

HOUSE BILL NO. 489

INTRODUCED BY WALDRON

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND
REHABILITATION SERVICES

IN THE HOUSE

January 26, 1985	Introduced and referred to Committee on Human Services and Aging.
January 28, 1985	Fiscal Note requested.
February 2, 1985	Fiscal Note returned.
February 23, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 25, 1985	Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass as amended. Correctly engrossed.
February 27, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 6, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 28, 1985	Committee recommend bill be concurrred in as amended. Report adopted.

March 30, 1985

Second reading, concurred in as amended.

April 1, 1985

Third reading, concurred in.
Ayes, 47; Noes, 0.

Returned to House with amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 5, 1985

Second reading, amendments concurred in.

April 8, 1985

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 489
 2 INTRODUCED BY Walton
 3 BY REQUEST OF THE DEPARTMENT OF
 4 SOCIAL AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO RESIDENTIAL YOUTH CARE FACILITIES; TO ALLOW
 8 TRANSFER OF LEGAL CUSTODY TO THE DEPARTMENT OF SOCIAL AND
 9 REHABILITATION SERVICES FOR YOUTHS REQUIRING PLACEMENT IN
 10 OUT-OF-STATE YOUTH CARE FACILITIES; AND AMENDING SECTIONS
 11 41-3-1102 THROUGH 41-3-1104, 41-3-1121, 41-3-1122, 41-5-205,
 12 41-5-403, AND 41-5-523, MCA."

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

15 Section 1. Section 41-3-1102, MCA, is amended to read:
 16 "41-3-1102. Definitions. For the purposes of this
 17 part, the following definitions apply:

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

21 (2) "Department" means the department of social and
 22 rehabilitation services.

23 (3) "Operator of a youth care facility" means any
 24 person owning or operating a youth care facility into which
 25 he takes any child or childrer. for the purpose of caring for

1 them and maintaining them and for which care and maintenance
 2 he receives money or other consideration of value, and which
 3 child is neither his son, daughter, nor ward, except that
 4 this part shall not apply when any person accepts such care
 5 and custody of such child on a temporary basis and simply as
 6 a temporary accommodation for the parent or parents,
 7 guardian, or relative of such child.

8 (4) ~~The word "person" shall include~~ "Person" means any
 9 individual, partnership, voluntary association, or
 10 corporation.

11 (5) "Substitute care" means full-time care of youth in
 12 a residential setting for the purpose of providing food,
 13 shelter, security and safety, guidance, direction, and if
 14 necessary, treatment to youth who are removed from or
 15 without the care and supervision of their parents or
 16 guardian.

17 ~~{6}--"Treatment--facility"--is--a--child-care--agency~~
 18 ~~providing-the-appropriate-level-of-care-~~

19 ~~{7}{6}~~ "Youth care facility" means a facility,
 20 licensed in accordance with 41-3-1141 through 41-3-1143, in
 21 which substitute care is provided to youth ~~in-need-of-care,~~
 22 ~~youth-in--need--of--supervision,-or--delinquent--youth~~ and
 23 includes youth foster homes, youth group homes, and
 24 child-care agencies.

25 ~~{8}{7}~~ "Youth foster home" means a youth care facility



1 in which substitute care is provided to one to six children
 2 or youth ~~to whom the foster parents are not related by~~
 3 ~~blood, marriage, adoption, or wardship~~ other than the foster
 4 parents' own children, stepchildren, or wards.

5 ~~(9)~~(8) "Youth group home" means a youth care facility
 6 in which substitute care is provided to 7 to 12 children or
 7 youth."

8 Section 2. Section 41-3-1103, MCA, is amended to read:

9 "41-3-1103. Powers and duties of department. (1) The
 10 department shall:

11 (a) administer all state and federal funds allocated
 12 to the department for youth foster homes, youth group homes,
 13 and child-care agencies for youth in need of care, youth in
 14 need of supervision, and delinquent youth;

15 (b) exercise licensing authority over all youth foster
 16 homes, youth group homes, and child-care agencies;

17 (c) collect and disseminate information relating to
 18 youth in need of care, youth in need of supervision, and
 19 delinquent youth;

20 (d) provide for training of program personnel
 21 delivering services;

22 (e) in cooperation with the department of institutions
 23 and youth care facility providers, develop and implement
 24 standards for youth care facilities;

25 (f) apportion and allocate placement budgets to all

1 judicial districts;

2 (g) seek public input on the plan prior to its
 3 adoption and implementation; and

4 (h) maintain adequate data on placements it funds in
 5 order to keep the legislature properly informed of the
 6 following:

7 (i) the breakdown of youth in need of care, youth in
 8 need of supervision, and delinquent youth by category in
 9 out-of-home care facilities;

10 (ii) the cost per facility for services rendered;

11 (iii) the type and level of care of services provided
 12 by each facility;

13 (iv) a profile of out-of-home care placements by level
 14 of care; and

15 (v) a profile of public institutional placements.

16 (2) The department may:

17 (a) enter into contracts with nonprofit corporations
 18 or associations to provide facilities and services for youth
 19 in need of care, youth in need of supervision, and
 20 delinquent youth;

21 (b) accept gifts, grants, and donations of money and
 22 property from public and private sources to initiate and
 23 maintain community-based services to youth;

24 (c) adopt rules to carry out the administration and
 25 purposes of this part.

1 (3) The department shall pay for room, board,
 2 clothing, personal needs, transportation, and treatment in
 3 ~~district-youth-guidance-homes,-shelter-care-programs,-and~~
 4 youth foster care homes and youth group homes other than
 5 aftercare homes for youths committed to the department of
 6 institutions who need to be placed in such facilities.
 7 Youths committed to the department of institutions and or
 8 placed by the court in residential facilities other than
 9 those described above shall not be the financial
 10 responsibility of the department of social and
 11 rehabilitation services unless such placements have been
 12 approved in-advance prior to placement by the department of
 13 social and rehabilitation services."

14 Section 3. Section 41-3-1104, MCA, is amended to read:

15 "41-3-1104. Aftercare facilities. (1) The department
 16 of institutions may establish, maintain, and administer
 17 youth correction facilities, evaluation facilities, mental
 18 health facilities and services, aftercare programs, and
 19 aftercare facilities for the care, custody, and treatment of
 20 youth who have been committed to the department of
 21 institutions.

22 (2) Aftercare facilities are under the licensing
 23 authority of the department of institutions social and
 24 rehabilitation services."

25 Section 4. Section 41-3-1121, MCA, is amended to read:

1 "41-3-1121. Foster care payments for youth court
 2 placements. (1) The youth court may establish procedures for
 3 finding, maintaining, and administering shelter care and
 4 foster homes approved by the court for youth within the
 5 provisions of this part.

6 (2) Pursuant to 41-3-1122, the department shall make a
 7 foster care payment for a child placed by the youth court
 8 if:

9 (a) the child is placed in a youth care facility
 10 licensed by the department ~~or-by--an--appropriate--licensing~~
 11 ~~authority-from-another-state;~~

12 (b) the youth court enters into an agreement according
 13 to federal regulations with the department for the placement
 14 of children;

15 (c) the placement of the child is reviewed as required
 16 by 41-3-1115; and

17 (d) the youth court retains supervision of the child
 18 in placement."

19 Section 5. Section 41-3-1122, MCA, is amended to read:

20 "41-3-1122. Payment for support of youth in need of
 21 care, youth in need of supervision, or delinquent youth --
 22 reimbursement by county. (1) ~~Whenever agreements-are-entered~~
 23 ~~into-by-the-department-or-the-court-for-placing~~ a youth who
 24 is a youth in need of care, a youth in need of supervision,
 25 or a delinquent youth is placed by the youth court or the

1 department in a youth care facility, the department shall
 2 pay, by its check or draft each month from any funds
 3 appropriated for that purpose the entire amount agreed upon
 4 within the limits of the appropriation for that purpose, a
 5 foster care payment to the youth care facility at a rate
 6 established by the department for board, clothing, personal
 7 needs, treatment, and room of the youth.

8 (2) On or before the 20th of each month the department
 9 shall present a claim to the county of residence of the
 10 youth for no more than one-half the payments so made during
 11 the month. The county must make reimbursement to the
 12 department within 20 days after the claim is presented.

13 (3) The department shall conduct or arrange for the
 14 review required under 41-3-1115 of a youth placed in a youth
 15 care facility if the youth is placed under the supervision
 16 of the department or placed by the department or the
 17 department pays for the care of the youth as set forth in
 18 this section."

19 Section 6. Section 41-5-205, MCA, is amended to read:

20 "41-5-205. Retention of jurisdiction. Once a court
 21 obtains jurisdiction over a youth, the court retains
 22 jurisdiction unless terminated by the court or by mandatory
 23 termination in the following cases:

24 (1) at the time the proceedings are transferred to
 25 adult criminal court;

1 (2) at the time of commitment of the youth to the
 2 custody of the department of institutions;

3 (3) at the time of commitment of the youth to the
 4 custody of the department of social and rehabilitation
 5 services;

6 ~~(3)~~(4) in any event, at the time the youth reaches the
 7 age of 21 years."

8 Section 7. Section 41-5-403, MCA, is amended to read:

9 "41-5-403. Disposition permitted under informal
 10 adjustment. (1) The following dispositions may be imposed by
 11 informal adjustment:

12 (a) probation;

13 (b) placement of the youth for substitute care into a
 14 youth care facility as defined in 41-3-1102 or into a home
 15 approved by the court;

16 (c) placement of the youth in a private agency
 17 responsible for the care and rehabilitation of such a youth;

18 (d) transfer of legal custody to the department of
 19 institutions for a period of 6 months, which period may be
 20 extended for 6 months upon further order of the court after
 21 notice and hearing;

22 (e) restitution upon approval of the youth court
 23 judge.

