

HOUSE BILL NO. 491

INTRODUCED BY O'KEEFE, HARRINGTON, MAZUREK, YELLOWTAIL

IN THE HOUSE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

 FIRST READING.

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

FEBRUARY 13, 1991 PRINTING REPORT.

FEBRUARY 15, 1991 ON MOTION, REREFERRED TO COMMITTEE
ON APPROPRIATIONS.

MARCH 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 25, 1991 PRINTING REPORT.

MARCH 27, 1991 SECOND READING, DO PASS.

MARCH 28, 1991 ENGROSSING REPORT.

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

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

 FIRST READING.

APRIL 10, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 11, 1991 SECOND READING, CONCURRED IN.

APRIL 12, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

APRIL 13, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *491*
 2 INTRODUCED BY *Kufe* *Hannaford*
 3 *Yellowtail* *Moyar*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
 5 DEPARTMENT OF FAMILY SERVICES TO PROVIDE RESPITE CARE FOR
 6 CHILDREN IN LICENSED YOUTH FOSTER HOMES; ESTABLISHING
 7 REQUIREMENTS FOR RESPITE CARE; PROVIDING FOR THE
 8 RECRUITMENT, TRAINING, AND EMPLOYMENT OF RESPITE CARE
 9 PROVIDERS; APPROPRIATING FUNDS TO THE DEPARTMENT OF FAMILY
 10 SERVICES; AMENDING SECTION 41-3-1102, MCA; AND PROVIDING AN
 11 EFFECTIVE DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 41-3-1102, MCA, is amended to read:

15 "41-3-1102. Definitions. For the purposes of this part,
 16 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

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 (5) "Person" means any individual, partnership,
 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
 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
 21 the qualifications and requirements established by the
 22 department to provide respite care under [section 2].

23 (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

1 necessary, treatment to youth who are removed from or
2 without the care and supervision of their parents or
3 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 {8}(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 NEW SECTION. Section 2. Respite care. (1) The
17 department shall provide respite care, to the extent funds
18 are available, for foster children who are:

19 (a) developmentally disabled and either on a respite
20 care waiting list or not eligible for respite care from
21 another program;

22 (b) medically demanding because they are nonambulatory
23 or have other special needs requiring intensive supervision
24 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 NEW SECTION. 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 NEW SECTION. 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) 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

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.

-End-

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

1 INTRODUCTION BY *House* BILL NO. *491*
2 *Yellowtail* *Keefe* *Hammels* *Moyad*

3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
4 DEPARTMENT OF FAMILY SERVICES TO PROVIDE RESPITE CARE FOR
5 CHILDREN IN LICENSED YOUTH FOSTER HOMES; ESTABLISHING
6 REQUIREMENTS FOR RESPITE CARE; PROVIDING FOR THE
7 RECRUITMENT, TRAINING, AND EMPLOYMENT OF RESPITE CARE
8 PROVIDERS; APPROPRIATING FUNDS TO THE DEPARTMENT OF FAMILY
9 SERVICES; AMENDING SECTION 41-3-1102, MCA; AND PROVIDING AN
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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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 {3}(4) "Operator of a youth care facility" means any

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 {4}(5) "Person" means any individual, partnership,
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
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
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,
25 shelter, security and safety, guidance, direction, and if



1 necessary, treatment to youth who are removed from or
2 without the care and supervision of their parents or
3 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
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20 care waiting list or not eligible for respite care from
21 another program;

22 (b) medically demanding because they are nonambulatory
23 or have other special needs requiring intensive supervision
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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 NEW SECTION. 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 NEW SECTION. 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) 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

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.

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS
AS AMENDED

HOUSE BILL NO. 491

INTRODUCED BY O'KEEFE, HARRINGTON, MAZUREK, YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FAMILY SERVICES TO PROVIDE RESPITE CARE FOR CHILDREN IN LICENSED YOUTH FOSTER HOMES; ESTABLISHING REQUIREMENTS FOR RESPITE CARE; PROVIDING FOR THE RECRUITMENT, TRAINING, AND EMPLOYMENT OF RESPITE CARE PROVIDERS; APPROPRIATING FUNDS TO THE DEPARTMENT OF FAMILY SERVICES; AMENDING SECTION 41-3-1102, MCA; AND PROVIDING AN EFFECTIVE DATE."

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:

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

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

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

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

person owning or operating a youth care facility into which he takes any child or children for the purpose of caring for them and maintaining them and for which care and maintenance he receives money or other consideration of value, and which child is neither his son, daughter, nor ward, except that this part shall not apply when any person accepts such care and custody of such child on a temporary basis and simply as a temporary accommodation for the parent or parents, guardian, or relative of such child.

(5) "Person" means any individual, partnership, voluntary association, or corporation.

(6) "Respite care" means the provision of temporary, short-term supervision or care of a foster child, in an emergency or on an intermittent basis, to provide foster parents relief from the daily care requirements of a foster child whose mental or physical condition requires special or intensive supervision or care. Respite care includes but is not limited to homemaker services, child care, and emergency care either in the home or out of the home.

(7) "Respite care provider" means a person who meets the qualifications and requirements established by the department to provide respite care under [section 2].

(8) "Substitute care" means full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance, direction, and if



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

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

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

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NEW SECTION. Section 2. Respite care. (1) The department shall provide respite care, to the extent funds are available, for foster children who are:

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(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.

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 3 an hourly, daily, or weekly basis at a rate of payment to be
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 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~~
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 25 [Sections 2 and 3] are intended to be codified as at

1 integral part of Title 41, chapter 3, part 11, and the
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