HOUSE BILL NO. 491

INTRODUCED BY O'KEEFE, HARRINGTON, MAZUREK, YELLOWTAIL

IN THE HOUSE

JANUARY 31, 1991

FIRST READING.

INTRODUCED AND REFERRED TO COMMITTEE

ON HUMAN SERVICES & AGING.

COMMITTEE RECOMMEND BILL FEBRUARY 12, 1991 DO PASS. REPORT ADOPTED.

FEBRUARY 13, 1991 PRINTING REPORT.

- ON MOTION, REREFERRED TO COMMITTEE FEBRUARY 15, 1991 ON APPROPRIATIONS.
- MARCH 23, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT. MARCH 25, 1991

MARCH 27, 1991 SECOND READING, DO PASS.

ENGROSSING REPORT. MARCH 28, 1991

> THIRD READING, PASSED. AYES, 62; NOES, 36.

TRANSMITTED TO SENATE.

ON FINANCE & CLAIMS.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE SENATE

MARCH 28, 1991

FIRST READING.

APRIL 10, 1991

APRIL 11, 1991

APRIL 12, 1991

AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 13, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1

LC 0708/01

House BILL NO. 491 INTRODUCED BY Rufe Harunfus Moyer 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE 4 DEPARTMENT OF FAMILY SERVICES TO PROVIDE RESPITE CARE FOR 5 ESTABLISHING CHILDREN IN LICENSED YOUTH FOSTER HOMES; 6 RESPITE CARE: PROVIDING FOR THE 7 REQUIREMENTS FOR 8 RECRUITMENT, TRAINING, AND EMPLOYMENT OF RESPITE CARE PROVIDERS; APPROPRIATING FUNDS TO THE DEPARTMENT OF FAMILY 9 SERVICES; AMENDING SECTION 41-3-1102, MCA; AND PROVIDING AN 10 11 EFFECTIVE DATE." 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 41-3-1102, MCA, is amended to read: 14 "41-3-1102. Definitions. For the purposes of this part, 15 the following definitions apply: 16 (1) "Child-care agency" means a youth care facility in 17 which substitute care is provided to 13 or more children or 18 19 youth. (2) "Department" means the department of family 20 21 services provided for in 2-15-2401. (3) "Foster child" means a person under 18 years of age 22 who has been placed by the department in a licensed youth 23 24 foster home. 25 (4) "Operator of a youth care facility" means any

2 he takes any child or children for the purpose of caring for 3 them and maintaining them and for which care and maintenance he receives money or other consideration of value, and which 4 child is neither his son, daughter, nor ward, except that 5 К this part shall not apply when any person accepts such care 7 and custody of such child on a temporary basis and simply as 8 a temporary accommodation for the parent or parents, 9 quardian, or relative of such child. 10 (4)(5) "Person" means any individual, partnership, voluntary association, or corporation. 11 12 (6) "Respite care" means the provision of temporary, 13 short-term supervision or care of a foster child, in an emergency or on an intermittent basis, to provide foster 14 15 parents relief from the daily care requirements of a foster 16 child whose mental or physical condition requires special or 17 intensive supervision or care. Respite care includes but is 18 not limited to homemaker services, child care, and emergency 19 care either in the home or out of the home. 20 (7) "Respite care provider" means a person who meets the qualifications and requirements established by the 21 22 department to provide respite care under [section 2]. 23 (5)(8) "Substitute care" means full-time care of youth 24 in a residential setting for the purpose of providing food, shelter, security and safety, quidance, direction, and if 25 INTRODUCED BILL HB 491

person owning or operating a youth care facility into which

Montana Legislative Council

necessary, treatment to youth who are removed from or
 without the care and supervision of their parents or
 guardian.

4 (6)(9) "Youth care facility" means a facility licensed 5 by the department or by the appropriate licensing authority 6 in another state and in which facility substitute care is 7 provided to youth. The term includes youth foster homes, 8 youth group homes, and child-care agencies.

