

HOUSE BILL 981

Introduced by Russell, et al.

3/06	Introduced
3/06	Referred to Human Services & Aging
3/07	First Reading
3/11	Fiscal Note Requested
3/16	Hearing
3/16	Fiscal Note Received
3/18	Fiscal Note Printed
3/23	Committee Report--Bill Passed as Amended
3/25	Rereferred to Appropriations
3/26	Hearing
3/27	Tabled in Committee

1 HOUSE BILL NO. 781
 2 INTRODUCED BY Tubbs
 3 Stokely
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEVELOP A
 5 COMPREHENSIVE COORDINATED SYSTEM OF IN-STATE SERVICES TO
 6 MEET THE LONG-TERM CARE NEEDS OF EMOTIONALLY DISTURBED
 7 YOUTH; TO APPROPRIATE MONEY TO THE DEPARTMENT OF
 8 INSTITUTIONS; AMENDING SECTIONS 41-3-205, 53-1-201, AND
 9 53-1-203, MCA; REPEALING SECTION 53-4-118, MCA; AND
 10 PROVIDING AN EFFECTIVE DATE."

11 STATEMENT OF INTENT

12 A statement of intent is provided for this bill because
 13 rulemaking authority is delegated to the department of
 14 institutions to develop a comprehensive plan for a system of
 15 services for emotionally disturbed youth and their families.
 16 The rules must address, at a minimum:

- 17 (1) eligibility requirements for participation in
- 18 programs for emotionally disturbed youth;
- 19 (2) development of interagency agreements for
- 20 coordination of services among state agencies providing
- 21 services to children and adolescents;
- 22 (3) development of a procedure for case resolution;
- 23 (4) criteria for the use of out-of-state resources in
- 24 treating emotionally disturbed youth; and
- 25



1 (5) establishment of standards for parent participation
 2 in the cost of services.

3
 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 NEW SECTION. Section 1. Purpose. The purpose of
 6 [sections 1 through 8] is to:

- 7 (1) establish a comprehensive coordinated system of
- 8 services to meet the needs of emotionally disturbed youth
- 9 and their families;
- 10 (2) establish the department as the mental health
- 11 authority responsible for the planning, implementation, and
- 12 coordination of the system of services to meet the needs of
- 13 the youth and their families targeted by this legislation;
- 14 (3) establish the guidelines to be followed and the
- 15 objectives to be attained by the system of services; and
- 16 (4) require certain state agencies to enter into
- 17 interagency agreements that will govern their respective
- 18 roles and responsibilities in the development and
- 19 implementation of the system of services.

20 NEW SECTION. Section 2. Objectives. (1) The system of
 21 services must be youth-centered, with the needs and rights
 22 of the youth and family directing the types and mix of
 23 services provided, maximizing the goal of preservation of
 24 the family whenever possible.

25 (2) The system of services must be community-based,

1 with the locus of services, as well as case coordination and
2 decisionmaking responsibility, including initiative for
3 financial responsibility, maintained at the community level
4 to the greatest extent possible.

5 (3) The system of services must assure the rights of
6 the youth to a safe environment and to receive services in
7 the least restrictive environment possible.

8 (4) The system of services must acknowledge that
9 emotionally disturbed youth are suffering from an illness
10 that is treatable and are entitled to receive treatment for
11 themselves and their families from qualified and trained
12 providers through a coordinated comprehensive plan that
13 recognizes the important role of parents in the treatment.

14 (5) The responsibility for the planning and
15 implementation of the system of services is a joint
16 responsibility of state and local government agencies,
17 parents, private providers, state and local education
18 systems, businesses, and communities that can be best
19 accomplished through formation of a partnership under the
20 leadership of the department.

21 (6) The treatment of emotionally disturbed youth may be
22 provided outside of the state only as a last resort and must
23 be based upon clearly stated reasons acceptable to and
24 approved by the department and the state interagency team.

