

Mont.Admin.R. 37.97.201

**37.97.201. CHILD CARE AGENCY: ADMISSIONS AND DISCHARGES (REPEALED)**

(See the Transfer and Repeal Table)

Mont.Admin.R. 37.97.202

**37.97.202. CHILD CARE AGENCY: CASE PLANS (REPEALED)**

(See the Transfer and Repeal Table)

Mont.Admin.R. 37.97.203 to 37.97.205

**Rules 03 to 05. RESERVED**

Mont.Admin.R. 37.97.206

**37.97.206. CHILD CARE AGENCY: PERSONNEL**

(1) A child care agency shall employ an administrator to direct and manage the child care agency. The administrator's duties specifically include but are not limited to directing the care and services provided to youth, personnel matters, and any other specific matters determined by the board of directors of the child care agency.

(2) The administrator is the person who is ultimately responsible for ensuring that the child care agency is in compliance with applicable licensing rules and ensuring that staff are familiar with and complying with all of the child care agency's policies and procedures.

(3) An administrator shall meet the following qualifications in addition to the general qualifications for direct care staff:

(a) a bachelor's degree;

(b) two years experience working with youth and two years experience in staff supervision and administration;

(c) completion of initial staff training; and

(d) at least 16 contact hours of annual continuing education relevant to the individual's duties and responsibilities as administrator of the child care agency.

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(4) Each child care agency shall employ an adequate number of trained professionals to provide the following services for each youth in care:

(a) plan for a youth's admission, coordinate the case plan and overall treatment plan, negotiate for the necessary resources for the youth, and prepare the youth for discharge and return to the family or other placement;

(b) serve as advocate for the youth and liaison with the family, the referring party, and the community;

(c) prepare and maintain all required records and reports regarding the youth;

(d) provide post-placement plans and services and make the necessary referrals;

(e) assist the youth and staff to adjust to the youth's placement; and

(f) record the youth's reactions to the child care agency, school, other youth, staff, and family, and participate in staff discussion regarding progress and plans for the youth.

(5) Those persons providing social services shall have a bachelor's degree in a behavioral science and experience in areas related to child care or social services in addition to the general qualifications for direct care staff defined in ARM 37.97.132.

(6) Maternity homes shall employ an adequate number of trained professionals to provide the following services to residents:

(a) decision-making counseling to explore adoption and parenting options;

(b) family systems counseling to explore parenting roles and potential abuse and neglect issues; and

(c) prenatal and parent education.

(7) If a child care agency conducts a formal education program for children in care, teachers must have the same minimum qualifications as comparable teachers in the public and private schools of Montana.

**Mont.Admin.R. 37.97.207**

**37.97.207. CHILD CARE AGENCY: CHILD/STAFF RATIO**

(1) Each child care agency, except maternity homes, must maintain the minimum youth to awake staff ratios:

(a) from 7:00 a.m. to 11:00 p.m., 8 youth to 1 staff; and

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(b) from 11:00 p.m. to 7:00 a.m., or any other reasonable eight-hour period of time when residents are generally sleeping, 10 youth to 1 staff.

(2) Maternity homes must maintain a minimum youth to awake staff ratio of 8 youth to 1 staff.

(a) The youth to staff ratio in a maternity home includes any child who is not being properly cared for by the youth parent who is a resident of the maternity home.

(b) Additional staff must be available for duty within 30 minutes of contact.

(3) Child care agencies must use the actual number of children in care each day to compute the youth to awake staff ratio.

**Mont.Admin.R. 37.97.208 to 37.97.212**

**Rules 08 to 12. RESERVED**

**Mont.Admin.R. 37.97.213**

**37.97.213. CHILD CARE AGENCY: FINANCES (REPEALED)**

(See the Transfer and Repeal Table)

**Mont.Admin.R. 37.97.214 and 37.97.215**

**Rules 14 and 15. RESERVED**

**Mont.Admin.R. 37.97.216**

**37.97.216. CHILD CARE AGENCY: RECORDS**

(1) Each child care agency shall maintain accurate and current records on each youth in care, including:

(a) identifying information on the youth and the youth's family, including the youth's name, date and place of birth, sex, religion, race, names of relatives, and other necessary information;

(b) date of the youth's admission and name of the referring party;

(c) date of the youth's discharge and authorization for the discharge;

(d) documentation concerning a youth's specific medical problems; and

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(e) a dated record of significant occurrences for each youth while in care.

(2) Additional records to be kept by all child care agencies, except receiving homes, include:

(a) a copy of the court order, parental agreement, consent decree, or consent adjustment authorizing the youth's placement and any other pertinent court action concerning the youth;

(b) a report stating the reasons for placement and the current case plan;

(c) a social history on the youth and youth's family;

(d) psychological or psychiatric information on the youth if psychological or psychiatric services have been provided to the youth at any time;

(e) quarterly progress reports on the youth's reaction to the placement and services provided;

(f) quarterly reports from any parties providing any services to the youth outside the child care agency; and

(g) a case plan with written quarterly reviews of the plan.