9 (7)(10) "Youth foster home" means a youth care facility
10 in which substitute care is provided to one to six children
11 or youth other than the foster parents' own children,
12 stepchildren, or wards.

13 (0)(11) "Youth group home" means a youth care facility 14 in which substitute care is provided to 7 to 12 children or 15 youth."

16 <u>NEW SECTION.</u> Section 2. Respite care. (1) The
17 department shall provide respite care, to the extent funds
18 are available, for foster children who are:

(a) developmentally disabled 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

25 (c) suffering from severe emotional problems that are

1 manifested in serious behavior problems.

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

5 (3) Respite care may not be provided in an 6 institutionalized setting except in cases involving foster 7 children who require intensive supervision or care.

8 <u>NEW SECTION.</u> Section 3. Respite care providers --9 recruitment, training, and employment -- qualifications. (1) 10 The department shall either directly or by contract with 11 public or private, nonprofit agencies recruit, train, and 12 employ respite care providers.

13 (2) Respite care providers shall meet the
14 qualifications and requirements specified in rules adopted
15 by the department pursuant to 41-3-1103.

16 <u>NEW SECTION.</u> Section 4. Appropriation. There is 17 appropriated from the general fund to the department of 18 family services for the biennium ending June 30, 1993, the 19 sum of \$100,000 to be used to:

(1) provide respite care for foster children who need
 intensive supervision or care or who require ongoing
 psychiatric counseling; and

23 (2) recruit, train, and monitor respite care providers.

24 NEW SECTION. Section 5. Codification instruction.

25 [Sections 2 and 3] are intended to be codified as an

-3-

- 1 integral part of Title 41, chapter 3, part 11, and the
- 2 provisions of Title 41, chapter 3, part 11, apply to
- 3 [sections 2 and 3].
- 4 NEW SECTION. Section 6. Effective date. [This act] is
- 5 effective July 1, 1991.

52nd Legislature

: 1

LC 0708/01

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

HOUSE BILL NO. 491 1 Hanundes INTRODUCED BY CT. 2 Moyel Uellow tail 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FAMILY SERVICES TO PROVIDE RESPITE CARE FOR 5 CHILDREN IN LICENSED YOUTH FOSTER HOMES; ESTABLISHING 6 7 REQUIREMENTS FOR RESPITE CARE; PROVIDING FOR THE TRAINING, AND EMPLOYMENT OF RESPITE CARE 8 RECRUITMENT, 9 PROVIDERS; APPROPRIATING FUNDS TO THE DEPARTMENT OF FAMILY SERVICES: AMENDING SECTION 41-3-1102, MCA; AND PROVIDING AN 10 11 EFFECTIVE DATE."

12

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

Section 1. Section 41-3-1102, MCA, is amended to read:
"41-3-1102. Definitions. For the purposes of this part,
the following definitions apply:

17 (1) "Child-care agency" means a youth care facility in
18 which substitute care is provided to 13 or more children or
19 youth.

20 (2) "Department" means the department of family
21 services provided for in 2-15-2401.

22 (3) "Foster child" means a person under 18 years of age
23 who has been placed by the department in a licensed youth
24 foster home.

25 (4) "Operator of a youth care facility" means any



person owning or operating a youth care facility into which 1 he takes any child or children for the purpose of caring for 2 them and maintaining them and for which care and maintenance 3 4 he receives money or other consideration of value, and which 5 child is neither his son, daughter, nor ward, except that this part shall not apply when any person accepts such care 6 and custody of such child on a temporary basis and simply as 7 R a temporary accommodation for the parent or parents, 9 quardian, or relative of such child. means any individual, partnership, 10 tal(5) "Person" 11 voluntary association, or corporation. 12 (6) "Respite care" means the provision of temporary, short-term supervision or care of a foster child, in an 13 14 emergency or on an intermittent basis, to provide foster 15 parents relief from the daily care requirements of a foster 16 child whose mental or physical condition requires special or 17 intensive supervision or care. Respite care includes but is 18 not limited to homemaker services, child care, and emergency 19 care either in the home or out of the home. 20 (7) "Respite care provider" means a person who meets the qualifications and requirements established by the 21 22 department to provide respite care under [section 2]. 23 (5)(8) "Substitute care" means full-time care of youth 24 in a residential setting for the purpose of providing food, 25 shelter, security and safety, guidance, direction, and if

> -2- SECOND READING HB 491

LC 0708/01

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4 (6)(9) "Youth care facility" means a facility licensed
5 by the department or by the appropriate licensing authority
6 in another state and in which facility substitute care is
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8 youth group homes, and child-care agencies.