25 NEW SECTION. Section 3. Definitions. As used in

1 [sections 1 through 8], the following definitions apply:

2 (1) "Department" means the department of institutions
3 provided for in Title 2, chapter 15, part 23.

4 (2) "Emotionally disturbed youth" means children and
5 adolescents with severe emotional disturbance.

6 NEW SECTION. Section 4. Comprehensive plan. The
7 department shall develop a coordinated comprehensive plan
8 for a system of services for emotionally disturbed youth and
9 their families. The plan must serve youth in need of
10 services from the department of family services, the
11 department of health and environmental sciences, the
12 department of social and rehabilitation services, and the
13 office of public instruction. The plan must be presented to
14 each regular session of the legislature. The plan must
15 include but is not limited to:

16 (1) identifying the system of services needed to meet
17 the needs of emotionally disturbed youth and their families;

18 (2) establishing definitions and standards for services
19 included in the system of services;

20 (3) establishing definitions, criteria, and eligibility
21 to be used to identify emotionally disturbed youth needing
22 services;

23 (4) establishing the target population and number to
24 enable a planned development and implementation of the
25 system of services;

1 (5) identifying existing resources and services that
2 can be included in the system of services;

3 (6) identifying the interdepartmental responsibility
4 and coordination needed to provide services to emotionally
5 disturbed youth;

6 (7) identifying the weaknesses in the current system of
7 services and a plan for addressing them, including cost;

8 (8) establishing a budget for the implementation of the
9 system of services that maximizes funding from federal
10 sources, local government and communities, and private
11 sources including parents;

12 (9) coordinating with other state agencies' service
13 programs in order to reduce or eliminate duplication of
14 services and to improve administration;

15 (10) establishing standards for:

16 (a) parent participation in the cost of services to a
17 child or adolescent according to a parent's ability to pay;
18 and

19 (b) maximizing third-party payment resources; and

20 (11) establishing a state interagency team through an
21 interagency agreement with the department of family
22 services, the department of social and rehabilitation
23 services, the department of health and environmental
24 sciences, and the office of public instruction to resolve
25 individual cases referred by a regional planning committee

1 established in [section 6]. The agreement must set forth the
2 procedures for referral from a regional planning committee
3 and how resolution is to be accomplished.

4 NEW SECTION. **Section 5. Planning and advisory council.**

5 (1) The governor may appoint a state planning and advisory
6 council or designate an existing council to advise the
7 department on the policies, planning, and coordinated
8 implementation of services to emotionally disturbed youth
9 and their families.

10 (2) If a new council is appointed, it must be composed
11 of members who have knowledge of and experience in services
12 to emotionally disturbed youth and who represent the
13 following:

14 (a) the department's chemical dependency bureau;

15 (b) the department's mental health bureau;

16 (c) the department of family services;

17 (d) the department of social and rehabilitation
18 services;

19 (e) the department of health and environmental
20 sciences;

21 (f) the office of public instruction;

22 (g) the youth court;

23 (h) a child or parent advocacy organization;

24 (i) parents or parent surrogates of emotionally
25 disturbed youth. Members from this group must compose 25% of

1 the council's membership.

2 (j) a community mental health center;

3 (k) a private mental health service provider;

4 (l) a unit of the university system that trains people
5 in psychology, social work, or family therapy;

6 (m) the coordinator of Indian affairs; and

7 (n) each regional planning committee provided for in
8 [section 6].

9 (3) The council is allocated to the department for
10 administrative purposes only as provided in 2-15-121.

11 (4) The provisions of 2-15-122(5) through (8) apply to
12 the council and its members.

13 (5) The council shall meet at least quarterly.