24 (2) In determining whether restitution is appropriate
 25 in a particular case, the following factors may be

1 considered in addition to any other evidence:

- 2 (a) age of the youth;
- 3 (b) ability of the youth to pay;
- 4 (c) ability of the parents or legal guardian to pay;
- 5 (d) amount of damage to the victim; and
- 6 (e) legal remedies of the victim; however, the ability
- 7 of the victim or his insurer to stand any loss may not be
- 8 considered in any case.

9 (3) If the court finds that placement in a youth care

10 facility other than a youth group home or youth foster home

11 is necessary and in the best interests of the youth and the

12 community, the court shall determine if the youth can

13 receive appropriate treatment in a youth care facility

14 located in Montana as follows:

15 (a) If the court finds the youth can receive

16 appropriate treatment in a youth care facility located in

17 Montana that will accept the youth, the court may not place

18 the youth in a youth care facility located outside this

19 state.

20 (b) If the court finds the youth cannot receive

21 appropriate treatment in a youth care facility located in

22 Montana, the court shall transfer legal custody to the

23 department of social and rehabilitation services, which is

24 responsible for the selection of an appropriate placement

25 for the youth in a youth care facility located outside this

1 state. The transfer of legal custody must be for a period of

2 6 months and may be extended for an additional 6 months upon

3 further order of the court after notice and hearing.

4 ~~(3)~~(4) If the youth violates his aftercare agreement

5 as provided for in 53-30-226, he must be returned to the

6 court for further disposition. No youth may be placed in a

7 state youth correctional facility under informal adjustment.

8 ~~(4)~~(5) If custody is given to the department of

9 institutions under subsection (1)(d), the youth may not be

10 committed to the Montana youth treatment center unless the

11 commitment provisions of 53-21-505 are followed."

12 Section 8. Section 41-5-523, MCA, is amended to read:

13 "41-5-523. Disposition of delinquent youth and youth

14 in need of supervision. (1) If a youth is found to be

15 delinquent or in need of supervision, the court may enter

16 its judgment making the following disposition:

17 (a) place the youth on probation;

18 (b) place the youth for substitute care into a youth

19 care facility as defined in 41-3-1102 or a home approved by

20 the court;

21 (c) place the youth in a private agency responsible

22 for the care and rehabilitation of such a youth;

23 (d) transfer legal custody to the department of

24 institutions; provided, however, that in the case of a youth

25 in need of supervision, such transfer of custody does not

1 authorize the department of institutions to place the youth
2 in a state youth correctional facility and such custody may
3 not continue for a period of more than 6 months without a
4 subsequent court order after notice and hearing;

5 (e) such further care and treatment or evaluation that
6 the court considers beneficial to the youth; or

7 (f) order restitution by the youth.

8 (2) At any time after the youth has been taken into
9 custody, the court may, with the consent of the youth in the
10 manner provided in 41-5-303 for consent by a youth to waiver
11 of his constitutional rights or after the youth has been
12 adjudicated delinquent or in need of supervision, order the
13 youth to be evaluated by the department of institutions for
14 a period not to exceed 45 days of evaluation at a reception
15 and evaluation center for youths, except that if the
16 evaluation is to be done at the Montana youth treatment
17 center, the commitment provisions of 53-21-505 must be
18 followed and no evaluation of a youth may be done at Montana
19 state hospital.

20 (3) If the court finds that placement in a youth care
21 facility other than a youth group home or youth foster home
22 is necessary and in the best interests of the youth and the
23 community, the court shall determine if the youth can
24 receive appropriate treatment in a youth care facility
25 located in Montana as follows:

1 (a) If the court finds the youth can receive
2 appropriate treatment in a youth care facility located in
3 Montana that will accept the youth, the court may not place
4 the youth in a youth care facility located outside this
5 state.

6 (b) If the court finds the youth cannot receive
7 appropriate treatment in a youth care facility located in
8 Montana, the court shall transfer legal custody to the
9 department of social and rehabilitation services, which is
10 responsible for the selection of an appropriate placement
11 for the youth in a youth care facility located outside this
12 state.

13 ~~(3)~~(4) No youth may be committed or transferred to a
14 penal institution or other facility used for the execution
15 of sentence of adult persons convicted of crimes.

16 ~~(4)~~(5) Any order of the court may be modified at any
17 time. In the case of a youth committed to the department of
18 institutions or the department of social and rehabilitation
19 services, an order pertaining to the youth may be modified
20 only upon notice to the department and subsequent hearing.

21 ~~(5)~~(6) Whenever the court vests legal custody in an
22 agency, institution, or department, it must transmit with
23 the dispositional judgment copies of a medical report and
24 such other clinical, predisposition, or other reports and
25 information pertinent to the care and treatment of the

1 youth.
 2 ¶6) (7) Except as provided in 53-21-507, if the custody
 3 of a youth is transferred to the department of institutions
 4 under subsection (1), the youth may not be committed to the
 5 Montana youth treatment center unless the commitment
 6 provisions of 53-21-505 are followed.

7 ¶7) (8) The order of commitment to the department of
 8 institutions shall read as follows:

9 ORDER OF COMMITMENT

10 State of Montana)

11) ss.

12 County of)

13 In the district court for the Judicial District.

14 On the day of, 19..,, a minor of this
 15 county, years of age, was brought before me charged
 16 with, Upon due proof I find that is a suitable
 17 person to be committed to the department of institutions.

18 It is ordered that be committed to the department
 19 of institutions until

20 The names, addresses, and occupations of the parents
 21 are:

22 Name	Address	Occupation
23
24

25 The names and addresses of their nearest relatives are:

1
 2

3 Witness my hand this day of, A.D. 19...

4

5 Judge"

6 NEW SECTION. Section 9. Extension of authority. Any
 7 existing authority of the department of social and
 8 rehabilitation services or the department of institutions to
 9 make rules on the subject of the provisions of this act is
 10 extended to the provisions of this act.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 258-85

Form BD-15

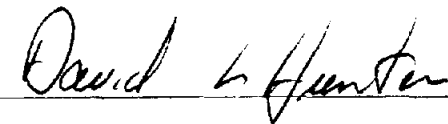
In compliance with a written request received January 28, 19 85, there is hereby submitted a Fiscal Note for House Bill 489 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 489 revises the laws relating to residential youth care facilities: To allow transfer of legal custody to the Department of Social and Rehabilitation Services for youths requiring placement in out-of-state youth care facilities.

ASSUMPTIONS:

1. Current law estimates for both fiscal years is based on the executive budget request for foster care.
2. SFY85 out-of-state placements will be representative of SFY86 and SFY87 out-of-state placements.
3. District Court Judges will look at in-state residential care facilities as a first resource.
4. Currently (SFY85) Social and Rehabilitation Services is paying for 7 court ordered out-of-state placements that it feels could have been placed in an in-state residential facility or state institution.
5. Under the proposed law, Social and Rehabilitation Services would have custody of the above mentioned placements and it could therefore petition the court to reconsider the out-of-state option. This potentially could result in a savings of \$94,510 (1,537 days).
6. The out-of-state days in the executive budget for SFY86 and SFY87 potentially could be reduced to 8,953.
7. Social and Rehabilitation Services funding for out-of-state placements potentially could be reduced to \$680,099 for SFY86 and \$711,129 for SFY87.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 2, 1985

HB 489

FISCAL IMPACT:

There could be a potential savings of \$94,510 per year (using SFY1985 estimates) if Social and Rehabilitation Services can successfully petition the District Court to reconsider out-of-state placements when the Social and Rehabilitation Services Screening Committee recommends an in-state facility or state institution.

	<u>FY 1986</u>			<u>FY 1987</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund	2,574,151	2,493,192	(80,959)	2,720,233	2,639,274	(80,959)
Earmarked Revenue	845,743	845,743	-0-	845,743	845,743	-0-
Federal Revenue	1,649,265	1,638,555	(10,710)	1,717,703	1,706,993	(10,710)
County Funds	829,325	826,484	(2,841)	862,912	860,071	(2,841)
TOTAL FOSTER CARE EXPENDITURES	<u>\$5,898,484</u>	<u>\$5,803,974</u>	<u>(\$94,510)</u>	<u>\$6,146,591</u>	<u>\$6,052,081</u>	<u>(\$94,510)</u>

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

STATEMENT OF INTENT

HOUSE BILL 489

House Human Services and Aging Committee

1
2
3
4
5
6
7
8
9
10
11
12
13

The department of social and rehabilitation services has adopted rules regarding the licensing of youth care facilities, including youth foster homes, youth group homes, and child care agencies. It is contemplated that the existing licensing standards promulgated in the Administrative Rules of Montana and any future standards which may be promulgated under this act apply to all youth care facilities licensed under section 41-3-1142, MCA, as amended.