9 (7)(10) "Youth foster home" means a youth care facility
10 in which substitute care is provided to one to six children
11 or youth other than the foster parents' own children,
12 stepchildren, or wards.

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16 <u>NEW SECTION.</u> Section 2. Respite care. (1) The
17 department shall provide respite care, to the extent funds
18 are available, for foster children who are:

(a) developmentally disabled 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

25 (c) suffering from severe emotional problems that are

1 manifested in serious behavior problems.

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

5 (3) Respite care may not be provided in an 6 institutionalized setting except in cases involving foster 7 children who require intensive supervision or care.

8 <u>NEW SECTION.</u> Section 3. Respite care providers --9 recruitment, training, and employment -- qualifications. (1) 10 The department shall either directly or by contract with 11 public or private, nonprofit agencies recruit, train, and 12 employ respite care providers.

13 (2) Respite care providers shall meet the
14 qualifications and requirements specified in rules adopted
15 by the department pursuant to 41-3-1103.

16 <u>NEW SECTION.</u> Section 4. Appropriation. There is 17 appropriated from the general fund to the department of 18 family services for the biennium ending June 30, 1993, the 19 sum of \$100,000 to be used to:

(1) provide respite care for foster children who need
intensive supervision or care or who require ongoing
psychiatric counseling; and

(2) recruit, train, and monitor respite care providers.
 NEW SECTION. Section 5. Codification instruction.
 (Sections 2 and 3) are intended to be codified as an

LC 0708/01

- 1 integral part of Title 41, chapter 3, part 11, and the 2 provisions of Title 41, chapter 3, part 11, apply to 3 [sections 2 and 3].
- 4 NEW SECTION. Section 6. Effective date. [This act] is
- 5 effective July 1, 1991.

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52na	Legislature HB 0491/02		
	RE-REFERRED AND Approved by committee On appropriations		
	AS AMENDED		
1	HOUSE BILL NO. 491	1	ре
2	INTRODUCED BY O'KEEFE, HARRINGTON, MAZUREK, YELLOWTAIL	2	he
3		3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE	-	th
5	DEPARTMENT OF FAMILY SERVICES TO PROVIDE RESPITE CARE FOR	4	he
6	CHILDREN IN LICENSED YOUTH FOSTER HOMES; ESTABLISHING	5	ch
7	REQUIREMENTS FOR RESPITE CARE; PROVIDING FOR THE	6	th
8	RECRUITMENT, TRAINING, AND EMPLOYMENT OF RESPITE CARE	7	an
9	PROVIDERS; APPROPRIATING FUNDS TO THE DEPARTMENT OF FAMILY	8	a
10	SERVICES; AMENDING SECTION 41-3-1102, MCA; AND PROVIDING AN	-	gu
11	EFFECTIVE DATE."	10	
12		11	vc
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	
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15	•41-3-1102. Definitions. For the purposes of this part,	14	en
16	the following definitions apply:	15	pa
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18	which substitute care is provided to 13 or more children or	17	<u>ir</u>
19		18	no
	youth.	19	ca
20	(2) "Department" means the department of family	20	
21	services provided for in 2-15-2401.	21	tl
22	(3) "Foster child" means a person under 18 years of age	22	<u>d</u>
23	who has been placed by the department in a licensed youth	23	
24	foster home.	24	i
25	(4) "Operator of a youth care facility" means any	25	5