14 (6) To facilitate the coordination between the
15 department's mental health system of services for
16 emotionally disturbed youth and the department of family
17 services' child protective system and to eliminate
18 duplication of service development, the governor may combine
19 the duties and responsibilities of the council provided for
20 in this section with those of the youth services council
21 provided for in Title 52, chapter 1, part 2, provided that
22 the membership on the youth services council complies with
23 the representation requirement in subsection (2). If the
24 duties and responsibilities are combined, the departments
25 shall share the cost of operations of the council in

1 accordance with an interagency agreement entered into
2 between the departments.

3 NEW SECTION. **Section 6. Regional planning committees.**

4 (1) The department shall establish regional planning
5 committees for emotionally disturbed youth in each of the
6 mental health regions established by the department.

7 (2) The members of a committee must have knowledge of
8 and, when possible, experience in service to emotionally
9 disturbed youth. The permanent membership of each committee
10 must include:

11 (a) the person from the designated community mental
12 health center for that mental health region who is
13 responsible for coordinating children's services;

14 (b) the person who manages the regional office of the
15 department of social and rehabilitation services for that
16 mental health region;

17 (c) a special education administrator from a school
18 district in that mental health region;

19 (d) a person, designated by the director of the
20 department of health and environmental sciences, who has
21 knowledge of that department's service programs to youth;

22 (e) a person, designated by the director of the
23 department of social and rehabilitation services, who has
24 knowledge of the medicaid programs in the mental health
25 region;

1 (f) a person, designated by the director of the
2 department of social and rehabilitation services, who has
3 knowledge of the developmental disabilities program in the
4 mental health region;

5 (g) a parent of a child with severe emotional
6 disturbance;

7 (h) a parent of an adolescent with severe emotional
8 disturbance;

9 (i) a representative from a youth court in the mental
10 health region; and

11 (j) a representative of the business community in the
12 mental health region.

13 (3) In addition to the permanent members, the regional
14 planning committee, at the discretion of the chairman and in
15 accordance with the department's guidelines, may appoint
16 temporary members to assist the committee. Temporary members
17 may include:

18 (a) people knowledgeable in the area of chemical
19 dependency;

20 (b) people from advocacy organizations; and

21 (c) parents of the youth being considered.

22 (4) The regional planning committees shall meet at
23 least quarterly.

24 (5) The regional planning committees are allocated to
25 the department for administrative purposes only as provided

1 in 2-15-121.

2 (6) The provisions of 2-15-122(5) through (8) apply to
3 the regional planning committees and their members.

4 (7) The director of the department may, by means of a
5 written interagency agreement with the department of family
6 services, combine a regional planning committee with the
7 youth services planning council provided for in Title 52,
8 chapter 1, part 2, to ensure coordination and elimination of
9 duplication and fragmentation in planning and delivery of
10 services that youth need from the respective departments'
11 programs. If a regional planning committee and the youth
12 services council are combined, the departments shall share
13 the cost of the operation in accordance with the terms of
14 the interagency agreement.

15 NEW SECTION. Section 7. Duties of regional planning
16 committee. (1) The duties of a regional planning committee
17 must include the following and any other duties determined
18 necessary by the department:

19 (a) identify the number of emotionally disturbed youth
20 in need of services in the mental health region and the
21 needs of their families;

22 (b) identify the resources available in the mental
23 health region to meet the identified needs;

24 (c) identify the problems in the current system of
25 services and recommend solutions to the department and the

1 planning and advisory council established in [section 5].
 2 The recommendations must be provided through an annual
 3 written report to the director of the department and to the
 4 planning and advisory council.

5 (2) To ensure that a coordinated case plan and services
 6 for an emotionally disturbed youth are provided, a regional
 7 planning committee shall:

8 (a) review the case to resolve service delivery
 9 problems;

10 (b) make recommendations when eligibility for services
 11 is in dispute;

12 (c) establish a coordinated plan agreement that sets
 13 forth the duties and responsibilities of the department,
 14 provisions for financial support for the youth, and family
 15 review criteria; and

16 (d) when necessary, establish the state interagency
 17 service team's primary case coordinator.