1 HOUSE BILL NO. 489
 2 INTRODUCED BY WALDRON
 3 BY REQUEST OF THE DEPARTMENT OF
 4 SOCIAL AND REHABILITATION SERVICES
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO RESIDENTIAL YOUTH CARE FACILITIES; ~~TO ALLOW~~
 8 ~~TRANSFER OF LEGAL CUSTODY TO THE DEPARTMENT OF SOCIAL AND~~
 9 ~~REHABILITATION SERVICES FOR YOUTHS REQUIRING PLACEMENT IN~~
 10 ~~OUT-OF-STATE YOUTH CARE FACILITIES~~ TO REQUIRE PRIOR
 11 CONSULTATION WITH THE DEPARTMENT OF SOCIAL AND
 12 REHABILITATION SERVICES FOR PLACEMENT OF YOUTHS IN
 13 RESIDENTIAL YOUTH FACILITIES; AND AMENDING SECTIONS
 14 41-3-1102 THROUGH 41-3-1104, 41-3-1121, 41-3-1122, ~~41-5-205,~~
 15 41-5-403, AND 41-5-523, MCA."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 41-3-1102, MCA, is amended to read:
 19 "41-3-1102. Definitions. For the purposes of this
 20 part, the following definitions apply:

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

24 (2) "Department" means the department of social and
 25 rehabilitation services.

1 (3) "Operator of a youth care facility" means any
 2 person owning or operating a youth care facility into which
 3 he takes any child or children for the purpose of caring for
 4 them and maintaining them and for which care and maintenance
 5 he receives money or other consideration of value, and which
 6 child is neither his son, daughter, nor ward, except that
 7 this part shall not apply when any person accepts such care
 8 and custody of such child on a temporary basis and simply as
 9 a temporary accommodation for the parent or parents,
 10 guardian, or relative of such child.

11 (4) ~~The word "person" shall include~~ "Person" means any
 12 individual, partnership, voluntary association, or
 13 corporation.

14 (5) "Substitute care" means full-time care of youth in
 15 a residential setting for the purpose of providing food,
 16 shelter, security and safety, guidance, direction, and if
 17 necessary, treatment to youth who are removed from or
 18 without the care and supervision of their parents or
 19 guardian.

20 ~~{6} "Treatment facility" is a child-care agency~~
 21 ~~providing the appropriate level of care.~~

22 ~~{7}~~(5) "Youth care facility" means a facility,
 23 licensed in accordance with 41-3-1141 through 41-3-1143, in
 24 which substitute care is provided to youth ~~in need of care,~~
 25 ~~youth in need of supervision, or delinquent youth~~ and



1 includes youth foster homes, youth group homes, and
 2 child-care agencies.

3 ~~(8)~~(7) "Youth foster home" means a youth care facility
 4 in which substitute care is provided to one to six children
 5 or youth ~~to whom the foster parents are not related by~~
 6 ~~blood, marriage, adoption, or wardship~~ other than the foster
 7 parents' own children, stepchildren, or wards.

8 ~~(9)~~(8) "Youth group home" means a youth care facility
 9 in which substitute care is provided to 7 to 12 children or
 10 youth."

11 Section 2. Section 41-3-1103, MCA, is amended to read:

12 "41-3-1103. Powers and duties of department. (1) The
 13 department shall:

14 (a) administer all state and federal funds allocated
 15 to the department for youth foster homes, youth group homes,
 16 and child-care agencies for youth in need of care, youth in
 17 need of supervision, and delinquent youth;

18 (b) exercise licensing authority over all youth foster
 19 homes, youth group homes, and child-care agencies;

20 (c) collect and disseminate information relating to
 21 youth in need of care, youth in need of supervision, and
 22 delinquent youth;

23 (d) provide for training of program personnel
 24 delivering services;

25 (e) in cooperation with the department of institutions

1 and youth care facility providers, develop and implement
 2 standards for youth care facilities;

3 (f) apportion and allocate placement budgets to all
 4 judicial districts;

5 (g) seek public input on the plan prior to its
 6 adoption and implementation; and

7 (h) maintain adequate data on placements it funds in
 8 order to keep the legislature properly informed of the
 9 following:

10 (i) the breakdown of youth in need of care, youth in
 11 need of supervision, and delinquent youth by category in
 12 out-of-home care facilities;

13 (ii) the cost per facility for services rendered;

14 (iii) the type and level of care of services provided
 15 by each facility;

16 (iv) a profile of out-of-home care placements by level
 17 of care; and

18 (v) a profile of public institutional placements.

19 (2) The department may:

20 (a) enter into contracts with nonprofit corporations
 21 or associations to provide facilities and services for youth
 22 in need of care, youth in need of supervision, and
 23 delinquent youth;

24 (b) accept gifts, grants, and donations of money and
 25 property from public and private sources to initiate and

1 maintain community-based services to youth;

2 (c) adopt rules to carry out the administration and
3 purposes of this part.

4 (3) The department shall pay for room, board,
5 clothing, personal needs, transportation, and treatment in
6 ~~district--youth--guidance--homes;--shelter-care-programs;--and~~
7 youth foster care homes and youth group homes other than
8 aftercare homes for youths committed to the department of
9 institutions who need to be placed in such facilities.
10 Youths committed to the department of institutions ~~and or~~
11 AND placed by-the-court in residential facilities other than
12 those described above shall not be the financial
13 responsibility of the department of social and
14 rehabilitation services unless such placements have been
15 approved ~~in--advance~~ prior--to-placement IN ADVANCE by the
16 department of social and rehabilitation services."

17 Section 3. Section 41-3-1104, MCA, is amended to read:

18 "41-3-1104. Aftercare facilities. (1) The department
19 of institutions may establish, maintain, and administer
20 youth correction facilities, evaluation facilities, mental
21 health facilities and services, aftercare programs, and
22 aftercare facilities for the care, custody, and treatment of
23 youth who have been committed to the department of
24 institutions.

25 (2) Aftercare facilities are under the licensing

1 authority of the department of institutions social and
2 rehabilitation services."

3 Section 4. Section 41-3-1121, MCA, is amended to read:

4 "41-3-1121. Foster care payments for youth court
5 placements. (1) The youth court may establish procedures for
6 finding, maintaining, and administering shelter care and
7 foster homes approved by the court for youth within the
8 provisions of this part.

9 (2) Pursuant to 41-3-1122, the department shall make a
10 foster care payment for a child placed by the youth court
11 if:

12 (a) the child is placed in a youth care facility
13 licensed by the department ~~or-by--an--appropriate--licensing~~
14 authority--from-another-state OR BY AN APPROPRIATE LICENSING
15 AUTHORITY FROM ANOTHER STATE;

16 (b) the youth court enters into an agreement according
17 to federal regulations with the department for the placement
18 of children;

19 (c) the placement of the child is reviewed as required
20 by 41-3-1115; and

21 (d) the youth court retains supervision of the child
22 in placement."

23 Section 5. Section 41-3-1122, MCA, is amended to read:

24 "41-3-1122. Payment for support of youth in need of
25 care, youth in need of supervision, or delinquent youth --

1 reimbursement by county. (1) Whenever ~~agreements are entered~~
 2 ~~into by the department or the court for placing~~ a youth who
 3 is a youth in need of care, a youth in need of supervision,
 4 or a delinquent youth is placed by the youth court or the
 5 department in a youth care facility, the department shall
 6 pay, ~~by its check or draft each month from any funds~~
 7 ~~appropriated for that purpose the entire amount agreed upon~~
 8 ~~within the limits of the appropriation for that purpose, a~~
 9 ~~foster care payment to the youth care facility at a rate~~
 10 ~~established by the department for board, clothing, personal~~
 11 ~~needs, treatment, and room of the youth.~~

12 (2) On or before the 20th of each month the department
 13 shall present a claim to the county of residence of the
 14 youth for no more than one-half the payments so made during
 15 the month. The county must make reimbursement to the
 16 department within 20 days after the claim is presented.

17 (3) The department shall conduct or arrange for the
 18 review required under 41-3-1115 of a youth placed in a youth
 19 care facility if the youth is placed under the supervision
 20 of the department or placed by the department or the
 21 department pays for the care of the youth as set forth in
 22 this section."

23 ~~Section 6. Section 41-5-205, MCA, is amended to read:~~
 24 ~~"41-5-205. Retention of jurisdiction. Once a court~~
 25 ~~obtains jurisdiction over a youth, the court retains~~

1 ~~jurisdiction unless terminated by the court or by mandatory~~
 2 ~~termination in the following cases:~~

3 ~~(1) at the time the proceedings are transferred to~~
 4 ~~adult criminal court;~~

5 ~~(2) at the time of commitment of the youth to the~~
 6 ~~custody of the department of institutions;~~

7 ~~(3) at the time of commitment of the youth to the~~
 8 ~~custody of the department of social and rehabilitation~~
 9 ~~services;~~

10 ~~(3)(4) in any event, at the time the youth reaches the~~
 11 ~~age of 21 years."~~

12 Section 6. Section 41-5-403, MCA, is amended to read:

13 "41-5-403. Disposition permitted under informal
 14 adjustment. (1) The following dispositions may be imposed by
 15 informal adjustment:

- 16 (a) probation;
- 17 (b) placement of the youth for substitute care into a
 18 youth care facility as defined in 41-3-1102 or into a home
 19 approved by the court;

20 (c) placement of the youth in a private agency
 21 responsible for the care and rehabilitation of such a youth;

22 (d) transfer of legal custody to the department of
 23 institutions for a period of 6 months, which period may be
 24 extended for 6 months upon further order of the court after
 25 notice and hearing;

1 (e) restitution upon approval of the youth court
2 judge.

3 (2) In determining whether restitution is appropriate
4 in a particular case, the following factors may be
5 considered in addition to any other evidence:

- 6 (a) age of the youth;
- 7 (b) ability of the youth to pay;
- 8 (c) ability of the parents or legal guardian to pay;
- 9 (d) amount of damage to the victim; and

10 (e) legal remedies of the victim; however, the ability
11 of the victim or his insurer to stand any loss may not be
12 considered in any case.

