

SENATE BILL NO. 228

INTRODUCED BY REGAN, OLSON

BY REQUEST OF
THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

IN THE SENATE

January 21, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
January 26, 1981	Fiscal note requested.
January 31, 1981	Fiscal note returned.
February 10, 1981	Committee recommend bill do pass as amended. Report adopted.
	Statement of intent attached.
February 11, 1981	Bill printed and placed on members' desks.
February 12, 1981	Second reading, do pass as amended.
February 14, 1981	Correctly engrossed.
	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 16, 1981	Introduced and referred to Committee on Human Services.
March 16, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 19, 1981	Second reading, concurred in.
March 21, 1981	Third reading, concurred in as amended. Ayes, 80; Noes, 12.

IN THE SENATE

March 21, 1981

Returned from House with amendments.

March 23, 1981

On motion, consideration be passed for the day.

March 24, 1981

Second reading, amendments concurred in.

March 26, 1981

Third reading, amendments concurred in. Ayes, 46; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *228*
 2 INTRODUCED BY *D. Olson*
 3 BY REQUEST OF
 4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND LAWS RELATING
 7 TO FOSTER CARE BY CLARIFYING FINANCIAL RESPONSIBILITY FOR
 8 PAYMENT; TO REQUIRE COURT REVIEW OF CHILDREN IN FOSTER
 9 PLACEMENTS THROUGH A FOSTER CARE REVIEW COMMITTEE; AMENDING
 10 SECTIONS 41-3-104, 41-3-501, 41-5-801, AND 53-4-112, MCA."

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

12 Section 1. Section 41-3-104, MCA, is amended to read:

13 "41-3-104. Payment for support of youth in need of
 14 care -- reimbursement by county. (1) Whenever agreements are
 15 entered into by the department of social and rehabilitation
 16 services for placing a youth in need of care in a licensed
 17 family foster home, child care agency, group home, or
 18 private treatment facility, the department shall pay by its
 19 check or draft each month from any funds appropriated for
 20 that purpose the entire amount agreed upon for board,
 21 clothing, personal needs, and room of such the children.

22 (2) On or before the 20th of each month the department
 23 shall present a claim to the county of residence of such the
 24 children for one-half the payments so made during the month.
 25

1 The county must make reimbursement to the department within
 2 20 days after such the claim is presented.

3 ~~(3) The department shall conduct or arrange for the~~
 4 ~~review required under [section 2] of a child placed in a~~
 5 ~~licensed family foster home, child care agency, group home,~~
 6 ~~or treatment facility if the child is placed under the~~
 7 ~~supervision of the department or placed by the department or~~
 8 ~~the department pays for the care of the child as set forth~~
 9 ~~in this section."~~

10 **NEW SECTION.** Section 2. Foster care review committee.

11 (1) In every geographic district established by the
 12 department of social and rehabilitation services, the
 13 department and the youth court shall appoint a foster care
 14 review committee. The members of the committee must be
 15 willing to act without compensation. The committee shall be
 16 composed of not less than three or more than seven members.

17 The members shall include:

18 (a) a representative of the department who shall chair
 19 the committee;

20 (b) a representative of the youth court; and

21 (c) someone knowledgeable in the needs of children in
 22 foster care placements who is not employed by the department
 23 or the youth court.

24 (2) When a child is in foster care under the
 25 supervision of the department or the youth court or if

1 payment for care is made pursuant to 41-3-104 or
 2 41-5-801(2), the committee shall conduct a review of the
 3 foster care status of the child. The review must be
 4 conducted within a time limit established by the department.
 5 The time limit must comply with federal law and may not be
 6 later than the 12-month anniversary date of the child's
 7 placement into foster care.

8 (3) The department shall provide the committee with
 9 guidelines for operation of the committee. Within 30 days of
 10 the foster care review, the committee shall provide the
 11 youth court and the department a written report of its
 12 findings and recommendations for further action by the youth
 13 court or the department.

14 (4) The department shall adopt rules necessary to
 15 carry out the purposes of this section.

16 (5) Because of the individual privacy involved,
 17 meetings of the committee, reports of the committee, and
 18 information on individuals' cases shared by committee
 19 members is confidential and subject to the confidentiality
 20 requirements of the department.

21 (6) The committee is subject to the call of the youth
 22 court judge to meet and confer with him on all matters
 23 pertaining to the foster care of a child before the youth
 24 court.