18 (3) When an emotionally disturbed youth or his family
 19 requires services from multiple providers, a referral may be
 20 made by the department or a regional agency, a service
 21 provider, or a parent.

22 (4) If attempts have been made without success to
 23 resolve any matter considered under this section, the matter
 24 must be referred for resolution to the state interagency
 25 team established in [section 4].

1 (5) (a) Except as provided in subsection (5)(b),
 2 information shared on individual cases is confidential and
 3 subject to the requirements of the department and the
 4 provisions of 41-3-205.

5 (b) Information regarding specific cases may be shared
 6 for administrative and planning purposes between the
 7 regional planning committee members, the department, and the
 8 state interagency team established in [section 4].

9 **NEW SECTION. Section 8. Specialist -- requirements --**
 10 **duties.** (1) The department shall establish a specialist
 11 position within the department.

12 (2) The specialist must have experience in providing
 13 services to emotionally disturbed youth. The department may
 14 set additional requirements for the specialist position.

15 (3) The specialist is responsible for:

16 (a) planning, coordinating, and implementing a system
 17 of services for emotionally disturbed youth;

18 (b) administering the child and adolescent service
 19 system project as long as that federal project continues to
 20 exist; and

21 (c) carrying out the provisions of [sections 1 through
 22 8].

23 **Section 9.** Section 41-3-205, MCA, is amended to read:

24 "41-3-205. Confidentiality -- disclosure exceptions.

25 (1) The case records of the department of social and

1 rehabilitation services, the department of family services
 2 and its local affiliate, the county welfare department, the
 3 county attorney, and the court concerning actions taken
 4 under this chapter and all records concerning reports of
 5 child abuse and neglect shall be kept confidential except as
 6 provided by this section. Any person who permits or
 7 encourages the unauthorized dissemination of their contents
 8 is guilty of a misdemeanor.

9 (2) Records may be disclosed to a court for in camera
 10 inspection if relevant to an issue before it. The court may
 11 permit public disclosure if it finds such disclosure to be
 12 necessary for the fair resolution of an issue before it.

13 (3) Records may also be disclosed to the following
 14 persons or entities in this state or any other state:

15 (a) a department, agency, or organization, including
 16 federal agencies, legally authorized to receive, inspect, or
 17 investigate reports of child abuse or neglect;

18 (b) a licensed youth care facility or a licensed
 19 child-placing agency that is providing services to the
 20 family or child who is the subject of a report in the
 21 records;

22 (c) a licensed health or mental health professional who
 23 is treating the family or child who is the subject of a
 24 report in the records;

25 (d) a parent or guardian of the child who is the

1 subject of a report in the records or other person
 2 responsible for the child's welfare, without disclosure of
 3 the identity of any person who reported or provided
 4 information on the alleged child abuse or neglect incident
 5 contained in the records;

6 (e) a child named in the records who was allegedly
 7 abused or neglected or his guardian ad litem;

8 (f) the members of an interdisciplinary child
 9 protective team authorized under 41-3-108 for the purposes
 10 of assessing the needs of the child and family, formulating
 11 a treatment plan, and monitoring the plan;

12 (g) a department or agency investigating an applicant
 13 for a license to operate a youth care facility, day-care
 14 facility, or child-placing agency if the investigation is
 15 based on a substantiated report and the applicant is
 16 notified of the investigation;

17 (h) an employee of the department if disclosure of the
 18 records is necessary for administration of programs designed
 19 to benefit the child;

20 (i) an agency of an Indian tribe or the relatives of an
 21 Indian child if disclosure of the records is necessary to
 22 meet requirements of the federal Indian Child Welfare Act;

23 (j) a youth probation officer who is working in an
 24 official capacity with the child who is the subject of a
 25 report in the records;

1 (k) a county attorney or peace officer if disclosure is
2 necessary for the investigation or prosecution of a case
3 involving child abuse or neglect;

4 (l) a foster care review committee established under
5 41-3-1115; or

6 (m) a school employee participating in an interview of
7 a child by a social worker, county attorney, or peace
8 officer as provided in 41-3-202; or

9 (n) the department of institutions and the regional
10 planning committees for emotionally disturbed youth provided
11 for in [section 6] and the state interagency team provided
12 for in [section 4].

