

## HOUSE BILL NO. 501

INTRODUCED BY S. REICHNER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE DEPARTMENT OF PUBLIC HEALTH AND  
5 HUMAN SERVICES MAY NOT ADOPT RULES LIMITING THE TOTAL NUMBER OF CHILDREN WHO MAY  
6 RESIDE IN KINSHIP FOSTER HOMES OR YOUTH FOSTER HOMES TO LESS THAN 12; AND AMENDING  
7 SECTION 52-2-603, MCA."

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

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11 **Section 1.** Section 52-2-603, MCA, is amended to read:  
12 **"52-2-603. Powers and duties of department -- limitations.** (1) The department shall:  
13 (a) administer all state and federal funds allocated to the department for youth foster homes, kinship  
14 foster homes, youth group homes, youth shelter care facilities, child-care agencies, and transitional living  
15 programs for youth in need of care, as defined in 41-3-102;  
16 (b) exercise licensing authority over all youth foster homes, kinship foster homes, youth group homes,  
17 youth shelter care facilities, child-care agencies, transitional living programs, and youth assessment centers;  
18 (c) collect and disseminate information relating to youth in need of care;  
19 (d) provide for training of program personnel delivering services;  
20 (e) in cooperation with youth care facility providers, develop and implement standards for youth care  
21 facilities;  
22 (f) maintain adequate data on placements it funds in order to keep the legislature properly informed of  
23 the following:  
24 (i) the number of youth in need of care in out-of-home care facilities;  
25 (ii) the cost per facility for services rendered;  
26 (iii) the type and level of care of services provided by each facility;  
27 (iv) a profile of out-of-home care placements by level of care; and  
28 (v) a profile of public institutional placements;  
29 (g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for  
30 indigent youth in need of care, indigent youth in need of intervention, and indigent delinquent youth who require

1 treatment; and

2 (h) provide reimbursement for mental health outpatient counseling services for persons who experience  
3 the death of a foster child while providing substitute care to the foster child in a youth care facility.

4 (2) The department may:

5 (a) enter into contracts with nonprofit corporations or associations or private organizations to provide  
6 substitute care for youth in need of care in youth care facilities;

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

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

10 (3) The department may not adopt rules limiting the total number of children who may reside in a youth  
11 foster home or kinship foster home to less than 12 or that treat prospective youth foster homes or kinship foster  
12 homes with between two and six existing children, stepchildren, or wards differently than prospective youth foster  
13 homes or kinship foster homes with less than two existing children, stepchildren, or wards.

14 ~~(3)~~(4) The department shall pay for room, board, clothing, personal needs, and transportation in youth  
15 foster care homes and youth group homes for youth who are in the physical or legal custody of the department  
16 and who need to be placed in the facilities. Payments for the clothing of a youth placed in a youth foster home  
17 must be provided to the extent that the youth needs a basic wardrobe or has a special clothing need. Upon  
18 approval by the department, payments under this subsection may continue for a youth up to 21 years of age who  
19 remains in substitute care. Payments under this subsection may not exceed appropriations for the purposes of  
20 this subsection.

21 ~~(4)~~(5) The department may provide a subsidy for a guardianship of a child who is in the department's  
22 legal custody if the guardianship has been approved by the department pursuant to 41-3-444 and in accordance  
23 with eligibility criteria established by department rule."

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