25 Section 3. Section 41-3-501, MCA, is amended to read:

1 "41-3-501. Definitions. (1) Any person owning or
 2 operating a home or institution into which home or
 3 institution he takes any child or children for the purpose
 4 of caring for them and maintaining them and for which care
 5 and maintenance he receives money or other consideration of
 6 value, and which child is neither his son, daughter, ~~nor~~
 7 ~~ward, nor related to him by blood,~~ shall be deemed to be an
 8 "operator" of a "foster home or boarding home" within the
 9 meaning of this chapter, except that this chapter shall not
 10 apply when any person accepts such care and custody of such
 11 child on a temporary basis and simply as a temporary
 12 accommodation for the parent or parents, guardian, or
 13 relative of such child.

14 (2) The word "person" where used in this chapter shall
 15 include any individual, partnership, voluntary association,
 16 or corporation."

17 Section 4. Section 41-5-801, MCA, is amended to read:

18 "41-5-801. Shelter care and foster homes. (1) The
 19 youth court may establish procedures for finding,
 20 maintaining, and administering shelter care and foster homes
 21 or other homes approved by the court for youth within the
 22 provisions of this chapter.

23 (2) ~~All foster homes established by the youth court~~
 24 ~~which are licensed by the~~ Pursuant to 41-3-104, the
 25 department of social and rehabilitation services shall be

1 ~~financed by the department as set forth in 53-2-201(i)(b)•~~
2 finance foster homes established by the youth court if:

3 (a) the foster home is licensed by the department;

4 (b) the youth court enters into an agreement with the
5 department for the care of the child; and

6 (c) the placement of the child is reviewed as required
7 by [section 2].

8 (3) The licensed shelter care and foster homes
9 established under this section shall be funded at a rate
10 consistent with other shelter care and foster homes
11 established for other purposes under law. Shelter care as
12 defined by this chapter may be funded through state
13 appropriation to the youth courts and the departments of
14 institutions and social and rehabilitation services."

15 Section 5. Section 53-4-112, MCA, is amended to read:

16 "53-4-112. Duty to strengthen child welfare services.

17 The department shall make provision for establishing and
18 strengthening child welfare services, including protective
19 services, and for care of children in licensed family foster
20 homes. ~~When funds are available for that purpose, the~~
21 department may make agreements for the payment of
22 compensation for keeping children in family foster homes•
23 child care agencies, group homes, or treatment facilities.
24 Payment provided under this section is made under the
25 provisions of 41-3-104 and [section 2]."

-End-

STATE OF MONTANA

REQUEST NO. 226-81

FISCAL NOTE

Form BD 15

In compliance with a written request received January 26, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 228 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

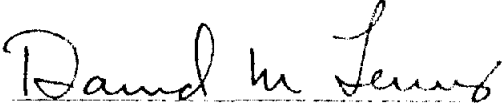
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to amend laws relating to foster care by clarifying financial responsibility for payment; to require court review of children in foster placements through a foster care review committee.

Fiscal Impact

The responsibilities of the Social Services Bureau related to this bill will be absorbed by present staff. There will be no increase in staff nor will there be increases in the foster care budget.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-81

1 STATEMENT OF INTENT

2 SENATE BILL 228

3 Senate Public Health, Welfare, and Safety Committee

4
5 A statement of intent is required for this bill because
6 in addition to amending sections 41-3-104, 41-3-501,
7 41-5-801, and 53-4-112, the bill creates rulemaking
8 authority for the Department of Social and Rehabilitation
9 Services to administer a review of children in foster care
10 under the department's supervision or for whom the
11 department is making payment under section 41-3-104(2) or
12 41-5-801(2).

13 It is the intent of this bill to indicate the
14 legislature's support of permanency planning for children in
15 foster care and to direct the department to continue its
16 efforts in this area. This bill is intended to encourage
17 reduction of the numbers of children in foster care; to
18 expediently return children to their natural homes when
19 possible, or to free the children for alternate permanent
20 placements; thereby assuring the appropriate utilization of
21 public funds and that the best interest of children in
22 placement in Montana are being met by the department's
23 program.

24 Rulemaking is primarily necessary to implement Section
25 2 and Section 1 paragraph 3 of the bill. These sections

1 require that a foster care review committee be established
2 by the department and the court to conduct reviews of
3 children in foster care and provide written reports to the
4 youth court and the department. Rules would identify which
5 children are to be reviewed, and would list precisely what
6 information is to be shared with the review committee, when
7 the committees are to conduct business, what the geographic
8 district will consist of, the general guidelines for the
9 committees' operation, the time limitations for conducting
10 the reviews, and who may participate in the review. As for
11 the information to be reported, the rules will ask for:

12 (1) summary reports of the review to include the
13 recommendations of the committee regarding the continuation
14 or discontinuation of foster care and reasons; treatment
15 needs of the child; and court action;

16 (2) sufficient information to allow the tracking of
17 the reviews; to facilitate follow-up services, compliance
18 with court orders, agency decisions, and response to
19 committee recommendations; and to provide necessary reports
20 on the department's foster care program.

