

HOUSE BILL NO. 758

2/09 Introduced
2/09 Referred to Human Services & Aging
2/18 Hearing
2/22 Committee Report-Bill Pass As Amended
2/25 2nd Reading Pass As Amended
2/26 3rd Reading Pass

Transmitted to Senate

3/04 Referred to Public Health, Welfare & Safety
3/20 Hearing
3/28 Adverse Committee Report
3/28 Bill Killed

1 HOUSE BILL NO. 758
 2 INTRODUCED BY _____
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A YOUTH
 5 PLACEMENT SCREENING COMMITTEE TO REVIEW THE PLACEMENT OF
 6 CHILDREN IN YOUTH CARE FACILITIES; ESTABLISHING HEARING
 7 REQUIREMENTS; REQUIRING STANDARDS FOR PLACEMENT OF RESIDENT
 8 CHILDREN IN CARE FACILITIES LOCATED IN OTHER STATES;
 9 AMENDING SECTION 41-3-1115, MCA."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 NEW SECTION. Section 1. Youth placement screening
 13 committee -- composition. (1) In each judicial district, the
 14 department shall establish a youth placement screening
 15 committee for the purpose of determining the appropriateness
 16 of placement of youth in need of out-of-home care or
 17 treatment because of abuse, neglect, dependency, or
 18 emotional or behavioral disturbance.
 19 (2) The committee must consist of not less than four
 20 members. The members of the committee must be willing to
 21 serve without compensation and must include:
 22 (a) a representative of the department;
 23 (b) a representative of the youth court;
 24 (c) a mental health professional; and
 25 (d) a person associated with a residential child care

1 organization in the state.
 2 NEW SECTION. Section 2. Responsibilities of the
 3 committee. The committee shall:
 4 (1) review all information and resources relevant to
 5 placement of a child in a youth care facility;
 6 (2) evaluate the case plan of the youth care facility,
 7 which plan must specify the care and services proposed to
 8 meet the needs of the child;
 9 (3) examine all available alternatives in order to
 10 assure appropriate placement;
 11 (4) determine appropriate placement, under 41-3-1105,
 12 corresponding to the needs of the child, taking into
 13 consideration the age and developmental needs of the child
 14 referred for placement;
 15 (5) establish placement standards in cooperation with
 16 the department; and
 17 (6) develop a procedure for hearing consideration of
 18 placement of a child in a facility providing out-of-home
 19 care or treatment of youth.
 20 NEW SECTION. Section 3. Hearing requirements. As part
 21 of its hearing procedure pursuant to [section 3], the
 22 committee shall require:
 23 (1) a case presentation by the referring agency; and
 24 (2) participation by the youth care facility being
 25 considered as a possible placement resource.

1 NEW SECTION. Section 4. Deliberations of committee.
 2 In deliberating placement appropriate for the child, the
 3 committee shall:

4 (1) grant care to any child in the state who is in
 5 need of care, whether because of abuse, neglect, dependency,
 6 or emotional or behavioral disturbance;

7 (2) consider and utilize all appropriate licensed
 8 youth care facilities within the state before placing any
 9 resident child in a facility located in another state; and

10 (3) close all its meetings to the public and protect
 11 the right of individual privacy by assuring the
 12 confidentiality of committee documents and information about
 13 the individual's case shared in committee, except in cases
 14 in which consent is granted or the merits of public
 15 disclosure clearly exceed the demand for individual privacy.

16 NEW SECTION. Section 5. Placement in facilities
 17 located in another state. The department shall require a
 18 facility located in another state that is being utilized for
 19 placement of resident children to meet the standards for
 20 licensed youth care facilities adopted pursuant to
 21 41-3-1142. Any such facility in another state approved for
 22 use must be inspected by the department on a yearly basis to
 23 assure compliance with the standards for youth care
 24 facilities.

25 Section 6. Section 41-3-1115, MCA, is amended to read:

1 "41-3-1115. Foster care review committee. (1) In every
 2 judicial district the youth court judge, in consultation
 3 with the department, shall appoint a foster care review
 4 committee. The members of the committee must be willing to
 5 act without compensation. The committee shall be composed of
 6 not less than five or more than seven members. The members
 7 shall include:

8 (a) a representative of the department;

9 (b) a representative of the youth court;

10 (c) someone knowledgeable in the needs of children in
 11 foster care placements who is not employed by the department
 12 or the youth court;

13 (d) a representative of a local school district; and

14 (e) if there is one, the foster parent of the child
 15 whose care is under review. The foster parent's appointment
 16 is effective only for and during that review.