13 (3) If the court finds that placement in a youth care
14 facility other than a youth group home or youth foster home
15 is necessary and in the best interests of the youth and the
16 community, the court shall determine if the youth can
17 receive appropriate treatment in a youth care facility
18 located in Montana as follows:

19 (a) If the court finds the youth can receive
20 appropriate treatment in a youth care facility located in
21 Montana that will accept the youth, the court may not place
22 the youth in a youth care facility located outside this
23 state UNLESS AN OUT-OF-STATE FACILITY CAN PROVIDE
24 APPROPRIATE TREATMENT THAT:

25 (1) CAN BE OBTAINED AT A COST LESS THAN THAT OFFERED

1 BY ANY AVAILABLE FACILITY IN THIS STATE; OR

2 (II) IS AVAILABLE IN CLOSER PROXIMITY TO THE YOUTH'S
3 PLACE OF RESIDENCE THAN ANY FACILITY LOCATED IN THIS STATE.

4 ~~(b) If the court finds the youth cannot receive~~
5 ~~appropriate treatment in a youth care facility located in~~
6 ~~Montana, the court shall transfer legal custody to the~~
7 ~~department of social and rehabilitation services, which is~~
8 ~~responsible for the selection of an appropriate placement~~
9 ~~for the youth in a youth care facility located outside this~~
10 ~~state. The transfer of legal custody must be for a period of~~
11 ~~6 months and may be extended for an additional 6 months upon~~
12 ~~further order of the court after notice and hearing.~~

13 (B) IF THE DEPARTMENT OF SOCIAL AND REHABILITATION
14 SERVICES ACCEPTS THE FINANCIAL RESPONSIBILITY FOR THE COSTS
15 OF CARING FOR THE CHILD IN A YOUTH CARE FACILITY OTHER THAN
16 A YOUTH FOSTER HOME OR YOUTH GROUP HOME, THE COURT SHALL
17 PROVIDE THE DEPARTMENT WITH AT LEAST 5 DAYS' WRITTEN NOTICE
18 AND OPPORTUNITY TO BE HEARD BEFORE ORDERING THE PLACEMENT OF
19 THE YOUTH.

20 ~~+~~(4) If the youth violates his aftercare agreement
21 as provided for in 53-30-226, he must be returned to the
22 court for further disposition. No youth may be placed in a
23 state youth correctional facility under informal adjustment.

24 ~~+~~(5) If custody is given to the department of
25 institutions under subsection (1)(d), the youth may not be

1 committed to the Montana youth treatment center unless the
2 commitment provisions of 53-21-505 are followed."

3 Section 7. Section 41-5-523, MCA, is amended to read:

4 "41-5-523. Disposition of delinquent youth and youth
5 in need of supervision. (1) If a youth is found to be
6 delinquent or in need of supervision, the court may enter
7 its judgment making the following disposition:

- 8 (a) place the youth on probation;
 - 9 (b) place the youth for substitute care into a youth
10 care facility as defined in 41-3-1102 or a home approved by
11 the court;
 - 12 (c) place the youth in a private agency responsible
13 for the care and rehabilitation of such a youth;
 - 14 (d) transfer legal custody to the department of
15 institutions; provided, however, that in the case of a youth
16 in need of supervision, such transfer of custody does not
17 authorize the department of institutions to place the youth
18 in a state youth correctional facility and such custody may
19 not continue for a period of more than 6 months without a
20 subsequent court order after notice and hearing;
 - 21 (e) such further care and treatment or evaluation that
22 the court considers beneficial to the youth; or
 - 23 (f) order restitution by the youth.
- 24 (2) At any time after the youth has been taken into
25 custody, the court may, with the consent of the youth in the

1 manner provided in 41-5-303 for consent by a youth to waiver
2 of his constitutional rights or after the youth has been
3 adjudicated delinquent or in need of supervision, order the
4 youth to be evaluated by the department of institutions for
5 a period not to exceed 45 days of evaluation at a reception
6 and evaluation center for youths, except that if the
7 evaluation is to be done at the Montana youth treatment
8 center, the commitment provisions of 53-21-505 must be
9 followed and no evaluation of a youth may be done at Montana
10 state hospital.

11 (3) If the court finds that placement in a youth care
12 facility other than a youth group home or youth foster home
13 is necessary and in the best interests of the youth and the
14 community, the court shall determine if the youth can
15 receive appropriate treatment in a youth care facility
16 located in Montana as follows:

17 (a) If the court finds the youth can receive
18 appropriate treatment in a youth care facility located in
19 Montana that will accept the youth, the court may not place
20 the youth in a youth care facility located outside this
21 state.

22 (b) If the court finds the youth cannot receive
23 appropriate treatment in a youth care facility located in
24 Montana, the court shall transfer legal custody to the
25 department of social and rehabilitation services, which is

1 ~~responsible--for--the--selection-of-an-appropriate-placement~~
2 ~~for-the-youth-in-a-youth-care-facility-located-outside--this~~
3 ~~state:~~

4 (4) IF THE DEPARTMENT OF SOCIAL AND REHABILITATION
5 SERVICES ACCEPTS THE FINANCIAL RESPONSIBILITY FOR THE COSTS
6 OF CARING FOR THE CHILD IN A YOUTH CARE FACILITY OTHER THAN
7 A YOUTH FOSTER HOME OR YOUTH GROUP HOME, THE COURT SHALL
8 PROVIDE THE DEPARTMENT AT LEAST 5 DAYS' WRITTEN NOTICE AND
9 OPPORTUNITY TO BE HEARD BEFORE ORDERING THE PLACEMENT OF THE
10 YOUTH.

11 ~~(3)~~(4)(5) No youth may be committed or transferred to
12 a penal institution or other facility used for the execution
13 of sentence of adult persons convicted of crimes.

14 (4)(5)(6) Any order of the court may be modified at
15 any time. In the case of a youth committed to the department
16 of institutions ~~or--the--department--of--social--and~~
17 ~~rehabilitation--services~~, an order pertaining to the youth
18 may be modified only upon notice to the department and
19 subsequent hearing.

20 (5)(6)(7) Whenever the court vests legal custody in an
21 agency, institution, or department, it must transmit with
22 the dispositional judgment copies of a medical report and
23 such other clinical, predisposition, or other reports and
24 information pertinent to the care and treatment of the
25 youth.

1 (6)(7)(8) Except as provided in 53-21-507, if the
2 custody of a youth is transferred to the department of
3 institutions under subsection (1), the youth may not be
4 committed to the Montana youth treatment center unless the
5 commitment provisions of 53-21-505 are followed.

6 (7)(8)(9) The order of commitment to the department of
7 institutions shall read as follows:

8 ORDER OF COMMITMENT
9 State of Montana)
10) ss.
11 County of)

12 In the district court for the Judicial District.
13 On the day of, 19..,, a minor of this
14 county, years of age, was brought before me charged
15 with, Upon due proof I find that is a suitable
16 person to be committed to the department of institutions.

17 It is ordered that be committed to the department
18 of institutions until

19 The names, addresses, and occupations of the parents
20 are:

21 Name	Address	Occupation
22		
23		

24 The names and addresses of their nearest relatives are:
25

1

2 Witness my hand this day of, A.D. 19...

3

4 Judge"

5 NEW SECTION. Section 8. Extension of authority. Any
6 existing authority of the department of social and
7 rehabilitation services or the department of institutions to
8 make rules on the subject of the provisions of this act is
9 extended to the provisions of this act.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 489

3 House Human Services and Aging Committee

4

5 The department of social and rehabilitation services
6 has adopted rules regarding the licensing of youth care
7 facilities, including youth foster homes, youth group homes,
8 and child care agencies. It is contemplated that the
9 existing licensing standards promulgated in the
10 Administrative Rules of Montana and any future standards
11 which may be promulgated under this act apply to all youth
12 care facilities licensed under section 41-3-1142, MCA, as
13 amended.

1 HOUSE BILL NO. 489
 2 INTRODUCED BY WALDRON
 3 BY REQUEST OF THE DEPARTMENT OF
 4 SOCIAL AND REHABILITATION SERVICES
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO RESIDENTIAL YOUTH CARE FACILITIES; ~~TO ALLOW~~
 8 ~~TRANSFER OF LEGAL CUSTODY TO THE DEPARTMENT OF SOCIAL AND~~
 9 ~~REHABILITATION SERVICES FOR YOUTHS REQUIRING PLACEMENT IN~~
 10 ~~OUT-OF-STATE YOUTH CARE FACILITIES~~ TO REQUIRE PRIOR
 11 CONSULTATION WITH THE DEPARTMENT OF SOCIAL AND
 12 REHABILITATION SERVICES FOR PLACEMENT OF YOUTHS IN
 13 RESIDENTIAL YOUTH FACILITIES; AND AMENDING SECTIONS
 14 41-3-1102 THROUGH 41-3-1104, 41-3-1121, 41-3-1122, ~~41-5-205,~~
 15 ~~41-5-403,~~ AND 41-5-523, MCA."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

19 "41-3-1102. Definitions. For the purposes of this
 20 part, the following definitions apply:

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

24 (2) "Department" means the department of social and
 25 rehabilitation services.