13 (4) A person who is authorized to receive records under
14 this section shall maintain the confidentiality of the
15 records and may not disclose information in the records to
16 anyone other than the persons described in subsection
17 (3)(a).

18 (5) Nothing in this section is intended to affect the
19 confidentiality of criminal court records or records of law
20 enforcement agencies."

21 **Section 10.** Section 53-1-201, MCA, is amended to read:

22 "53-1-201. Purpose of department. The department shall
23 utilize at maximum efficiency the resources of state
24 government in a coordinated effort to:

25 (1) restore the physically or mentally disabled;

1 (2) rehabilitate the violators of law;

2 (3) sustain the vigor and dignity of the aged;

3 (4) train children of limited mental capacity to their
4 best potential;

5 (5) rededicate the resources of the state to the
6 productive independence of its now dependent citizens; and

7 (6) coordinate and apply the principles of modern
8 institutional administration to the institutions of the
9 state;

10 (7) establish a comprehensive coordinated system of
11 services to meet the needs of emotionally disturbed youth
12 and their families; and

13 (8) serve as the mental health authority responsible
14 for the planning, implementation, coordination, and
15 evaluation of a system of services in accordance with
16 [section 4]."

17 **Section 11.** Section 53-1-203, MCA, is amended to read:

18 "53-1-203. Powers and duties of department. The
19 department shall:

20 (1) adopt rules for the admission, custody, transfer,
21 and release of residents of institutions except as otherwise
22 provided by law; however, no such rules may amend or alter
23 the statutory powers and duties of the state board of
24 pardons;

25 (2) subject to the functions of the department of

1 administration, lease or purchase lands for use by
 2 institutions and classify those lands to determine which are
 3 of such character as to be most profitably used for
 4 agricultural purposes, taking into consideration the needs
 5 of all institutions for the food products that can be grown
 6 or produced on the lands and the relative value of
 7 agricultural programs in the treatment or rehabilitation of
 8 the persons confined in the institutions;

9 (3) contract with private nonprofit Montana
 10 corporations to establish and maintain community based
 11 prerelease centers for purposes of preparing inmates of the
 12 Montana state prison who are approaching parole eligibility
 13 or discharge for release into the community; the centers
 14 shall provide a less restrictive environment than the prison
 15 while maintaining adequate security; the centers shall be
 16 operated in coordination with other department correctional
 17 programs, including the supervised release program provided
 18 for in Title 46, chapter 23, part 4. Nothing in this
 19 subsection shall affect the department's authority to
 20 operate and maintain community based prerelease centers in
 21 existence on July 14, 1982.

22 (4) utilize the staff and services of other state
 23 agencies and units of the Montana university system, within
 24 their respective statutory functions, to carry out its
 25 functions under this title;

1 (5) propose programs to the legislature to meet the
 2 projected long-range needs of institutions, including
 3 programs and facilities for the diagnosis, treatment, care,
 4 and aftercare of persons placed in institutions; and

5 (6) encourage the establishment of programs at the
 6 local level for the prevention and rehabilitation of
 7 physical and mental disability; and

8 (7) adopt rules, establish standards and certification
 9 requirements, and enter contracts with other state and
 10 federal agencies and service providers necessary to carry
 11 out the provisions of [section 4]."

12 **NEW SECTION. Section 12. Appropriation.** (1) There is
 13 appropriated to the department of institutions from the
 14 general fund \$5,960,555 for the fiscal year beginning July
 15 1, 1991, and \$6,318,188 for the fiscal year beginning July
 16 1, 1992.