17 (2) When a child is in foster care under the
 18 supervision of the department or the youth court or if
 19 payment for care is made pursuant to 41-3-1122 or
 20 41-3-1121(2), the committee shall conduct a review of the
 21 foster care status of the child. The review must be
 22 conducted within a time limit established by the department.
 23 The time limit must comply with federal law and may not be
 24 later than the 12-month anniversary date of the child's
 25 placement into foster care.

1 (3) The department shall provide the committee with
 2 guidelines for operation of the committee. Within 30 days of
 3 the foster care review, the committee shall provide the
 4 youth court and the department a written report of its
 5 findings and recommendations for further action by the youth
 6 court or the department.

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

9 (5) Because of the individual privacy involved,
 10 meetings of the committee, reports of the committee, and
 11 information on individuals' cases shared by committee
 12 members is confidential and subject to the confidentiality
 13 requirements of the department.

14 (6) The committee is subject to the call of the youth
 15 court judge to meet and confer with him on all matters
 16 pertaining to the foster care of a child before the youth
 17 court.

18 (7) The committee may not review the foster care of a
 19 child until after the child has been screened for placement
 20 pursuant to [section 3]."

21 NEW SECTION. Section 7. Extension of authority. Any
 22 existing authority of the department of social and
 23 rehabilitation services to make rules on the subject of the
 24 provisions of this act is extended to the provisions of this
 25 act.

1 NEW SECTION. Section 8. Codification instruction.
 2 Sections 1 through 5 are intended to be codified as an
 3 integral part of Title 41, chapter 3, part 11, and the
 4 provisions of Title 41, chapter 3, part 11, apply to
 5 sections 1 through 5.

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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5 PLACEMENT SCREENING COMMITTEE TO REVIEW THE PLACEMENT OF
6 CHILDREN IN ~~YOUTH--CARE--FACILITIES~~ CHILD-CARE AGENCIES;
7 ESTABLISHING HEARING REQUIREMENTS; ~~REQUIRING-STANBARDS-FOR~~
8 ~~PLACEMENT-OF-RESIDENT-CHILDREN-IN-CARE-FACILITIES-LOCATED-IN~~
9 ~~OTHER-STATES;-AMENDING-SECTION-41-3-1115;-MCA~~ AND PROVIDING
10 BASIC STANDARDS FOR THE CONDUCT OF COMMITTEE DELIBERATIONS."

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16 committee for the purpose of determining the appropriateness
17 of placement of youth in need of out-of-home care or
18 treatment because of abuse, neglect, dependency, or
19 emotional or behavioral disturbance.

20 (2) The committee must consist of not less than four
21 members. The members of the committee must be willing to
22 serve without compensation and must include:

- 23 (a) a representative of the department;
24 (b) a representative of the youth court;
25 (c) a ~~mental-health-professional~~ REPRESENTATIVE OF THE

1 DEPARTMENT OF INSTITUTIONS WHO IS INVOLVED IN MENTAL HEALTH
2 AND RESIDENTIAL SERVICES; and

3 (d) a person associated with a residential child care
4 organization in the state; AND

5 (E) A REPRESENTATIVE OF THE DEPARTMENT OF INSTITUTIONS
6 WHO IS INVOLVED IN CORRECTIONS.

7 NEW SECTION. Section 2. Responsibilities of the
8 committee. The committee shall:

9 (1) review all information and resources relevant to
10 placement of a child in a ~~youth-care-facility~~ CHILD-CARE
11 AGENCY;

12 (2) evaluate the ~~case-plan~~ TREATMENT RECOMMENDATIONS
13 ~~of the youth-care-facility, which plan must specify the care~~
14 ~~and services proposed to meet the needs of the child~~ ANY
15 PROFESSIONAL PERSON WHO HAS EVALUATED OR TREATED THE YOUTH;

16 (3) examine all available alternatives in order to
17 assure appropriate placement;