1 (3) "Operator of a youth care facility" means any
 2 person owning or operating a youth care facility into which
 3 he takes any child or children for the purpose of caring for
 4 them and maintaining them and for which care and maintenance
 5 he receives money or other consideration of value, and which
 6 child is neither his son, daughter, nor ward, except that
 7 this part shall not apply when any person accepts such care
 8 and custody of such child on a temporary basis and simply as
 9 a temporary accommodation for the parent or parents,
 10 guardian, or relative of such child.

11 ~~The word "person" shall include~~ "Person" means any
 12 individual, partnership, voluntary association, or
 13 corporation.

14 (5) "Substitute care" means full-time care of youth in
 15 a residential setting for the purpose of providing food,
 16 shelter, security and safety, guidance, direction, and if
 17 necessary, treatment to youth who are removed from or
 18 without the care and supervision of their parents or
 19 guardian.

20 ~~(6) "Treatment facility" is a child care agency~~
 21 ~~providing the appropriate level of care.~~

22 ~~(7)~~ (6) "Youth care facility" means a facility,
 23 licensed in accordance with 41-3-1141 through 41-3-1143, in
 24 which substitute care is provided to youth ~~in need of care,~~
 25 ~~youth in need of supervision, or delinquent youth~~ and

1 includes youth foster homes, youth group homes, and
2 child-care agencies.

3 ~~{8}~~{7} "Youth foster home" means a youth care facility
4 in which substitute care is provided to one to six children
5 or youth to whom the foster parents are not related by
6 blood, marriage, adoption, or wardship other than the foster
7 parents' own children, stepchildren, or wards.

8 {9}{8} "Youth group home" means a youth care facility
9 in which substitute care is provided to 7 to 12 children or
10 youth."

11 Section 2. Section 41-3-1103, MCA, is amended to read:
12 "41-3-1103. Powers and duties of department. (1) The
13 department shall:

14 (a) administer all state and federal funds allocated
15 to the department for youth foster homes, youth group homes,
16 and child-care agencies for youth in need of care, youth in
17 need of supervision, and delinquent youth;

18 (b) exercise licensing authority over all youth foster
19 homes, youth group homes, and child-care agencies;

20 (c) collect and disseminate information relating to
21 youth in need of care, youth in need of supervision, and
22 delinquent youth;

23 (d) provide for training of program personnel
24 delivering services;

25 (e) in cooperation with the department of institutions

1 and youth care facility providers, develop and implement
2 standards for youth care facilities;

3 (f) apportion and allocate placement budgets to all
4 judicial districts;

5 (g) seek public input on the plan prior to its
6 adoption and implementation; and

7 (h) maintain adequate data on placements it funds in
8 order to keep the legislature properly informed of the
9 following:

10 (i) the breakdown of youth in need of care, youth in
11 need of supervision, and delinquent youth by category in
12 out-of-home care facilities;

13 (ii) the cost per facility for services rendered;

14 (iii) the type and level of care of services provided
15 by each facility;

16 (iv) a profile of out-of-home care placements by level
17 of care; and

18 (v) a profile of public institutional placements.

19 (2) The department may:

20 (a) enter into contracts with nonprofit corporations
21 or associations to provide facilities and services for youth
22 in need of care, youth in need of supervision, and
23 delinquent youth;

24 (b) accept gifts, grants, and donations of money and
25 property from public and private sources to initiate and

1 maintain community-based services to youth;
2 (c) adopt rules to carry out the administration and
3 purposes of this part.

4 (3) The department shall pay for room, board,
5 clothing, personal needs, transportation, and treatment in
6 ~~district--youth--guidance--homes; shelter-care-programs; and~~
7 youth foster care homes and youth group homes other than
8 aftercare homes for youths committed to the department of
9 institutions who need to be placed in such facilities.
10 Youths committed to the department of institutions ~~and or~~
11 AND placed by-the-court in residential facilities other than
12 those described above shall not be the financial
13 responsibility of the department of social and
14 rehabilitation services unless such placements have been
15 approved ~~in--advance prior--to-placement~~ IN ADVANCE by the
16 department of social and rehabilitation services."

17 Section 3. Section 41-3-1104, MCA, is amended to read:

18 "41-3-1104. Aftercare facilities. (1) The department
19 of institutions may establish, maintain, and administer
20 youth correction facilities, evaluation facilities, mental
21 health facilities and services, aftercare programs, and
22 aftercare facilities for the care, custody, and treatment of
23 youth who have been committed to the department of
24 institutions.

25 (2) Aftercare facilities are under the licensing

1 authority of the department of ~~institutions~~ social and
2 rehabilitation services."

3 Section 4. Section 41-3-1121, MCA, is amended to read:

4 "41-3-1121. Foster care payments for youth court
5 placements. (1) The youth court may establish procedures for
6 finding, maintaining, and administering shelter care and
7 foster homes approved by the court for youth within the
8 provisions of this part.

9 (2) Pursuant to 41-3-1122, the department shall make a
10 foster care payment for a child placed by the youth court
11 if:

12 (a) the child is placed in a youth care facility
13 licensed by the department ~~or-by--an--appropriate--licensing~~
14 ~~authority--from-another-state~~ OR BY AN APPROPRIATE LICENSING
15 AUTHORITY FROM ANOTHER STATE;

16 (b) the youth court enters into an agreement according
17 to federal regulations with the department for the placement
18 of children;

19 (c) the placement of the child is reviewed as required
20 by 41-3-1115; and

21 (d) the youth court retains supervision of the child
22 in placement."

23 Section 5. Section 41-3-1122, MCA, is amended to read:

24 "41-3-1122. Payment for support of youth in need of
25 care, youth in need of supervision, or delinquent youth --

1 reimbursement by county. (1) Whenever ~~agreements are entered~~
 2 ~~into by the department or the court for placing~~ a youth who
 3 is a youth in need of care, a youth in need of supervision,
 4 or a delinquent youth is placed by the youth court or the
 5 department in a youth care facility, the department shall
 6 pay, ~~by its check or draft each month from any funds~~
 7 ~~appropriated for that purpose the entire amount agreed upon~~
 8 within the limits of the appropriation for that purpose, a
 9 foster care payment to the youth care facility at a rate
 10 established by the department for board, clothing, personal
 11 needs, treatment, and room of the youth.

12 (2) On or before the 20th of each month the department
 13 shall present a claim to the county of residence of the
 14 youth for no more than one-half the payments so made during
 15 the month. The county must make reimbursement to the
 16 department within 20 days after the claim is presented.

17 (3) The department shall conduct or arrange for the
 18 review required under 41-3-1115 of a youth placed in a youth
 19 care facility if the youth is placed under the supervision
 20 of the department or placed by the department or the
 21 department pays for the care of the youth as set forth in
 22 this section."

23 ~~Section 6. Section 41-5-205, MCA, is amended to read:~~
 24 ~~"41-5-205. Retention of jurisdiction. Once a court~~
 25 ~~obtains jurisdiction over a youth, the court retains~~

1 ~~jurisdiction unless terminated by the court or by mandatory~~
 2 ~~termination in the following cases:~~

3 ~~(1) at the time the proceedings are transferred to~~
 4 ~~adult criminal court;~~

5 ~~(2) at the time of commitment of the youth to the~~
 6 ~~custody of the department of institutions;~~

7 ~~(3) at the time of commitment of the youth to the~~
 8 ~~custody of the department of social and rehabilitation~~
 9 ~~services;~~

10 ~~(3)(4) in any event, at the time the youth reaches the~~
 11 ~~age of 21 years."~~

12 Section 6. Section 41-5-403, MCA, is amended to read:

13 "41-5-403. Disposition permitted under informal
 14 adjustment. (1) The following dispositions may be imposed by
 15 informal adjustment:

- 16 (a) probation;
- 17 (b) placement of the youth for substitute care into a
 18 youth care facility as defined in 41-3-1102 or into a home
 19 approved by the court;

20 (c) placement of the youth in a private agency
 21 responsible for the care and rehabilitation of such a youth;

22 (d) transfer of legal custody to the department of
 23 institutions for a period of 6 months, which period may be
 24 extended for 6 months upon further order of the court after
 25 notice and hearing;

1 (e) restitution upon approval of the youth court
2 judge.

3 (2) In determining whether restitution is appropriate
4 in a particular case, the following factors may be
5 considered in addition to any other evidence:

- 6 (a) age of the youth;
- 7 (b) ability of the youth to pay;
- 8 (c) ability of the parents or legal guardian to pay;
- 9 (d) amount of damage to the victim; and

10 (e) legal remedies of the victim; however, the ability
11 of the victim or his insurer to stand any loss may not be
12 considered in any case.

13 (3) If the court finds that placement in a youth care
14 facility other than a youth group home or youth foster home
15 is necessary and in the best interests of the youth and the
16 community, the court shall determine if the youth can
17 receive appropriate treatment in a youth care facility
18 located in Montana as follows:

19 (a) If the court finds the youth can receive
20 appropriate treatment in a youth care facility located in
21 Montana that will accept the youth, the court may not place
22 the youth in a youth care facility located outside this
23 state UNLESS AN OUT-OF-STATE FACILITY CAN PROVIDE
24 APPROPRIATE TREATMENT THAT:

25 (I) CAN BE OBTAINED AT A COST LESS THAN THAT OFFERED

1 BY ANY AVAILABLE FACILITY IN THIS STATE; OR
2 (II) IS AVAILABLE IN CLOSER PROXIMITY TO THE YOUTH'S
3 PLACE OF RESIDENCE THAN ANY FACILITY LOCATED IN THIS STATE.