21 First adopted by the Senate Public Health, Welfare, and
22 Safety Committee on February 9, 1981.

Approved by Comm. on
Public Health, Safety and Welfare

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(2) On or before the 20th of each month the department

shall present a claim to the county of residence of ~~such the~~ children for ~~one-half-the-payments-so-made-during-the-month~~ THE COUNTY'S PORTION OF THE PAYMENT AS DETERMINED BY THE DEPARTMENT. THE COUNTY'S PORTION SHALL NOT EXCEED ONE-HALF THE NONFEDERAL SHARE. The county must make reimbursement to the department within 20 days after ~~such the~~ claim is presented.

(3) The department shall conduct or arrange for the review required under [section 2] of a child placed in a licensed family foster home, child care agency, group home, or treatment facility if the child is placed under the supervision of the department or placed by the department or the department pays for the care of the child as set forth in this section."

NEW SECTION. Section 2. Foster care review committee.

(1) In every geographic JUDICIAL district ~~established-by-the department--of--social--and--rehabilitation--services,~~ the department and the youth court shall appoint a foster care review committee. The members of the committee must be willing to act without compensation. The committee shall be composed of not less than three or more than seven members. The members shall include:

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2 (c) someone knowledgeable in the needs of children in
3 foster care placements who is not employed by the department
4 or the youth court; AND

5 (D) THE SUPERINTENDENT OR HIS DESIGNEE OF THE SCHOOL
6 DISTRICT WHERE THE CHILD IS TO BE PLACED.

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22 placement in Montana are being met by the department's
23 program.

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25 2 and SUBSECTION (3) OF Section 1 paragraph-3 of the bill.

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16 "41-3-104. Payment for support of youth in need of
17 care -- reimbursement by county. (1) Whenever agreements are
18 entered into by the department ~~of social and rehabilitation~~
19 ~~services~~ OF SOCIAL AND REHABILITATION SERVICES for placing a
20 youth in need of care in a licensed family foster home,
21 child care agency, group home, or private treatment
22 facility, the department shall pay by its check or draft
23 each month from any funds appropriated for that purpose the
24 entire amount agreed upon for board, clothing, personal
25 needs, and room of such the children.

1 (2) On or before the 20th of each month the department
2 shall present a claim to the county of residence of such the
3 children ~~for one-half the payments so made during the month~~
4 NO MORE THAN ONE-HALF THE PAYMENTS SO MADE DURING THE MONTH
5 THE COUNTY'S PORTION OF THE PAYMENT AS DETERMINED BY THE
6 DEPARTMENT. THE COUNTY'S PORTION SHALL NOT EXCEED ONE-HALF
7 THE NONFEDERAL SHARE. The county must make reimbursement to
8 the department within 20 days after such the claim is
9 presented.

10 (3) The department shall conduct or arrange for the
11 review required under [section 2] of a child placed in a
12 licensed family foster home, child care agency, group home,
13 or treatment facility if the child is placed under the
14 supervision of the department or placed by the department or
15 the department pays for the care of the child as set forth
16 in this section."

17 NEW SECTION. Section 2. Foster care review committee.
18 (1) In every geographic JUDICIAL district established by the
19 ~~department of social and rehabilitation services,~~ the
20 ~~department and~~ the youth court JUDGE, IN CONSULTATION WITH
21 THE DEPARTMENT, shall appoint a foster care review
22 committee. The members of the committee must be willing to
23 act without compensation. The committee shall be composed of
24 not less than three FIVE FOUR or more than seven members.
25 The members shall include:

1 (a) a representative of the department ~~who shall chair~~
2 ~~the committee;~~

3 (b) a representative of the youth court; and

4 (c) someone knowledgeable in the needs of children in
5 foster care placements who is not employed by the department
6 or the youth court; AND

7 ~~(D) THE SUPERINTENDENT OR HIS DESIGNEE OF THE SCHOOL~~
8 ~~DISTRICT WHERE THE CHILD IS TO BE PLACED,~~ A REPRESENTATIVE
9 OF A LOCAL SCHOOL DISTRICT.

10 (2) When a child is in foster care under the
11 supervision of the department or the youth court or if
12 payment for care is made pursuant to 41-3-104 or
13 41-5-801(2), the committee shall conduct a review of the
14 foster care status of the child. The review must be
15 conducted within a time limit established by the department.
16 The time limit must comply with federal law and may not be
17 later than the 12-month anniversary date of the child's
18 placement into foster care.

19 (3) The department shall provide the committee with
20 guidelines for operation of the committee. Within 30 days of
21 the foster care review, the committee shall provide the
22 youth court and the department a written report of its
23 findings and recommendations for further action by the youth
24 court or the department.