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erson owning or operating a youth care facility into which takes any child or children for the purpose of caring for em and maintaining them and for which care and maintenance receives money or other consideration of value, and which hild is neither his son, daughter, nor ward, except that is part shall not apply when any person accepts such care d custody of such child on a temporary basis and simply as temporary accommodation for the parent or parents, ardian, or relative of such child. (4)(5) "Person" means any individual, partnership, luntary association, or corporation. (6) "Respite care" means the provision of temporary, nort-term supervision or care of a foster child, in an mergency or on an intermittent basis, to provide foster arents relief from the daily care requirements of a foster hild whose mental or physical condition requires special or ntensive supervision or care. Respite care includes but is

- 18 not limited to homemaker services, child care, and emergency
- 19 care either in the home or out of the home.

(7) "Respite care provider" means a person who meets

- 21 the qualifications and requirements established by the
- 22 department to provide respite care under [section 2].
- 23 (5)(8) "Substitute care" means full-time care of youth
 24 in a residential setting for the purpose of providing food,

shelter, security and safety, guidance, direction, and if -2- HB 491

HB 491 SECOND READING

SECOND PRINTING

HB 0491/02

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HB 491

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20 (1) provide respite care for foster children who--need 21 intensive---supervision-or--care--or--who--require--ongoing 22 psychiatric-counseling;-and

 23
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HB 491

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4 <u>NEW SECTION.</u> Section 6. Effective date. [This act] is

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52nd Legislature

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HB 0491/02

1	HOUSE BILL NO. 491	_	
2	INTRODUCED BY O'KEEFE, HARRINGTON, MAZUREK, YELLOWTAIL	1	pers
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE	3	them
5	DEPARTMENT OF FAMILY SERVICES TO PROVIDE RESPITE CARE FOR	4	he r
6	CHILDREN IN LICENSED YOUTH FOSTER HOMES; ESTABLISHING	5	chil
7	REQUIREMENTS FOR RESPITE CARE; PROVIDING FOR THE	6	this
8	RECRUITMENT, TRAINING, AND EMPLOYMENT OF RESPITE CARE	7	and
9 9	PROVIDERS; APPROPRIATING FUNDS TO THE DEPARTMENT OF FAMILY	8	a t
10	SERVICES; AMENDING SECTION 41-3-1102, MCA; AND PROVIDING AN	9	guar
11		10	
	EFFECTIVE DATE."	11	volu
12		12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	shor
14	Section 1. Section 41-3-1102, MCA, is amended to read:	14	emer
15	*41-3-1102. Definitions. For the purposes of this part,	15	pare
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19	youth.	19	care
20	(2) "Department" means the department of family	20	
21	services provided for in 2-15-2401.	21	the
22	(3) "Foster child" means a person under 18 years of age	22	depa
23	who has been placed by the department in a licensed youth	23	
24	foster_home.	24	in
25	(3)<u>(4)</u> "Operator of a youth care facility" means any	25	she

1	person owning or operating a youth care facility into which
2	he takes any child or children for the purpose of caring for
3	them and maintaining them and for which care and maintenance
4	he receives money or other consideration of value, and which
5	child is neither his son, daughter, nor ward, except that
6	this part shall not apply when any person accepts such care
7	and custody of such child on a temporary basis and simply as
8	a temporary accommodation for the parent or parents,
9	guardian, or relative of such child.
10	<pre>(4)(5) "Person" means any individual, partnership,</pre>
11	voluntary association, or corporation.
12	(6) "Respite care" means the provision of temporary,
13	short-term supervision or care of a foster child, in an
14	emergency or on an intermittent basis, to provide foster
15	parents relief from the daily care requirements of a foster
15	child whose mental or physical condition requires special or
17	intensive supervision or care. Respite care includes but is
18	not limited to homemaker services, child care, and emergency
19	care either in the home or out of the home.
20	(7) "Respite care provider" means a person who meets
21	the qualifications and requirements established by the
22	department to provide respite care under [section 2].
23	<pre>(6) "Substitute care" means full-time care of youth</pre>
24	in a residential setting for the purpose of providing food,
25	shelter, security and safety, guidance, direction, and if
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THIRD READING

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4 (6)(9) "Youth care facility" means a facility licensed
5 by the department or by the appropriate licensing authority
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1 manifested in serious behavior problems.