4 ~~(b) If the court finds the youth cannot receive~~
5 ~~appropriate treatment in a youth care facility located in~~
6 ~~Montana, the court shall transfer legal custody to the~~
7 ~~department of social and rehabilitation services, which is~~
8 ~~responsible for the selection of an appropriate placement~~
9 ~~for the youth in a youth care facility located outside this~~
10 ~~state. The transfer of legal custody must be for a period of~~
11 ~~6 months and may be extended for an additional 6 months upon~~
12 ~~further order of the court after notice and hearing.~~

13 (B) IF THE DEPARTMENT OF SOCIAL AND REHABILITATION
14 SERVICES ACCEPTS THE FINANCIAL RESPONSIBILITY FOR THE COSTS
15 OF CARING FOR THE CHILD IN A YOUTH CARE FACILITY OTHER THAN
16 A YOUTH FOSTER HOME OR YOUTH GROUP HOME, THE COURT SHALL
17 PROVIDE THE DEPARTMENT WITH AT LEAST 5 DAYS' WRITTEN NOTICE
18 AND OPPORTUNITY TO BE HEARD BEFORE ORDERING THE PLACEMENT OF
19 THE YOUTH.

20 ~~(3)(4)~~ If the youth violates his aftercare agreement
21 as provided for in 53-30-226, he must be returned to the
22 court for further disposition. No youth may be placed in a
23 state youth correctional facility under informal adjustment.

24 ~~(4)(5)~~ If custody is given to the department of
25 institutions under subsection (1)(d), the youth may not be

1 committed to the Montana youth treatment center unless the
2 commitment provisions of 53-21-505 are followed."

3 Section 7. Section 41-5-521, MCA, is amended to read:

4 "41-5-523. Disposition of delinquent youth and youth
5 in need of supervision. (1) If a youth is found to be
6 delinquent or in need of supervision, the court may enter
7 its judgment making the following disposition:

8 (a) place the youth on probation;

9 (b) place the youth for substitute care into a youth
10 care facility as defined in 41-3-1102 or a home approved by
11 the court;

12 (c) place the youth in a private agency responsible
13 for the care and rehabilitation of such a youth;

14 (d) transfer legal custody to the department of
15 institutions; provided, however, that in the case of a youth
16 in need of supervision, such transfer of custody does not
17 authorize the department of institutions to place the youth
18 in a state youth correctional facility and such custody may
19 not continue for a period of more than 6 months without a
20 subsequent court order after notice and hearing;

21 (e) such further care and treatment or evaluation that
22 the court considers beneficial to the youth; or

23 (f) order restitution by the youth.

24 (2) At any time after the youth has been taken into
25 custody, the court may, with the consent of the youth in the

1 manner provided in 41-5-303 for consent by a youth to waiver
2 of his constitutional rights or after the youth has been
3 adjudicated delinquent or in need of supervision, order the
4 youth to be evaluated by the department of institutions for
5 a period not to exceed 45 days of evaluation at a reception
6 and evaluation center for youths, except that if the
7 evaluation is to be done at the Montana youth treatment
8 center, the commitment provisions of 53-21-505 must be
9 followed and no evaluation of a youth may be done at Montana
10 state hospital.

11 (3) If the court finds that placement in a youth care
12 facility other than a youth group home or youth foster home
13 is necessary and in the best interests of the youth and the
14 community, the court shall determine if the youth can
15 receive appropriate treatment in a youth care facility
16 located in Montana as follows: AS FOLLOWS:

17 (A) IF THE COURT FINDS THE YOUTH CAN RECEIVE
18 APPROPRIATE TREATMENT IN A YOUTH CARE FACILITY LOCATED IN
19 MONTANA THAT WILL ACCEPT THE YOUTH, THE COURT MAY NOT PLACE
20 THE YOUTH IN A YOUTH CARE FACILITY LOCATED OUTSIDE THIS
21 STATE UNLESS AN OUT-OF-STATE FACILITY CAN PROVIDE
22 APPROPRIATE TREATMENT THAT:

23 (I) CAN BE OBTAINED AT A COST LESS THAN THAT OFFERED
24 BY ANY AVAILABLE FACILITY IN THIS STATE; OR

25 (II) IS AVAILABLE IN CLOSER PROXIMITY TO THE YOUTH'S

1 PLACE OF RESIDENCE THAN ANY FACILITY LOCATED IN THIS STATE.

2 ~~{a} If the court finds the youth can receive~~
3 ~~appropriate treatment in a youth care facility located in~~
4 ~~Montana that will accept the youth, the court may not place~~
5 ~~the youth in a youth care facility located outside this~~
6 ~~state.~~

7 ~~{b} If the court finds the youth cannot receive~~
8 ~~appropriate treatment in a youth care facility located in~~
9 ~~Montana, the court shall transfer legal custody to the~~
10 ~~department of social and rehabilitation services, which is~~
11 ~~responsible for the selection of an appropriate placement~~
12 ~~for the youth in a youth care facility located outside this~~
13 ~~state.~~

14 {4}(B) IF THE DEPARTMENT OF SOCIAL AND REHABILITATION
15 SERVICES ACCEPTS THE FINANCIAL RESPONSIBILITY FOR THE COSTS
16 OF CARING FOR THE CHILD IN A YOUTH CARE FACILITY OTHER THAN
17 A YOUTH FOSTER HOME OR YOUTH GROUP HOME, THE COURT SHALL
18 PROVIDE THE DEPARTMENT AT LEAST 5 DAYS' WRITTEN NOTICE AND
19 OPPORTUNITY TO BE HEARD BEFORE ORDERING THE PLACEMENT OF THE
20 YOUTH.

21 ~~{3}{4}{5}(4)~~ No youth may be committed or transferred
22 to a penal institution or other facility used for the
23 execution of sentence of adult persons convicted of crimes.

24 ~~{4}{5}{6}(5)~~ Any order of the court may be modified at
25 any time. In the case of a youth committed to the department

1 of institutions ~~or the department of social and~~
2 ~~rehabilitation services~~, an order pertaining to the youth
3 may be modified only upon notice to the department and
4 subsequent hearing.

5 ~~{5}{6}{7}(6)~~ Whenever the court vests legal custody in
6 an agency, institution, or department, it must transmit with
7 the dispositional judgment copies of a medical report and
8 such other clinical, predisposition, or other reports and
9 information pertinent to the care and treatment of the
10 youth.

11 ~~{6}{7}{8}(7)~~ Except as provided in 53-21-507, if the
12 custody of a youth is transferred to the department of
13 institutions under subsection (1), the youth may not be
14 committed to the Montana youth treatment center unless the
15 commitment provisions of 53-21-505 are followed.

16 ~~{7}{8}{9}(8)~~ The order of commitment to the department
17 of institutions shall read as follows:

18 ORDER OF COMMITMENT

19 State of Montana)

20) ss.

21 County of)

22 In the district court for the Judicial District.

23 On the day of, 19..,, a minor of this
24 county, years of age, was brought before me charged
25 with, Upon due proof I find that is a suitable

1 person to be committed to the department of institutions.

2 It is ordered that be committed to the department
3 of institutions until

4 The names, addresses, and occupations of the parents
5 are:

6 Name	Address	Occupation
7
8

9 The names and addresses of their nearest relatives are:
10
11

12 Witness my hand this day of, A.D. 19...
13

14 Judge"

15 NEW SECTION. Section 8. Extension of authority. Any
16 existing authority of the department of social and
17 rehabilitation services or the department of institutions to
18 make rules on the subject of the provisions of this act is
19 extended to the provisions of this act.

-End-

STANDING COMMITTEE REPORT

SENATE

..... March 27 19.85.....

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety.....
having had under consideration..... House Bill..... No..... 489..
third reading copy (blue)
color

GENERAL REVISION OF LAW RELATING TO YOUTH CARE FACILITIES

WALDRON (JACOBSON)

Respectfully report as follows: That..... House Bill..... No..... 489..

be amended as follows:

1. Page 5, line 18.
Following: "facilities."
Strike: "(1)"
2. Page 5, line 25, through line 2, page 6.
Strike: subsection (2) in its entirety
3. Page 10, line 13.
Following: "(B)"
Strike: "IF"
Insert: "When"
4. Page 10, line 14.
Following: "SERVICES"
Strike: "ACCEPTS THE FINANCIAL RESPONSIBILITY FOR"
Insert: "is ordered to pay"
5. Page 13, line 14.
Following: "(B)"
Strike: "IF"
Insert: "When"
6. Page 13, line 15.
Following: "SERVICES"
Strike: "ACCEPTS THE FINANCIAL RESPONSIBILITY FOR"
Insert: "is ordered to pay"

~~RRRASSX~~

~~RRRASSX~~

AND AS AMENDED
BE CONCURRED IN


.....
SENATOR JUDY JACOBSON, Chairman.

SENATE COMMITTEE OF THE WHOLE AMENDMENT

Mar 30, 1985
DATE

10:15
TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 489

third reading copy (blue) as follows:
Color

1. Page 10, line 1.
Following: "STATE;"
Strike: "OR"
Insert: "and"

2. Page 12, line 24.
Following: "STATE;"
Strike: "OR"
Insert: "and"

PC3HB489.691

JC
ADOPT
REJECT

Judy Jacobson
.....
JACOBSON

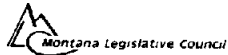
1 STATEMENT OF INTENT

2 HOUSE BILL 489

3 House Human Services and Aging Committee

4

5 The department of social and rehabilitation services
6 has adopted rules regarding the licensing of youth care
7 facilities, including youth foster homes, youth group homes,
8 and child care agencies. It is contemplated that the
9 existing licensing standards promulgated in the
10 Administrative Rules of Montana and any future standards
11 which may be promulgated under this act apply to all youth
12 care facilities licensed under section 41-3-1142, MCA, as
13 amended.



