

Montana Code Annotated 2023

Title 53 Social Services and Institutions

Chapter 20 Developmental Disabilities

Part 20

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53-20-301 Purpose The legislature, in recognition of the wide and varied needs of persons with developmental disabilities and of the desirability of meeting these needs on a community level to the fullest extent possible and in order to reduce the need for care in existing state institutions, establishes by this part a community home program for persons with developmental disabilities to provide facilities and services for the training and treatment of persons with developmental disabilities in family-oriented residences and establishes a program to provide such homes through local nonprofit corporations.

History: En. Sec. 1, Ch. 373, L. 1973; amd. Sec. 1, Ch. 149, L. 1974; amd. Sec. 1, Ch. 385, L. 1975; R.C.M. 1947, 71-2001; amd. Sec. 21, Ch. 255, L. 1995.

53-20-302 Definition of Community Home -- Limitation on Number of Residents A community home for persons with developmental disabilities is a family-oriented residence or home designed to provide facilities for two to eight persons with developmental disabilities, established as an alternative to existing state institutions. The number of persons with developmental disabilities may not exceed eight in a community home, except that the department of public health and human services may grant written approval for more than eight but not more than twelve persons.

History: En. Sec. 2, Ch. 373, L. 1973; R.C.M. 1947, 71-2002; amd. Sec. 11, Ch. 609, L. 1987; amd. Sec. 21, Ch. 255, L. 1995; amd. Sec. 478, Ch. 546, L. 1995.

53-20-303 Parties Authorized to Establish and Operate Community Homes (1) Nonprofit corporations or associations may be formed or organized in any community for the purposes of establishing a community home or homes for persons with developmental disabilities under this part and to receive services, facilities, and funds as the department of public health and human services and other governmental units may be authorized by law to provide.

(2) The department may also establish a community home or homes for persons with developmental disabilities under this part and receive services, facilities, and funds as the department and other governmental units may be authorized by law to provide.

History: En. Sec. 3, Ch. 373, L. 1973; amd. Sec. 2, Ch. 149, L. 1974; R.C.M. 1947, 71-2003; amd. Sec. 21, Ch. 255, L. 1995; amd. Sec. 479, Ch. 546, L. 1995.

53-20-304 Department Contracts with Nonprofit Corporations -- Governmental Units Providing for Community Homes (1) The department of public health and human services may contract with nonprofit corporations or associations to provide facilities and services for persons with developmental disabilities in community homes for persons with developmental disabilities and is authorized to expend money appropriated or available for that purpose.

(2) Governmental units, including but not limited to counties, municipalities, school districts, or state institutions of higher learning, are authorized to provide, at their own expense, funds, materials, facilities, and services for community homes for persons with developmental disabilities.

History: En. Sec. 4, Ch. 373, L. 1973; amd. Sec. 3, Ch. 149, L. 1974; amd. Sec. 2, Ch. 385, L. 1975; R.C.M. 1947, 71-2004; amd. Sec. 21, Ch. 255, L. 1995; amd. Sec. 480, Ch. 546, L. 1995.

53-20-305 Local Control of Community Homes -- Departmental Licensing, Administration, Operation, Health, and Safety Standards. (1) Community homes for persons with developmental disabilities may be under local control, and the nonprofit corporations or associations operating community homes are authorized to establish homes and programs they believe in the best interest of their homes.

(2) (a) A community home for persons with developmental disabilities must be licensed annually by the department of public health and human services.

(b) One temporary license may be issued for no longer than 60 days if there are unavoidable delays in the certification process.

(3) The department of public health and human services for the purpose of licensing shall adopt standards and rules concerning the administration, operation, health, and safety of community homes for persons with developmental disabilities.

History: En. Sec. 5, Ch. 373, L. 1973; amd. Sec. 4, Ch. 149, L. 1974; R.C.M. 1947, 71-2005; amd. Sec. 1, Ch. 271, L. 1981; amd. Sec. 95, Ch. 609, L. 1987; amd. Sec. 21, Ch. 255, L. 1995; amd. Sec. 164, Ch. 418, L. 1995; amd. Sec. 481, Ch. 546, L. 1995.

53-20-306 Federal Aid The department of public health and human services may apply for and receive federal-aid money or other assistance that is available for programs in the nature of the program created by this part.

History: En. Sec. 6, Ch. 373, L. 1973; amd. Sec. 5, Ch. 149, L. 1974; R.C.M. 1947, 71-2006; amd. Sec. 482, Ch. 546, L. 1995.

53-20-307 Health and Safety Standards for Licensing (1) (a) After initial certification by the state fire prevention and investigation section of the department of justice, community homes must be certified annually for fire and life safety by the department of justice.

(b) The department of justice shall notify the department of public health and human services when a community home has been certified.

(2) (a) Local health officers shall certify community homes for compliance with health and safety standards. If for any reason the local authority cannot complete the certification in a timely manner, the department of public health and human services is authorized to make the determination on certification.

(b) A reasonable fee may be charged to authorized parties, as defined in **53-20-303**, for the health and safety certification.

History: En. Sec. 7, Ch. 373, L. 1973; R.C.M. 1947, 71-2007; amd. Sec. 2, Ch. 271, L. 1981; amd. Sec. 96, Ch. 609, L. 1987; amd. Sec. 1, Ch. 706, L. 1991; amd. Sec. 165, Ch. 418, L. 1995; amd. Sec. 483, Ch. 546, L. 1995; amd. Sec. 40, Ch. 449, L. 2007.