25 (4) The department shall adopt rules necessary to

1 carry out the purposes of this section.

2 (5) Because of the individual privacy involved,
3 meetings of the committee, reports of the committee, and
4 information on individuals' cases shared by committee
5 members is confidential and subject to the confidentiality
6 requirements of the department.

7 (6) The committee is subject to the call of the youth
8 court judge to meet and confer with him on all matters
9 pertaining to the foster care of a child before the youth
10 court.

11 Section 3. Section 41-3-501, MCA, is amended to read:

12 "41-3-501. Definitions. (1) Any person owning or
13 operating a home or institution into which home or
14 institution he takes any child or children for the purpose
15 of caring for them and maintaining them and for which care
16 and maintenance he receives money or other consideration of
17 value, and which child is neither his son, daughter, nor
18 ~~ward, nor related to him by blood,~~ shall be deemed to be an
19 "operator" of a "foster home or boarding home" within the
20 meaning of this chapter, except that this chapter shall not
21 apply when any person accepts such care and custody of such
22 child on a temporary basis and simply as a temporary
23 accommodation for the parent or parents, guardian, or
24 relative of such child.

25 (2) The word "person" where used in this chapter shall

1 include any individual, partnership, voluntary association,
2 or corporation."

3 Section 4. Section 41-5-801, MCA, is amended to read:

4 "41-5-801. Shelter care and foster homes. (1) The
5 youth court may establish procedures for finding,
6 maintaining, and administering shelter care and foster homes
7 or other homes approved by the court for youth within the
8 provisions of this chapter.

9 ~~(2) All foster homes established by the youth court~~
10 ~~which are licensed by the~~ Pursuant to 41-3-104, the
11 department of social and rehabilitation services shall be
12 ~~financed by the department as set forth in 53-2-201(i)(b).~~
13 finance foster homes established by the youth court if:

14 (a) the foster home is licensed by the department;

15 (b) the youth court enters into an agreement ACCORDING
16 TO FEDERAL REGULATIONS with the department for the care
17 PLACEMENT of the child CHILDREN; and

18 (c) the placement of the child is reviewed as required
19 by [section 2]; AND

20 (D) THE YOUTH COURT RETAINS SUPERVISION OF THE CHILD
21 IN PLACEMENT.

22 (3) The licensed shelter care and foster homes
23 established under this section shall be funded at a rate
24 consistent with other shelter care and foster homes
25 established for other purposes under law. Shelter care as

1 defined by this chapter may be funded through state
2 appropriation to the youth courts and the departments of
3 institutions and social and rehabilitation services."

4 Section 5. Section 53-4-112, MCA, is amended to read:

5 "53-4-112. Duty to strengthen child welfare services.
6 The department shall make provision for establishing and
7 strengthening child welfare services, including protective
8 services, and for care of children in licensed family foster
9 homes, when funds are available for that purpose, the
10 department may make agreements for the payment of
11 compensation for keeping children in family foster homes,
12 child care agencies, group homes, or treatment facilities.
13 Payment provided under this section is made under the
14 provisions of 41-3-104 and [section 2]."

-End-

HOUSE AMENDMENTS TO SB 228
HUMAN SERVICES COMMITTEE OF THE HOUSE
March 13, 1981

1. Page 1, line 18.
Following: "department"
Insert: "of social and rehabilitation services"
2. Page 2, line 2.
Following: "for"
Insert: "no more than one-half the payments so made during the month."
3. Page 2, lines 3 through 5.
Strike: amended language
4. Page 2, line 22.
Following: "~~three~~"
Strike: "~~FIVE~~"
Insert: "four"
5. Page 3, line 5.
Following: "(D)"
Strike: text of subsection (D)
Insert: "a representative of a local school district."
6. Page 5, line 12.
Following: "agreement"
Insert: "according to federal regulations"
7. Page 5, line 13.
Following: "for the"
Strike: "care"
Insert: "placement"
Following: "of"
Strike: "the child"
Insert: "children"
Following: "the child;"
Strike: "and"
8. Page 5, line 15.
Following: "[section 2]"
Insert: "; and (d) the youth court retains supervision of the child in placement"

HOUSE AMENDMENTS TO STATEMENT OF INTENT FOR SB 228
HUMAN SERVICES COMMITTEE OF THE HOUSE
March 13, 1981

1. Page 1, line 25.

Following: "and"

Insert: "subsection (3) of"

Following: "Section 1"

Strike: "paragraph 3"

2. Page 2, line 2.

Following: "by"

Strike: "the department and"

3. Page 2, lines 7 and 8.

Following: "business,"

Strike: "what the geographic district will consist of,"