REFERENCE BILL

HB 489

1 HOUSE BILL NO. 489
 2 INTRODUCED BY WALDRON
 3 BY REQUEST OF THE DEPARTMENT OF
 4 SOCIAL AND REHABILITATION SERVICES
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO RESIDENTIAL YOUTH CARE FACILITIES; ~~TO ALLOW~~
 8 ~~TRANSFER OF LEGAL CUSTODY TO THE DEPARTMENT OF SOCIAL AND~~
 9 ~~REHABILITATION SERVICES FOR YOUTHS REQUIRING PLACEMENT IN~~
 10 ~~OUT-OF-STATE YOUTH CARE FACILITIES~~ TO REQUIRE PRIOR
 11 CONSULTATION WITH THE DEPARTMENT OF SOCIAL AND
 12 REHABILITATION SERVICES FOR PLACEMENT OF YOUTHS IN
 13 RESIDENTIAL YOUTH FACILITIES; AND AMENDING SECTIONS
 14 41-3-1102 THROUGH 41-3-1104, 41-3-1121, 41-3-1122, 41-5-205,
 15 41-5-403, AND 41-5-523, MCA."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 18 Section 1. Section 41-3-1102, MCA, is amended to read:
 19 "41-3-1102. Definitions. For the purposes of this
 20 part, the following definitions apply:
 21 (1) "Child-care agency" means a youth care facility in
 22 which substitute care is provided to 13 or more children or
 23 youth.
 24 (2) "Department" means the department of social and
 25 rehabilitation services.

1 (3) "Operator of a youth care facility" means any
 2 person owning or operating a youth care facility into which
 3 he takes any child or children for the purpose of caring for
 4 them and maintaining them and for which care and maintenance
 5 he receives money or other consideration of value, and which
 6 child is neither his son, daughter, nor ward, except that
 7 this part shall not apply when any person accepts such care
 8 and custody of such child on a temporary basis and simply as
 9 a temporary accommodation for the parent or parents,
 10 guardian, or relative of such child.

11 (4) ~~The word "person" shall include~~ "Person" means any
 12 individual, partnership, voluntary association, or
 13 corporation.

14 (5) "Substitute care" means full-time care of youth in
 15 a residential setting for the purpose of providing food,
 16 shelter, security and safety, guidance, direction, and if
 17 necessary, treatment to youth who are removed from or
 18 without the care and supervision of their parents or
 19 guardian.

20 ~~(6) "Treatment facility" is a child-care agency~~
 21 ~~providing the appropriate level of care.~~

22 ~~(7)~~(6) "Youth care facility" means a facility,
 23 licensed in accordance with 41-3-1141 through 41-3-1143, in
 24 which substitute care is provided to youth ~~in need of care,~~
 25 ~~youth in need of supervision, or delinquent youth~~ and



1 includes youth foster homes, youth group homes, and
2 child-care agencies.

3 †8†(7) "Youth foster home" means a youth care facility
4 in which substitute care is provided to one to six children
5 or youth ~~to whom the foster parents are not related by~~
6 ~~blood, marriage, adoption, or wardship~~ other than the foster
7 parents' own children, stepchildren, or wards.

8 †9†(8) "Youth group home" means a youth care facility
9 in which substitute care is provided to 7 to 12 children or
10 youth."

11 Section 2. Section 41-3-1103, MCA, is amended to read:
12 "41-3-1103. Powers and duties of department. (1) The
13 department shall:

14 (a) administer all state and federal funds allocated
15 to the department for youth foster homes, youth group homes,
16 and child-care agencies for youth in need of care, youth in
17 need of supervision, and delinquent youth;

18 (b) exercise licensing authority over all youth foster
19 homes, youth group homes, and child-care agencies;

20 (c) collect and disseminate information relating to
21 youth in need of care, youth in need of supervision, and
22 delinquent youth;

23 (d) provide for training of program personnel
24 delivering services;

25 (e) in cooperation with the department of institutions

1 and youth care facility providers, develop and implement
2 standards for youth care facilities;

3 (f) apportion and allocate placement budgets to all
4 judicial districts;

5 (g) seek public input on the plan prior to its
6 adoption and implementation; and

7 (h) maintain adequate data on placements it funds in
8 order to keep the legislature properly informed of the
9 following:

10 (i) the breakdown of youth in need of care, youth in
11 need of supervision, and delinquent youth by category in
12 out-of-home care facilities;

13 (ii) the cost per facility for services rendered;

14 (iii) the type and level of care of services provided
15 by each facility;

16 (iv) a profile of out-of-home care placements by level
17 of care; and

18 (v) a profile of public institutional placements.

19 (2) The department may:

20 (a) enter into contracts with nonprofit corporations
21 or associations to provide facilities and services for youth
22 in need of care, youth in need of supervision, and
23 delinquent youth;

24 (b) accept gifts, grants, and donations of money and
25 property from public and private sources to initiate and

1 maintain community-based services to youth;

2 (c) adopt rules to carry out the administration and
3 purposes of this part.

4 (3) The department shall pay for room, board,
5 clothing, personal needs, transportation, and treatment in
6 ~~district--youth--guidance--homes--shelter-care-programs--and~~
7 youth foster care homes and youth group homes other than
8 aftercare homes for youths committed to the department of
9 institutions who need to be placed in such facilities.
10 Youths committed to the department of institutions and or
11 AND placed by-the-court in residential facilities other than
12 those described above shall not be the financial
13 responsibility of the department of social and
14 rehabilitation services unless such placements have been
15 approved in--advance prior--to-placement IN ADVANCE by the
16 department of social and rehabilitation services."

17 Section 3. Section 41-3-1104, MCA, is amended to read:

18 "41-3-1104. Aftercare facilities. {1} The department
19 of institutions may establish, maintain, and administer
20 youth correction facilities, evaluation facilities, mental
21 health facilities and services, aftercare programs, and
22 aftercare facilities for the care, custody, and treatment of
23 youth who have been committed to the department of
24 institutions.

25 {2}--Aftercare--facilities--are--under--the--licensing

1 ~~authority-of--the--department--of--institutions social--and~~
2 ~~rehabilitation-services."~~

3 Section 4. Section 41-3-1121, MCA, is amended to read:

4 "41-3-1121. Foster care payments for youth court
5 placements. (1) The youth court may establish procedures for
6 finding, maintaining, and administering shelter care and
7 foster homes approved by the court for youth within the
8 provisions of this part.

9 (2) Pursuant to 41-3-1122, the department shall make a
10 foster care payment for a child placed by the youth court
11 if:

12 (a) the child is placed in a youth care facility
13 licensed by the department ~~or-by--an--appropriate--licensing~~
14 ~~authority--from-another-state~~ OR BY AN APPROPRIATE LICENSING
15 AUTHORITY FROM ANOTHER STATE;

16 (b) the youth court enters into an agreement according
17 to federal regulations with the department for the placement
18 of children;

19 (c) the placement of the child is reviewed as required
20 by 41-3-1115; and

21 (d) the youth court retains supervision of the child
22 in placement."

23 Section 5. Section 41-3-1122, MCA, is amended to read:

24 "41-3-1122. Payment for support of youth in need of
25 care, youth in need of supervision, or delinquent youth --

1 reimbursement by county. (1) Whenever ~~agreements are entered~~
 2 ~~into by the department or the court for placing~~ a youth who
 3 is a youth in need of care, a youth in need of supervision,
 4 or a delinquent youth is placed by the youth court or the
 5 department in a youth care facility, the department shall
 6 pay, ~~by its check or draft each month from any funds~~
 7 ~~appropriated for that purpose the entire amount agreed upon~~
 8 within the limits of the appropriation for that purpose, a
 9 foster care payment to the youth care facility at a rate
 10 established by the department for board, clothing, personal
 11 needs, treatment, and room of the youth.

12 (2) On or before the 20th of each month the department
 13 shall present a claim to the county of residence of the
 14 youth for no more than one-half the payments so made during
 15 the month. The county must make reimbursement to the
 16 department within 20 days after the claim is presented.

17 (3) The department shall conduct or arrange for the
 18 review required under 41-3-1115 of a youth placed in a youth
 19 care facility if the youth is placed under the supervision
 20 of the department or placed by the department or the
 21 department pays for the care of the youth as set forth in
 22 this section."

23 ~~Section 6, Section 41-5-205, MCA, is amended to read:~~
 24 ~~"41-5-205. Retention of jurisdiction. Once a court~~
 25 ~~obtains jurisdiction over a youth, the court retains~~

1 ~~jurisdiction unless terminated by the court or by mandatory~~
 2 ~~termination in the following cases:~~

3 ~~(1) at the time the proceedings are transferred to~~
 4 ~~adult criminal court;~~

5 ~~(2) at the time of commitment of the youth to the~~
 6 ~~custody of the department of institutions;~~

7 ~~(3) at the time of commitment of the youth to the~~
 8 ~~custody of the department of social and rehabilitation~~
 9 ~~services;~~

10 ~~(3)(4) in any event, at the time the youth reaches the~~
 11 ~~age of 21 years."~~

12 Section 6. Section 41-5-403, MCA, is amended to read:

13 "41-5-403. Disposition permitted under informal
 14 adjustment. (1) The following dispositions may be imposed by
 15 informal adjustment:

- 16 (a) probation;
- 17 (b) placement of the youth for substitute care into a
 18 youth care facility as defined in 41-3-1102 or into a home
 19 approved by the court;

20 (c) placement of the youth in a private agency
 21 responsible for the care and rehabilitation of such a youth;

22 (d) transfer of legal custody to the department of
 23 institutions for a period of 6 months, which period may be
 24 extended for 6 months upon further order of the court after
 25 notice and hearing;

1 (e) restitution upon approval of the youth court
2 judge.