18 (4) determine appropriate placement, under 41-3-1105,
19 corresponding to the needs of the child, taking into
20 consideration the age and developmental AND TREATMENT needs
21 of the child referred for placement AND THE RELATIVE COSTS
22 OF CARE IN THE CHILD-CARE AGENCIES CONSIDERED AS APPROPRIATE
23 PLACEMENTS;

24 (5) establish placement standards AND BUDGETARY
25 LIMITATIONS FOR CHILD-CARE PLACEMENTS in cooperation with

1 the department; and

2 (6) develop a procedure for hearing consideration of
3 placement of a child in a facility CHILD-CARE AGENCY
4 providing out-of-home care or treatment of youth.

5 NEW SECTION. Section 3. Hearing requirements. As part
6 of its hearing procedure pursuant to [section 3 2], the
7 committee shall require:

- 8 (1) a case presentation by the referring agency; and
 - 9 (2) participation by the youth--care--facility
- 10 CHILD-CARE AGENCY OR AGENCIES being considered as a possible
11 placement resource RESOURCES.

12 NEW SECTION. Section 4. Deliberations of committee.
13 (1) In deliberating placement appropriate for the child, the
14 committee shall:

15 (1)(A) grant care to any child in the state who is in
16 need of care, whether because of abuse, neglect, dependency,
17 or emotional or behavioral disturbance; AND

18 (2)(B) consider and utilize all appropriate licensed
19 youth-care-facilities CHILD-CARE AGENCIES within the state
20 before placing any resident child in a facility located in
21 another state; and,

22 (3) close all its meetings to the public and protect
23 the right of individual privacy by assuring the
24 confidentiality of committee documents and information about
25 the individual's case shared in committee, except in cases

1 in which consent is granted or the merits of public
2 disclosure clearly exceed the demand for individual privacy.

3 (2) BECAUSE OF THE INDIVIDUAL PRIVACY INVOLVED,
4 MEETINGS OF THE COMMITTEE, REPORTS OF THE COMMITTEE, AND
5 INFORMATION ON INDIVIDUALS' CASES SHARED BY THE COMMITTEE
6 MEMBERS ARE CONFIDENTIAL AND SUBJECT TO CONFIDENTIALITY
7 REQUIREMENTS DEVELOPED BY THE DEPARTMENT.

8 NEW SECTION. Section 5. Placement in facilities
9 located in another state. The department shall require a
10 facility located in another state that is being utilized for
11 placement of resident children to meet the standards for
12 licensed youth care facilities adopted pursuant to
13 41-3-1142. Any such facility in another state approved for
14 use must be inspected by the department on a yearly basis to
15 assure compliance with the standards for youth care
16 facilities.

17 Section 6. Section 41-3-1115, MCA, is amended to read:
18 "41-3-1115. Foster care review committee. (1) In
19 every judicial district the youth court judge, in
20 consultation with the department, shall appoint a foster
21 care review committee. The members of the committee must be
22 willing to act without compensation. The committee shall be
23 composed of not less than five or more than seven members.
24 The members shall include:

25 (a) a representative of the department;

1 (b)--a representative of the youth court;

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;

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6 (e)--if there is one, the foster parent of the child

7 whose care is under review. The foster parent's appointment

8 is effective only for and during that review.

9 (2)--When a child is in foster care under the

10 supervision of the department or the youth court or if

11 payment for care is made pursuant to 41-3-1122 or

12 41-3-1121(2), the committee shall conduct a review of the

13 foster care status of the child. The review must be

14 conducted within a time limit established by the department.

15 The time limit must comply with federal law and may not be

16 later than the 12-month anniversary date of the child's

17 placement into foster care.

18 (3)--The department shall provide the committee with

19 guidelines for operation of the committee. Within 30 days of

20 the foster care review, the committee shall provide the

21 youth court and the department a written report of its

22 findings and recommendations for further action by the youth

23 court or the department.

24 (4)--The department shall adopt rules necessary to

25 carry out the purposes of this section.

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2 meetings of the committee, reports of the committee, and

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7 court judge to meet and confer with him on all matters

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11 child until after the child has been screened for placement

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14 existing authority of the department of social and

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16 provisions of this act is extended to the provisions of this

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19 Sections 1 through 5 4 are intended to be codified as an

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