

SENATE BILL 352

Introduced by Rasmussen

2/06	Introduced
2/06	Referred to State Administration
2/07	Fiscal Note Requested
	Fiscal Note Cancelled
2/13	Hearing
2/16	Committee Report--Bill Passed as Amended
2/18	2nd Reading Passed
2/21	3rd Reading Passed

Transmitted to House

2/22	Referred to Human Services & Aging
3/08	Hearing
3/15	Tabled in Committee

1 *Senate* BILL NO. *352*
2 INTRODUCED BY *Sen. [Signature]*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
5 DEPARTMENT OF FAMILY SERVICES TO ESTABLISH AND ADMINISTER AN
6 ADOPTION PROGRAM; AND AMENDING SECTION 52-1-103, MCA."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 **Section 1.** Section 52-1-103, MCA, is amended to read:
10 "52-1-103. Powers and duties of department. The
11 department shall:
12 (1) administer and supervise all forms of child and
13 adult protective services;
14 (2) provide funding for and place youth alleged or
15 adjudicated to be delinquent or in need of supervision who
16 are referred or committed to the department;
17 (3) provide the following functions, as necessary, for
18 youth in need of care:
19 (a) intake, investigation, case management, and client
20 supervision;
21 (b) placement in youth care facilities;
22 (c) contracting for necessary services;
23 (d) protective services day care; and
24 (e) adoption;
25 (4) administer youth correctional facilities;

1 (5) provide supervision, care, and control of youth
2 released from a state youth correctional facility;
3 (6) license youth care facilities, child placing
4 agencies, day-care facilities, community homes for
5 developmentally disabled persons, community homes for
6 physically disabled persons, and adult foster care
7 facilities;
8 (7) administer interstate compacts for children and
9 delinquent youth;
10 (8) (a) administer child abuse prevention services
11 funded through child abuse grants and the Montana children's
12 trust fund provided for in Title 41, chapter 3, part 7; and
13 (b) administer elder abuse prevention services;
14 (9) (a) make a written evaluation of each plan
15 developed by the local youth services advisory councils, as
16 provided in 52-1-203, indicating those portions of each plan
17 that will be implemented by the department, those portions
18 that will not be implemented, and the reasons for not
19 implementing those portions;
20 (b) develop a statewide youth services and resources
21 plan that takes into consideration local needs as reflected
22 in plans developed by the local youth services advisory
23 councils;
24 (10) establish and administer an adoption program for
25 placement of children under 18 years of age;

1 †10†(11) administer services to the aged;
 2 †11†(12) provide consultant services to:
 3 (a) facilities providing care for needy, indigent,
 4 handicapped, or dependent adults; and
 5 (b) youth care facilities;
 6 †12†(13) utilize at maximum efficiency the resources of
 7 state government in a coordinated effort to:
 8 (a) provide for children in need of temporary
 9 protection or correctional services; and
 10 (b) coordinate and apply the principles of modern
 11 institutional administration to the institutions in the
 12 department;
 13 †13†(14) subject to the functions of the department of
 14 administration, lease or purchase lands for use by
 15 institutions in the department and classify those lands to
 16 determine which ~~are-of-such-character--as--to~~ may be most
 17 profitably used for agricultural purposes, taking into
 18 consideration:
 19 (a) the needs of all institutions in the department for
 20 the food products that can be grown or produced on the
 21 lands; and
 22 (b) the relative value of agricultural programs in the
 23 treatment or rehabilitation of the persons confined in the
 24 institutions in the department;
 25 †14†(15) utilize the staff and services of other state

1 agencies and units of the Montana university system, within
 2 their respective statutory functions, to carry out its
 3 functions under this title;
 4 †15†(16) propose programs with specific goals and
 5 objectives to the legislature to meet the projected
 6 long-range needs of institutions in the department,
 7 including programs and facilities for the diagnosis,
 8 treatment, care, and aftercare of persons placed in
 9 institutions in the department;
 10 †16†(17) contract, as necessary, with the county board
 11 of welfare for administration of child and adult protection
 12 services for that county; and
 13 †17†(18) adopt rules necessary to carry out the purposes
 14 of 41-3-1126, 41-5-527 through 41-5-529, and this chapter."
 15 NEW SECTION. Section 2. Extension of authority. Any
 16 existing authority to make rules on the subject of the
 17 provisions of [this act] is extended to the provisions of
 18 [this act].

