](#) (links to information about the division, including [foster care](#) information)

## Other Materials:

- Foster Care-Specific Information on Federal and National Nonprofit Sites
  - National Conference of State Legislatures
    - [Supporting Kinship Caregivers](#), March 6, 2020
    - [Supporting Foster Parents](#), Jan. 7, 2020
    - [The Child Welfare Placement Continuum: What's Best for Children?](#), Nov. 3, 2019
    - [Foster Care Bill of Rights](#), Oct. 29, 2019
  - [Child Welfare Information Gateway](#)
  - [Children's Bureau](#), U.S. Department of Health and Human Services

## Introduced Legislation

Note: A status of "Chapter Number Assigned" means the bill was passed by the Legislature, approved by the governor, and became law.

### 2021:

[House Bill No. 57](#) (Chapter Number Assigned) -- AN ACT REQUIRING A REVIEW HEARING WITHIN 60 DAYS TO DETERMINE THE NECESSITY OF THERAPEUTIC PLACEMENTS IN CHILD ABUSE AND NEGLECT PROCEEDINGS; PROVIDING DEFINITIONS; AMENDING SECTION 41-3-102, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 60](#) (Chapter Number Assigned) -- AN ACT TO ALIGN PROTECTIVE SERVICES TERMINOLOGY WITH THE FAMILIES FIRST PREVENTION SERVICES ACT; AMENDING SECTIONS 41-3-102, 41-3-202, 41-3-205, 41-3-209, 41-3-301, 41-3-302, 41-3-422, AND 41-3-423, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Joint Resolution No. 44](#) (Chapter Number Assigned) -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE FAMILY FOSTER CARE SYSTEM; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

[Senate Bill No. 332](#) (Failed on 3<sup>rd</sup> Reading in House) -- AN ACT GENERALLY REVISING IMMUNIZATION LAWS RELATED TO FOSTER CARE; PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM IMPLEMENTING OR ENFORCING IMMUNIZATION REQUIREMENTS NOT EXPRESSLY AUTHORIZED BY THE LEGISLATURE; PROHIBITING THE WITHHOLDING OF ANY BENEFIT IN CONNECTION WITH IMMUNIZATION STATUS; INVALIDATING ANY RULE INCONSISTENT WITH THIS DIRECTIVE; AMENDING SECTION 52-2-603, MCA; REPEALING 37.51.306, ARM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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**2019:** None

### **2017**

[House Bill No. 182](#) (Tabled in Senate Committee) -- 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.

[House Bill No. 351](#) (Chapter Number Assigned) -- AN ACT REVISING LAWS RELATING TO THE PERMANENCY OF YOUTH IN FOSTER CARE; REVISING PERMANENCY PLAN AND HEARING REQUIREMENTS; AND AMENDING SECTION 41-3-445, MCA.

[Senate Bill No. 233](#) (Chapter Number Assigned) -- AN ACT REVISING LAWS REGARDING THE AUTHORITY OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT RULES RELATING TO THE PROVISION OF MEDICAID SERVICES TO CHILDREN IN FOSTER CARE; PROVIDING THAT THE DEPARTMENT MAY NOT ADOPT RULES THAT EXCLUDE OR RESTRICT FOSTER CHILDREN FROM ACCESSING MEDICAID SERVICES SOLELY BECAUSE THE CHILDREN ARE IN FOSTER CARE; AMENDING SECTIONS 53-2-215, 53-6-113, AND 53-6-402, MCA; DIRECTING THE AMENDMENT OF ARM 37.34.907, 37.40.1002, 37.40.1111, AND 37.86.5102; AND PROVIDING AN EFFECTIVE DATE.

### **2015**

[House Bill No. 257](#) (Tabled in House Committee) -- AN ACT DECLARING THE POLICY OF THE STATE OF MONTANA REGARDING YOUTH IN FOSTER CARE AND FOSTER PARENTS.

**2013:** None

### **2011**

[House Bill No. 74](#) (Chapter Number Assigned) -- AN ACT ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO LOCATE, CONTACT, AND SHARE INFORMATION WITH EXTENDED FAMILY MEMBERS UPON PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE; AMENDING SECTIONS 41-3-301 AND 41-3-427, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 501](#) (Tabled in House Committee) -- AN ACT PROVIDING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MAY NOT ADOPT RULES LIMITING THE TOTAL NUMBER OF CHILDREN WHO MAY RESIDE IN KINSHIP FOSTER HOMES OR YOUTH FOSTER HOMES TO LESS THAN 12; AND AMENDING SECTION 52-2-603, MCA.

[House Bill No. 624](#) (Tabled in House Appropriations Committee) -- AN ACT ESTABLISHING MINIMUM RATES FOR PAYMENTS FOR YOUTH PLACED IN YOUTH FOSTER HOMES AND KINSHIP FOSTER HOMES; AMENDING SECTION 52-2-603, MCA; AND PROVIDING AN EFFECTIVE DATE.

#### **Prepared By:**

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