17 (2) The appropriation provided for in subsection (1)
 18 may be matched with available federal and other funds,
 19 grants, or gifts to maximize the service benefits for
 20 children and adolescents with severe emotional disturbance
 21 and to demonstrate the partnership that needs to exist among
 22 state government, local governments and communities, private
 23 providers, parents, and federal and private programs.

24 (3) The intent of the legislature is for these funds to
 25 be expended to begin development, measure impact, and

1 establish a sound information base through the establishment
2 of service demonstrations for the system of services to meet
3 the needs of emotionally disturbed youth and their families.
4 The information gained from these demonstrations is to be
5 used to develop a planned and shared response to the needs
6 of youth with severe emotional disturbance and their
7 families and to present this response to the 53rd
8 legislature and each regular session thereafter.

9 NEW SECTION. **Section 13. Repealer.** Section 53-4-118,
10 MCA, is repealed.

11 NEW SECTION. **Section 14. Codification instruction.**
12 [Sections 1 through 8] are intended to be codified as an
13 integral part of Title 53, chapter 4, and the provisions of
14 Title 53, chapter 4, apply to [sections 1 through 8].

15 NEW SECTION. **Section 15. Effective date.** [This act] is
16 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0981, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to develop a comprehensive coordinated system of in-state services to meet the long-term care needs of emotionally disturbed youth; to appropriate money to the Department of Institutions; amending sections; and providing an effective date.

ASSUMPTIONS:

Department of Institutions:

1. This bill delegates rulemaking authority to the Department of Institutions to develop a comprehensive plan for a system of services for emotionally disturbed youth and their families.
2. A 22 member state planning and advisory council will be established at a cost of \$9,106 per year.
3. Five regional planning committees with 10 members each will be established at an annual cost of \$9,921.
4. The bill authorizes a child mental health specialist located in the central office which already is a current level position.
5. This bill also requires new services for the emotionally disturbed youth; however, the cost for this cannot be determined until a comprehensive plan is developed.
6. This bill contains an appropriation of \$5,960,555 in FY92 and \$6,318,188 in FY93 with the intent that the funds be used to develop, measure impact and establish an information base through the establishment of service demonstrations for the system of services to meet the needs of emotionally disturbed youth and their families.

Department of Family Services:

7. Current review of out-of-state placements shows approximately 36% would benefit from in-state services for the emotionally disturbed or about 18 clients.
8. The average yearly cost for a client receiving out-of-state treatment services is \$36,228.
9. Approximately \$652,104 of general fund costs could be saved if the 18 emotionally disturbed clients would be served in-state by the Department of Institutions.
10. The total current level out-of-state placement costs are \$1,340,445 per year.

FISCAL IMPACT:

see next page



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



ANGELA RUSSELL, PRIMARY SPONSOR DATE

Fiscal Note for HB0981, as introduced

HB 981-1

FISCAL IMPACT:

Department of Institutions:

	FY '92			FY '93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	0	19,027	19,027	0	19,027	19,027
Grants	0	5,253,187	5,253,187	0	5,610,820	5,610,820
Total	0	5,272,214	5,272,214	0	5,629,847	5,629,847
<u>Funding</u>						
General Fund	0	5,272,214	5,272,214	0	5,629,847	5,629,847

Department of Family Services:

<u>Expenditures:</u>						
Benefits and Claims	1,340,445	688,341	(652,104)	1,340,445	688,341	(652,104)
<u>Funding:</u>						
General Fund	1,340,445	688,341	(652,104)	1,340,445	688,341	(652,104)
General Fund Impact			(4,620,110)			(4,977,743)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

In-state services for emotionally disturbed children would decrease the need for funding to DFS for out-of-home care. These clients may be more appropriately served in-state and at possibly less cost.