2 (2) Respite care may be provided by the department on
3 an hourly, daily, or weekly basis at a rate of payment to be
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18 family services for the biennium ending June 30, 1993, the

19 sum of \$100,000 to be used to:

20 (1) provide respite care for foster children who--need

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4 NEW SECTION. Section 6. Effective date. [This act] is

5 effective July 1, 1991.

-End-

-5-

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HB 0491/02

1	HOUSE BILL NO. 491	1	person owning or operating a youth care facility into which
2	INTRODUCED BY O'KEEFE, BARRINGTON, MAZUREK, YELLOWTAIL	2	he takes any child or children for the purpose of caring for
3		-	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE	3	them and maintaining them and for which care and maintenance
5	DEPARTMENT OF FAMILY SERVICES TO PROVIDE RESPITE CARE FOR	4	he receives money or other consideration of value, and which
6	CHILDREN IN LICENSED YOUTH FOSTER HOMES; ESTABLISHING	5	child is neither his son, daughter, nor ward, except that
7	REQUIREMENTS FOR RESPITE CARE; PROVIDING FOR THE	6	this part shall not apply when any person accepts such care
8	RECRUITMENT, TRAINING, AND EMPLOYMENT OF RESPITE CARE	7	and custody of such child on a temporary basis and simply as
9	PROVIDERS; APPROPRIATING FUNDS TO THE DEPARTMENT OF FAMILY	8	a temporary accommodation for the parent or parents,
10	SERVICES; AMENDING SECTION 41-3-1102, MCA; AND PROVIDING AN	9	guardian, or relative of such child.
11	EFFECTIVE DATE."	10	(4)<u>(5)</u> "Person" means any individual, partnership,
12		11	voluntary association, or corporation.
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	(6) "Respite care" means the provision of temporary,
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14	Section 1. Section 41-3-1102, MCA, is amended to read:	14	emergency or on an intermittent basis, to provide foster
15	*41-3-1102. Definitions. For the purposes of this part,	15	parents relief from the daily care requirements of a foster
16	the following definitions apply:	16	child whose mental or physical condition requires special or
17	 "Child-care agency" means a youth care facility in 	17	intensive supervision or care. Respite care includes but is
18	which substitute care is provided to 13 or more children or	18	not limited to homemaker services, child care, and emergency
19	youth.	19	care either in the home or out of the home.
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21	services provided for in 2-15-2401.	21	the qualifications and requirements established by the
22	(3) "Foster child" means a person under 18 years of age	22	department to provide respite care under [section 2].
23	who has been placed by the department in a licensed youth	23	<pre>{5}(8) "Substitute care" means full-time care of youth</pre>
24	foster home.	24	in a residential setting for the purpose of providing food,
25	<pre>f3+(4) "Operator of a youth care facility" means any</pre>	25	shelter, security and safety, quidance, direction, and if
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HB 491

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16 <u>NEW SECTION.</u> Section 4. Appropriation. There is 17 appropriated from the general fund to the department of 18 - family services for the biennium ending June 30, 1993, the 19 sum of \$100,000 to be used to:

20 (1) provide respite care for foster children who--need

21 intensive---supervision--or--care--or--who--require--ongoing

22 psychiatric-counseling;-and

23 (2)--recruity-trainy-and-monitor-respite-care-providers.

24 NEW SECTION. Section 5. Codification instruction.

25 [Sections 2 and 3] are intended to be codified as an

a service a subscription of the service of the

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integral part of Title 41, chapter 3, part 11, and the
 provisions of Title 41, chapter 3, part 11, apply to
 (sections 2 and 3).

MEW SECTION. Section 6. Effective date. [This act] is
effective July 1, 1991.