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 352

INTRODUCED BY RASMUSSEN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FAMILY SERVICES TO ESTABLISH AND ADMINISTER AN ADOPTION PROGRAM; AUTHORIZING THE DEPARTMENT TO ADOPT RULES RELATING TO FEES CHARGED PROSPECTIVE ADOPTIVE PARENTS; AND AMENDING SECTION 52-1-103, MCA."

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

Section 1. Section 52-1-103, MCA, is amended to read:

"52-1-103. Powers and duties of department. The department shall:

(1) administer and supervise all forms of child and adult protective services;

(2) provide funding for and place youth alleged or adjudicated to be delinquent or in need of supervision who are referred or committed to the department;

(3) provide the following functions, as necessary, for youth in need of care:

(a) intake, investigation, case management, and client supervision;

(b) placement in youth care facilities;

(c) contracting for necessary services;

(d) protective services day care; and

(e) adoption;

(4) administer youth correctional facilities;

(5) provide supervision, care, and control of youth released from a state youth correctional facility;

(6) license youth care facilities, child placing agencies, day-care facilities, community homes for developmentally disabled persons, community homes for physically disabled persons, and adult foster care facilities;

(7) administer interstate compacts for children and delinquent youth;

(8) (a) administer child abuse prevention services funded through child abuse grants and the Montana children's trust fund provided for in Title 41, chapter 3, part 7; and

(b) administer elder abuse prevention services;

(9) (a) make a written evaluation of each plan developed by the local youth services advisory councils, as provided in 52-1-203, indicating those portions of each plan that will be implemented by the department, those portions that will not be implemented, and the reasons for not implementing those portions;

(b) develop a statewide youth services and resources plan that takes into consideration local needs as reflected in plans developed by the local youth services advisory councils;

1 (10) establish and administer an adoption program for
 2 placement of children under 18 years of age. THE DEPARTMENT
 3 MAY ADOPT RULES CONCERNING FEES OR THE WAIVER OF FEES FOR
 4 ADOPTIVE SERVICES NECESSARY TO CARRY OUT THE PURPOSES OF
 5 [THIS ACT]. ANY REQUIRED FEE MUST BE BASED ON A SLIDING
 6 SCALE DETERMINED BY THE PROSPECTIVE ADOPTIVE PARENTS'
 7 ABILITY TO PAY.

8 ~~(10)~~(11) administer services to the aged;

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 11 handicapped, or dependent adults; and

12 (b) youth care facilities;

13 ~~(12)~~(13) utilize at maximum efficiency the resources of
 14 state government in a coordinated effort to:

15 (a) provide for children in need of temporary
 16 protection or correctional services; and

17 (b) coordinate and apply the principles of modern
 18 institutional administration to the institutions in the
 19 department;

20 ~~(13)~~(14) subject to the functions of the department of
 21 administration, lease or purchase lands for use by
 22 institutions in the department and classify those lands to
 23 determine which ~~are--of--such--character--as--to~~ may be most
 24 profitably used for agricultural purposes, taking into
 25 consideration:

1 (a) the needs of all institutions in the department
 2 for the food products that can be grown or produced on the
 3 lands; and

4 (b) the relative value of agricultural programs in the
 5 treatment or rehabilitation of the persons confined in the
 6 institutions in the department;

7 ~~(14)~~(15) utilize the staff and services of other state
 8 agencies and units of the Montana university system, within
 9 their respective statutory functions, to carry out its
 10 functions under this title;

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 12 objectives to the legislature to meet the projected
 13 long-range needs of institutions in the department,
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 15 treatment, care, and aftercare of persons placed in
 16 institutions in the department;

17 ~~(16)~~(17) contract, as necessary, with the county board
 18 of welfare for administration of child and adult protection
 19 services for that county; and

20 ~~(17)~~(18) adopt rules necessary to carry out the
 21 purposes of 41-3-1126, 41-5-527 through 41-5-529, and this
 22 chapter."

23 NEW SECTION. Section 2. Extension of authority. Any
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SB 0352/02

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{14}{15} utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

{15}{16} propose programs with specific goals and objectives to the legislature to meet the projected long-range needs of institutions in the department, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions in the department;

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