

SENATE BILL 180

Introduced by Christiaens, et al.

1/18	Introduced
1/18	Fiscal Note Requested
1/18	Referred to Rules
1/18	First Reading
1/23	Fiscal Note Received
1/26	Fiscal Note Printed
2/18	Tabled in Committee

1 Senate BILL NO. 180
2 INTRODUCED BY [Signature]
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOWED
5 FOSTER CARE SUPPORT EXPENSES TO INCLUDE AN INITIAL PLACEMENT
6 ALLOWANCE AND DIAPER ALLOWANCE; INCREASING THE ALLOWANCE FOR
7 SPECIAL NEEDS EXPENDITURES; INCREASING THE CLOTHING
8 ALLOWANCE LIMIT TO \$600; APPROPRIATING MONEY TO THE
9 DEPARTMENT OF FAMILY SERVICES FOR AN INCREASE IN FOSTER CARE
10 SUPPORT SERVICES; AMENDING SECTIONS 41-3-1102 AND 41-3-1103,
11 MCA; AND PROVIDING AN EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

15 "41-3-1102. Definitions. For the purposes of this part,
16 the following definitions apply:

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

20 (2) "Department" means the department of family
21 services provided for in 2-15-2401.

22 (3) "Foster child" means a person under 18 years of age
23 who has been placed by the department in a licensed youth
24 foster home.

25 (4) "Operator of a youth care facility" means any

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

11 (5) "Person" means any individual, partnership,
12 voluntary association, or corporation.

13 (6) "Placement allowance" means an initial allowance
14 paid to a foster parent when a foster child is placed in
15 foster care to cover the expenses incurred for the immediate
16 needs of the child, such as food, school and outdoor
17 clothing, over-the-counter medical supplies, and school
18 supplies.

19 ~~(6)~~(7) "Respite care" means the provision of temporary,
20 short-term supervision or care of a foster child, in an
21 emergency or on an intermittent basis, to provide foster
22 parents relief from the daily care requirements of a foster
23 child whose mental or physical condition requires special or
24 intensive supervision or care. Respite care includes but is
25 not limited to homemaker services, child care, and emergency

care either in the home or out of the home.

~~7~~(8) "Respite care provider" means a person who meets the qualifications and requirements established by the department to provide respite care under 41-3-1151.

~~8~~(9) "Substitute care" means full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance, direction, and if necessary, treatment to youth who are removed from or without the care and supervision of their parents or guardian.

~~9~~(10) "Youth care facility" means a facility licensed by the department or by the appropriate licensing authority in another state and in which facility substitute care is provided to youth. The term includes youth foster homes, youth group homes, and child-care agencies.

~~10~~(11) "Youth foster home" means a youth care facility in which substitute care is provided to one to six children or youth other than the foster parents' own children, stepchildren, or wards.

~~11~~(12) "Youth group home" means a youth care facility in which substitute care is provided to 7 to 12 children or youth."

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

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

(a) administer all state and federal funds allocated to the department for youth foster homes, youth group homes, and child-care agencies for youth in need of care, youth in need of supervision, and delinquent youth, as defined in 41-5-103;

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

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

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

(e) in cooperation with youth care facility providers, develop and implement standards for youth care facilities;

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

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

(ii) the cost per facility for services rendered;

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

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

1 (v) a profile of public institutional placements; and
 2 (g) administer all funds allocated to the department
 3 for residential alcohol and drug abuse treatment for
 4 indigent youths in need of care, indigent youths in need of
 5 supervision, and indigent delinquent youths who require such
 6 treatment.

7 (2) The department may:

8 (a) enter into contracts with nonprofit corporations or
 9 associations or private organizations to provide substitute
 10 care for youth in need of care, youth in need of
 11 supervision, and delinquent youth in youth care facilities;

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

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

17 (3) The department shall pay for an initial placement
 18 allowance, room, board, clothing, diapers, personal needs,
 19 special needs, transportation, and treatment in youth foster
 20 care homes and youth group homes for youths committed to the
 21 department who need to be placed in such those facilities.
 22 Payments for the clothing of a child placed in a youth
 23 foster home must be provided to the extent the child needs a
 24 basic wardrobe or has a special clothing need. However,
 25 payments for clothing may not exceed ~~\$300~~ \$600 a year per

1 child."