(3) In addition, a copy of the youth's most recent physical examination must be kept by the child care agency.

**Mont.Admin.R. 37.97.217 to 37.97.219**

**Rules 17 to 19. RESERVED**

**Mont.Admin.R. 37.97.220**

**37.97.220. CHILD CARE AGENCY: SUPERVISION OF MEDICATION (REPEALED)**

(See the Transfer and Repeal Table)

**Mont.Admin.R. 37.97.221 to 37.97.224**

**Rules 21 to 24. RESERVED**

**Mont.Admin.R. 37.97.225**

**37.97.225. CHILD CARE AGENCY: TIME-OUT (REPEALED)**

(See the Transfer and Repeal Table)

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Mont.Admin.R. 37.97.226

37.97.226. CHILD CARE AGENCY: PASSIVE PHYSICAL RESTRAINT (REPEALED)

(See the Transfer and Repeal Table)

Mont.Admin.R. 37.97.227 to 37.97.229

Rules 27 to 29. RESERVED

Mont.Admin.R. 37.97.230

37.97.230. CHILD CARE AGENCY: TREATMENT PROGRAM

(1) The child care agency shall have a written description of its treatment program which must be made available to the placing youth's agency, parent, or guardian. The written description shall include but not be limited to:

- (a) the name, position, and qualification of the person who has overall responsibility for the treatment program;
- (b) identification of staff responsible for planning and implementing the various treatment procedures and techniques;
- (c) description of staff competencies and qualifications;
- (d) description of staff training requirements;
- (e) description of the various treatment procedures and techniques used;
- (f) the anticipated levels of disturbance for which such procedures and techniques are to be used;
- (g) provisions for follow-up and after care;
- (h) provisions for transfer to another treatment resource when goals for treatment of a particular youth have not been met or further treatment is required;
- (i) description of procedures used for assessing the appropriateness of the treatment strategy for each particular youth;
- (j) provisions for ongoing monitoring and recording; and

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(k) procedures for regular review of the overall treatment program and the individualized treatment strategies.

(2) The treatment program must be designed to provide:

- (a) adequate safeguards for the youth's health and welfare;
- (b) the least restrictive method to accomplish treatment goals; and
- (c) usage of available community resources.

**Mont.Admin.R. 37.97.231 and 37.97.232**

**Rules 31 and 32. RESERVED**

**Mont.Admin.R. 37.97.233**

**37.97.233. CHILD CARE AGENCY: MANAGEMENT (REPEALED)**

(See the Transfer and Repeal Table)

**Mont.Admin.R. 37.97.234 to 37.97.237**

**Rules 34 to 37. RESERVED**

**Mont.Admin.R. 37.97.238**

**37.97.238. CHILD CARE AGENCY: EDUCATION (REPEALED)**

(See the Transfer and Repeal Table)

**Mont.Admin.R. 37.97.239**

**37.97.239. CHILD CARE AGENCY: RECREATION (REPEALED)**

(See the Transfer and Repeal Table)

**Mont.Admin.R. 37.97.240 to 37.97.249**

**Rules 40 to 49. RESERVED**

**Mont.Admin.R. 37.97.250**

**37.97.250. CHILD CARE AGENCY: RESIDENTIAL TREATMENT CENTER, STAFFING (REPEALED)**

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(See the Transfer and Repeal Table)

Mont.Admin.R. 37.97.251 and 37.97.252

Rules 51 and 52. RESERVED

Mont.Admin.R. 37.97.253

37.97.253. CHILD CARE AGENCY: RESIDENTIAL TREATMENT CENTER, EDUCATION  
(REPEALED)

(See the Transfer and Repeal Table)

Mont.Admin.R. 37.97.254

37.97.254. CHILD CARE AGENCY: RESIDENTIAL TREATMENT CENTER, RECREATION  
(REPEALED)

(See the Transfer and Repeal Table)

Mont.Admin.R. 37.97.255 and 37.97.256

Rules 55 and 56. RESERVED

Mont.Admin.R. 37.97.257

37.97.257. CHILD CARE AGENCY: RESIDENTIAL TREATMENT CENTER, SECLUSION (REPEALED)

(See the Transfer and Repeal Table)

Mont.Admin.R. 37.97.258

37.97.258. CHILD CARE AGENCY: RESIDENTIAL TREATMENT CENTER, MECHANICAL  
RESTRAINT (REPEALED)

(See the Transfer and Repeal Table)

Mont.Admin.R. 37.97.259

37.97.259. CHILD CARE AGENCY: RESIDENTIAL TREATMENT CENTER, CHEMICAL RESTRAINT  
(REPEALED)

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(See the Transfer and Repeal Table)

**Mont.Admin.R. 37.97.260 to 37.97.269**

**Rules 60 to 69. RESERVED**

**Mont.Admin.R. 37.97.270**

**37.97.270. CHILD CARE AGENCY: ADDITIONAL REQUIREMENTS (REPEALED)**

(See the Transfer and Repeal Table)