HB 981-1

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 981

INTRODUCED BY RUSSELL, STICKNEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO DEVELOP A COMPREHENSIVE COORDINATED SYSTEM OF IN-STATE SERVICES TO MEET THE LONG-TERM CARE NEEDS OF EMOTIONALLY DISTURBED ~~YOUTH~~ CHILDREN AND ADOLESCENTS; TO APPROPRIATE MONEY TO THE DEPARTMENT OF INSTITUTIONS; ~~AMENDING SECTIONS 41-3-205, 53-1-201, AND 53-1-203, MCA FAMILY SERVICES; REPEALING SECTION 53-4-118, MCA; AND PROVIDING AN EFFECTIVE DATE.~~"

STATEMENT OF INTENT

A statement of intent is provided for this bill because rulemaking authority is delegated to the department of institutions to develop a comprehensive plan for a system of services for emotionally disturbed youth and their families. The rules must address, at a minimum:

(1) eligibility requirements for participation in programs for emotionally disturbed youth;

(2) development of interagency agreements for coordination of services among state agencies providing services to children and adolescents;

(3) development of a procedure for case resolution;

(4) criteria for the use of out-of-state resources in treating emotionally disturbed youth; and

~~(5) establishment of standards for parent participation in the cost of services.~~

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. **Section 1. Purpose.** The purpose of [sections 1 through 6] is to establish a comprehensive, coordinated, and child-centered system of services to meet the needs of children and adolescents with severe emotional disturbances. The system of services must:

(1) be community-based;

(2) ensure the rights of the child to a safe environment and to receipt of the most appropriate services in the least restrictive environment possible;

(3) acknowledge that children and adolescents with severe emotional disturbances are suffering from illnesses that are treatable and are entitled to receive treatment for themselves and services for their families from qualified and trained providers through a delivery system that recognizes the important role of the parent in treatment;

(4) be the joint responsibility of a public and private partnership; and

(5) allow for out-of-state treatment of children and adolescents with severe emotional disturbances only when

1 appropriate in-state treatment is not available and as a
2 last resort, based upon clearly stated reasons acceptable to
3 and approved by the interagency committee provided for in
4 [section 3].

5 NEW SECTION. **Section 2. Definitions.** As used in
6 [sections 1 through 6], the following definitions apply:

7 (1) "Departments" means the department of family
8 services provided for in Title 2, chapter 15, part 24, and
9 the department of institutions provided for in Title 2,
10 chapter 15, part 23.

11 (2) "Child-centered" means that the needs and rights of
12 the child and family direct the types and mix of services
13 provided, preserving the family unit whenever possible.

14 (3) "Community-based" means that the locus of services
15 as well as case coordination and decisionmaking
16 responsibility, including initiative for financial
17 responsibility, rests at the community level to the greatest
18 extent possible.

19 NEW SECTION. **Section 3. Comprehensive plan.** The
20 departments shall jointly develop a comprehensive plan for a
21 system of services for children and adolescents with severe
22 emotional disturbances. The plan must be reviewed by the
23 state youth services council provided for in 52-1-202 and by
24 the mental health planning council provided for in Public
25 Law 99-660. The plan must be presented to each regular

1 session of the legislature. The plan must include but is not
2 limited to:

3 (1) establishing a definition of children and
4 adolescents with severe emotional disturbances;

5 (2) identifying the system of services needed to meet
6 the needs of children and adolescents with severe emotional
7 disturbances in accordance with the purpose of [sections 1
8 through 6];

9 (3) establishing definitions and standards for the
10 services included within the system of services;

11 (4) establishing definitions, criteria, and eligibility
12 to be used to identify children and adolescents with severe
13 emotional disturbances needing services;

14 (5) establishing the target population and number to
15 enable a planned development and implementation of the
16 system of services;

17 (6) identifying existing resources and services that
18 may be included in the system of services;

19 (7) identifying the interdepartmental responsibility
20 and coordination with other state agencies needed to provide
21 services to children and adolescents with severe emotional
22 disturbances;