3 (2) In determining whether restitution is appropriate
4 in a particular case, the following factors may be
5 considered in addition to any other evidence:

- 6 (a) age of the youth;
- 7 (b) ability of the youth to pay;
- 8 (c) ability of the parents or legal guardian to pay;
- 9 (d) amount of damage to the victim; and

10 (e) legal remedies of the victim; however, the ability
11 of the victim or his insurer to stand any loss may not be
12 considered in any case.

13 (3) If the court finds that placement in a youth care
14 facility other than a youth group home or youth foster home
15 is necessary and in the best interests of the youth and the
16 community, the court shall determine if the youth can
17 receive appropriate treatment in a youth care facility
18 located in Montana as follows:

19 (a) If the court finds the youth can receive
20 appropriate treatment in a youth care facility located in
21 Montana that will accept the youth, the court may not place
22 the youth in a youth care facility located outside this
23 state UNLESS AN OUT-OF-STATE FACILITY CAN PROVIDE
24 APPROPRIATE TREATMENT THAT:

25 (I) CAN BE OBTAINED AT A COST LESS THAN THAT OFFERED

1 BY ANY AVAILABLE FACILITY IN THIS STATE; OR AND

2 (II) IS AVAILABLE IN CLOSER PROXIMITY TO THE YOUTH'S
3 PLACE OF RESIDENCE THAN ANY FACILITY LOCATED IN THIS STATE.

4 ~~(b) If the court finds the youth cannot receive~~
5 ~~appropriate treatment in a youth care facility located in~~
6 ~~Montana, the court shall transfer legal custody to the~~
7 ~~department of social and rehabilitation services, which is~~
8 ~~responsible for the selection of an appropriate placement~~
9 ~~for the youth in a youth care facility located outside this~~
10 ~~state. The transfer of legal custody must be for a period of~~
11 ~~6 months and may be extended for an additional 6 months upon~~
12 ~~further order of the court after notice and hearing.~~

13 (B) IF WHEN THE DEPARTMENT OF SOCIAL AND
14 REHABILITATION SERVICES ACCEPTS THE FINANCIAL RESPONSIBILITY
15 FOR IS ORDERED TO PAY THE COSTS OF CARING FOR THE CHILD IN A
16 YOUTH CARE FACILITY OTHER THAN A YOUTH FOSTER HOME OR YOUTH
17 GROUP HOME, THE COURT SHALL PROVIDE THE DEPARTMENT WITH AT
18 LEAST 5 DAYS' WRITTEN NOTICE AND OPPORTUNITY TO BE HEARD
19 BEFORE ORDERING THE PLACEMENT OF THE YOUTH.

20 (3)(4) If the youth violates his aftercare agreement
21 as provided for in 53-30-226, he must be returned to the
22 court for further disposition. No youth may be placed in a
23 state youth correctional facility under informal adjustment.

24 (4)(5) If custody is given to the department of
25 institutions under subsection (1)(d), the youth may not be

1 committed to the Montana youth treatment center unless the
2 commitment provisions of 53-21-505 are followed."

3 Section 7. Section 41-5-523, MCA, is amended to read:
4 "41-5-523. Disposition of delinquent youth and youth
5 in need of supervision. (1) If a youth is found to be
6 delinquent or in need of supervision, the court may enter
7 its judgment making the following disposition:

- 8 (a) place the youth on probation;
 - 9 (b) place the youth for substitute care into a youth
10 care facility as defined in 41-3-1102 or a home approved by
11 the court;
 - 12 (c) place the youth in a private agency responsible
13 for the care and rehabilitation of such a youth;
 - 14 (d) transfer legal custody to the department of
15 institutions; provided, however, that in the case of a youth
16 in need of supervision, such transfer of custody does not
17 authorize the department of institutions to place the youth
18 in a state youth correctional facility and such custody may
19 not continue for a period of more than 6 months without a
20 subsequent court order after notice and hearing;
 - 21 (e) such further care and treatment or evaluation that
22 the court considers beneficial to the youth; or
 - 23 (f) order restitution by the youth.
- 24 (2) At any time after the youth has been taken into
25 custody, the court may, with the consent of the youth in the

1 manner provided in 41-5-303 for consent by a youth to waiver
2 of his constitutional rights or after the youth has been
3 adjudicated delinquent or in need of supervision, order the
4 youth to be evaluated by the department of institutions for
5 a period not to exceed 45 days of evaluation at a reception
6 and evaluation center for youths, except that if the
7 evaluation is to be done at the Montana youth treatment
8 center, the commitment provisions of 53-21-505 must be
9 followed and no evaluation of a youth may be done at Montana
10 state hospital.

11 (3) If the court finds that placement in a youth care
12 facility other than a youth group home or youth foster home
13 is necessary and in the best interests of the youth and the
14 community, the court shall determine if the youth can
15 receive appropriate treatment in a youth care facility
16 located in Montana as follows: AS FOLLOWS:

17 (A) IF THE COURT FINDS THE YOUTH CAN RECEIVE
18 APPROPRIATE TREATMENT IN A YOUTH CARE FACILITY LOCATED IN
19 MONTANA THAT WILL ACCEPT THE YOUTH, THE COURT MAY NOT PLACE
20 THE YOUTH IN A YOUTH CARE FACILITY LOCATED OUTSIDE THIS
21 STATE UNLESS AN OUT-OF-STATE FACILITY CAN PROVIDE
22 APPROPRIATE TREATMENT THAT:

- 23 (I) CAN BE OBTAINED AT A COST LESS THAN THAT OFFERED
24 BY ANY AVAILABLE FACILITY IN THIS STATE; OR AND
25 (II) IS AVAILABLE IN CLOSER PROXIMITY TO THE YOUTH'S

1 PLACE OF RESIDENCE THAN ANY FACILITY LOCATED IN THIS STATE.

2 {a}--If--the--court--finds--the--youth--can--receive
3 appropriate--treatment--in--a--youth--care--facility--located--in
4 Montana--that--will--accept--the--youth,--the--court--may--not--place
5 the--youth--in--a--youth--care--facility--located--outside--this
6 state.

7 {b}--If--the--court--finds--the--youth--cannot--receive
8 appropriate--treatment--in--a--youth--care--facility--located--in
9 Montana,--the--court--shall--transfer--legal--custody--to--the
10 department--of--social--and--rehabilitation--services,--which--is
11 responsible--for--the--selection--of--an--appropriate--placement
12 for--the--youth--in--a--youth--care--facility--located--outside--this
13 state.

14 {4}(B) IF WHEN THE DEPARTMENT OF SOCIAL AND
15 REHABILITATION SERVICES ACCEPTS THE FINANCIAL RESPONSIBILITY
16 FOR IS ORDERED TO PAY THE COSTS OF CARING FOR THE CHILD IN A
17 YOUTH CARE FACILITY OTHER THAN A YOUTH POSTER HOME OR YOUTH
18 GROUP HOME, THE COURT SHALL PROVIDE THE DEPARTMENT AT LEAST
19 5 DAYS' WRITTEN NOTICE AND OPPORTUNITY TO BE HEARD BEFORE
20 ORDERING THE PLACEMENT OF THE YOUTH.

21 {3}{4}{5}(4) No youth may be committed or transferred
22 to a penal institution or other facility used for the
23 execution of sentence of adult persons convicted of crimes.

24 {4}{5}{6}(5) Any order of the court may be modified at
25 any time. In the case of a youth committed to the department

1 of institutions or--the--department--of--social--and
2 rehabilitation--services, an order pertaining to the youth
3 may be modified only upon notice to the department and
4 subsequent hearing.

5 {5}{6}{7}(6) Whenever the court vests legal custody in
6 an agency, institution, or department, it must transmit with
7 the dispositional judgment copies of a medical report and
8 such other clinical, predisposition, or other reports and
9 information pertinent to the care and treatment of the
10 youth.

11 {6}{7}{8}(7) Except as provided in 53-21-507, if the
12 custody of a youth is transferred to the department of
13 institutions under subsection (1), the youth may not be
14 committed to the Montana youth treatment center unless the
15 commitment provisions of 53-21-505 are followed.

16 {7}{8}{9}(8) The order of commitment to the department
17 of institutions shall read as follows:

18 ORDER OF COMMITMENT
19 State of Montana)
20) ss.
21 County of)

22 In the district court for the Judicial District.
23 On the day of, 19..,, a minor of this
24 county, years of age, was brought before me charged
25 with, Upon due proof I find that is a suitable

1 person to be committed to the department of institutions.

2 It is ordered that be committed to the department
3 of institutions until

4 The names, addresses, and occupations of the parents
5 are:

6 Name	Address	Occupation
7
8

9 The names and addresses of their nearest relatives are:
10
11

12 Witness my hand this day of, A.D. 19...
13
14 Judge"

15 NEW SECTION. Section 8. Extension of authority. Any
16 existing authority of the department of social and
17 rehabilitation services or the department of institutions to
18 make rules on the subject of the provisions of this act is
19 extended to the provisions of this act.

-End-