

Proposal for Legislation – 2023 Legislative Session

Repeal County Administration for Youth Residential Services

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1. What is the problem or issue?

MCA 52-2-611 directs counties to pay an administrative fee to the state general fund to reimburse the department, in part, for the costs of administering and providing foster care payments pursuant to MCA 52-2-603 when a youth is placed in a public or private youth care facility. The section of law has not been enforced by DPHHS for decades. Because Montana operates a state-administered child welfare system, it would be difficult to determine when a county would be subject to this fee or even what county would need to pay a fee for an adjudicated youth in need of care.

2. What do you want the legislation to do?

Repeal MCA 52-2-611 The department refers to either the Department of Public Health and Human Services, or the Department of Corrections, depending on the department placing the youth. Neither department exercises their authority under this statute. Funds for the purposes of providing services to youth under this statute are appropriated to each department, respectively, making it unnecessary and burdensome to recover administrative fees from counties.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

MCA 52-2-611

4. If the proposed change requires additional funding, what funding sources do you propose?

This proposed change will not require additional funding.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

Similar legislation has not been requested in the past. The department is unaware if other states have similar requirements.