2 **NEW SECTION. Section 3. Appropriation.** There is
 3 appropriated from the general fund to the department of
 4 family services \$1,804,472 for the following foster care
 5 services for the biennium ending June 30, 1995:

6 Placement allowance	\$360,000
7 Respite care	\$147,752
8 Respite care for reservation-based	
9 Native American children	\$83,520
10 Diaper allowance	\$176,000
11 Clothing allowance	\$900,228
12 Allowance for children with special needs	\$136,972

13 **NEW SECTION. Section 4. Effective date.** [This act] is
 14 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15


In compliance with a written request, there is hereby submitted a Fiscal Note for SB0180, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: The bill revises the foster care support expenses to include an initial placement allowance and a diaper allowance, increases the allowance for special needs expenditure, increases the clothing allowance to \$600 and appropriates the money to the Department of Family Services to pay for these additional expenditures.

ASSUMPTIONS:

1. Eligibility for foster care support services (placement allowance, respite care, diaper allowance, clothing allowance and allowance for children with special needs) is limited to those children placed in family foster care services.
2. The placement allowance cost is based upon 1800 placements per year or 3600 for the biennium each receiving an allowance of \$100. ($\$100 * 1,800 = \$180,000$ for each year)
3. A diaper allowance of \$40 per month would be provided for approximately 400 foster children per year or 800 children for the biennium under the age of 3 years for an average of 5.5 months ($\$40 * 400 * 5.5 = \$88,000$ for each year).
4. The clothing allowance is increased from its current maximum of \$300 per child per year to a maximum of \$600 per child per year. The number of children served is based on FY92 actual of 1204 children with an average clothing purchase of \$373.85 based on the increase allowance. ($\$373.85 * 1204 = \$450,114$ for each year)
5. The current special needs allowance of \$50 per month (or \$1.64 per day) is increased to \$87.80 per month (or \$2.89 per day). In FY92, 780 payments of the \$50 allowance were made. Assuming that the number of payments remains constant for each year of the biennium, total special needs allowance would be \$136,972 (approximately $780 * 87.80 * 2$) over the biennium.
6. The respite care allowance is available from 111 hours to a maximum of 168 hours per year per child. Respite care is paid at \$4 per hour or a maximum of \$32 for 24 hour period. (166.39 FY92 average children served $* 111$ hours $* \$4 = \$73,876$ for each year)
7. Respite care allowance for reservation-based Native American children is available from 111 hours to a maximum of 168 hours per year per child. Respite care is paid at \$4 per hour or a maximum of \$32 for 24 hour period. (62 FY92 average children served $* 111$ hours $* \$4 = \$27,528$ for each year).
8. The clothing allowance for reservation-based Native American children would also be available at the maximum rate of \$600 per child per year. The number of children served is based on FY92 actual of 62 children with an average clothing purchase of \$229.54 based on the increase allowance. ($\$229.54 * 62 = \$14,232$ for each year)
9. The department is allocating the reservation-based Native American children appropriation request to both respite care and clothing allowance in accordance with the proposal. This increase would pertain to only the IVE eligible children covered under a department contract.
10. The number of children receiving these benefits under this bill are based on the FY92 level with the number of children remaining constant for both years of the biennium.
11. There would be no new revenue generated by this bill.
12. Funding for foster care support services is limited to the appropriation provided by this bill. If the appropriated funds are expended, no additional allowances will be available.

(continued)


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


B.F. "CHRIS" CHRISTIAENS, PRIMARY SPONSOR DATE

Fiscal Note for SB0180, as introduced

SB 180

FISCAL IMPACT:

	FY '94			FY '95		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Personal Services	0	0	0	0	0	0
Operating Expenses	264,704	264,704	0	264,704	264,704	0
Equipment	0	0	0	0	0	0
Benefits & Claims	<u>16,397,161</u>	<u>17,299,397</u>	<u>902,236</u>	<u>16,397,161</u>	<u>17,299,397</u>	<u>902,236</u>
Total	16,661,865	17,564,101	902,236	16,661,865	17,564,101	902,236
<u>Revenues:</u>						
General Fund	11,446,131	12,131,831	685,700	11,446,131	12,131,831	685,700
County Reimbursements (02)	979,699	979,699	0	979,699	979,699	0
3rd Party Contributions (02)	683,953	683,953	0	683,953	683,953	0
Federal Funds (03)	<u>3,341,284</u>	<u>3,557,820</u>	<u>216,536</u>	<u>3,341,284</u>	<u>3,557,820</u>	<u>216,536</u>
TOTAL FUNDING	16,661,865	17,564,101	902,236	16,661,865	17,564,101	902,236
<u>Net Impact:</u>						
General Fund Increase		685,700	685,700		685,700	685,700
Federal Funds (03) Increase		216,536	216,536		216,536	216,536

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The amount of increase needed for the additional service would increase in direct proportion to the increase in foster care children placed in foster care homes.

TECHNICAL NOTES:

The appropriation estimate for respite care included the doubling of the rate, but the additional hours of up to the maximum of 168 were not included when the calculations were completed. See Assumption number 6.

SB 180