23 (8) identifying the weaknesses in the system of
24 services and a plan for addressing them, including the
25 associated costs;

1 (9) recommending a budget for the implementation of the
 2 system of services, maximizing funding from federal sources,
 3 private sources, local governments and communities, and
 4 parents;

5 (10) establishing standards for parent participation in
 6 the cost of services to their child or adolescent according
 7 to their ability to pay and for maximizing the use of third-
 8 party payment resources;

9 (11) establishing procedures to utilize existing state
 10 and local advisory councils and to expand the councils when
 11 appropriate; and

12 (12) establishing a review process for out-of-state
 13 referrals and establishing an interagency committee that is
 14 responsible for approving referrals.

15 NEW SECTION. Section 4. Interagency agreement. The
 16 departments shall establish an interagency agreement that is
 17 reviewed and amended annually for the purpose of carrying
 18 out their joint responsibilities under [sections 1 through
 19 6]. The agreement must include but is not limited to:

20 (1) responsibilities, duties, and target populations of
 21 each department in the implementation of a system of
 22 services for children and adolescents with severe emotional
 23 disturbances;

24 (2) procedures for resolving any matters arising
 25 pursuant to the agreement or the requirements of [sections 1

1 through 6], including case planning, case coordination of
 2 individual service plans, and case resolution; and

3 (3) utilization of the resources of the departments,
 4 including shared funding, joint pilot programs provided for
 5 in [section 5], and maximized use of other sources of funds,
 6 grants, and waivers provided under federal programs.

7 NEW SECTION. Section 5. Pilot programs. The
 8 departments, utilizing the interagency agreement provided
 9 for in [section 4], shall develop and implement joint pilot
 10 programs to demonstrate the effectiveness of services
 11 provided in accordance with the purpose of [sections 1
 12 through 6], to determine the cost of providing the services,
 13 and to evaluate the appropriateness of expanding the
 14 services to other areas of the state. The pilot programs
 15 must:

16 (1) be implemented according to a request for proposal
 17 process;

18 (2) be targeted toward those children and adolescents
 19 with severe emotional disturbances who are currently in
 20 out-of-state treatment facilities or who are in imminent
 21 need of treatment; and

22 (3) demonstrate the ability to maximize federal, state,
 23 and private funds as well as third-party and parental
 24 payments.

25 NEW SECTION. Section 6. Staff assignment. The

1 department of institutions shall assign sufficient staff
2 resources to provide a liaison between the departments and
3 to provide the mental health expertise to carry out the
4 purposes of [sections 1 through 6].

5 NEW SECTION. Section 7. Appropriation. (1) There is
6 appropriated to the department of family services from the
7 general fund \$400,000 for the biennium beginning July 1,
8 1991.

9 (2) The appropriation may be used in a discretionary
10 manner to enable the funds to be matched with available
11 federal and other funds, grants, or gifts in order to
12 maximize the service benefits for children and adolescents
13 with severe emotional disturbances and to demonstrate the
14 partnership that needs to exist between state government,
15 local governments and communities, private providers,
16 parents, and federal and private programs.

17 (3) The intent of the legislature is that these funds
18 be expended for pilot programs provided for in [section 5].
19 The information gained from these programs is to be used to
20 develop a planned and shared response to the needs of
21 children and adolescents with severe emotional disturbances,
22 as well as their families, and to present this response to
23 each regular session of the legislature.

24 NEW SECTION. Section 8. Repealer. Section 53-4-118,
25 MCA, is repealed.

1 NEW SECTION. Section 9. Codification instruction.
2 [Sections 1 through 6] are intended to be codified as an
3 integral part of Title 53, chapter 4, part 1, and the
4 provisions of Title 53, chapter 4, part 1, apply to
5 [sections 1 through 6].

6 NEW SECTION. Section 10. Effective date. [This act] is
7 effective July 1, 1991.

-End-