

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 19, 1983

The forty-seventh meeting of the Senate Judiciary Committee was called to order by Vice-Chairman Crippen in the absence of Chairman Turnage at 9:05 a.m., on March 19, 1983, in Room 325, State Capitol.

ROLL CALL: All members were present with the exception of Senator Berg.

CONSIDERATION OF HOUSE BILL 215: Representative Ramirez, sponsor of the bill, testified that this bill originated with the Montana Banker's Association and the Montana State Bar Legislative Committee. Representative Ramirez explained that the original Act was drafted in 1931 and adopted by Montana in 1959. It is Representative Ramirez's opinion that Montana is behind in adopting this Act as it is proposed in HB215. Representative Ramirez stated that the objective of HB215 is to determine the actual intent of a person who sets up the trust.

PROPOSERS: Mr. Howard E. Vralsted, of the Northwest Union Trust Company in Billings and appearing on behalf of Montana Banker's Association Trust Division, testified that he has reviewed similar legislation of other states, and it is his conclusion that Montana should adopt the revised Uniform Principle and Income Act. Mr. Vralsted testified that this legislation is intended to treat all beneficiaries fairly. Mr. Vralsted informed the Committee that the primary changes between the 1931 Act and HB215 are:

1. The 1931 Act does not allocate royalties received from minerals. HB215 has a provision for allocation of this income.
2. HB215 provides for depreciation, where the 1931 Act failed to contain this provision.
3. HB215 provides for allocation of trustee's fees, court costs, and attorney's fees.
4. In 1959, when the 1931 Act was adopted, that Act did not apply to trusts which were already established.

Mr. Vralsted informed the Committee that HB215 also changed the definition of "inventory value" and "trustee." Mr. Vralsted urged the Committee to support HB215.

Mr. David L. Johnson, Chairman of the Legislative Committee, Tax and Probate Section, State Bar of Montana, testified that Montana has not had much litigation construing the 1959 Act. Because of this, it is difficult to know exactly what the governing rules are. Mr. Johnson also testified that HB215 will not have a negative impact on tax receipts in Montana. He urged the Committee to support HB215.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Mazurek questioned the language contained on p. 14, lines 1-8. Mr. Vralsted explained the meaning of this language.

CONSIDERATION OF HOUSE BILL 855: Representative Ramirez, sponsor of this bill, introduced Mr. David L. Johnson as the first proponent of HB215. Mr. Johnson explained that HB855 provides for the right of renunciation by a beneficiary, the right to make installment payments of Montana State Inheritance Tax and equitable allocation of inheritance tax among beneficiaries. Mr. Johnson testified that HB855 is an effort to make Montana's laws harmonious with the federal laws. Mr. Johnson recommended amending the bill to have an effective date of October 1, 1983, used throughout the bill, and to insert the word "if" before the word "any" on p. 24, line 23. Mr. Johnson also testified that he disagrees with the fiscal note on the bill. Mr. Johnson feels there will be no loss of income to the State and the Director's conclusion about the loss is erroneous.

PROPOSERS: Mr. David N. Niklas, a member of the Tax and Probate Section, State Bar of Montana, testified that the broadening of the right of renunciation will greatly benefit families of deceased persons. He agrees with Mr. Johnson that the fiscal effect on the state will be minimal. Mr. Niklas asked for the Committee's support of HB855.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 257: Representative Ramirez opened the hearing by stating this bill was drafted at the request of the Secretary of State.

PROPOSERS: Mr. Alan D. Robertson of the Montana Secretary of State's Office, stated that HB257 is the last in a series of bills designed to update Montana's laws regarding business. He stated that this bill is designed to alleviate some of the problems the Secretary of State's Office is having by making some organizational changes and making the laws consistent with policy. Mr. Robertson testified that the State Bar of Montana has no problem with the changes provided in HB257.

Mr. Bob Murdo, representing the Business Law Section, State Bar of Montana, submitted written testimony (see attached Exhibit "A")

and stated that this bill merely contains practical changes to the present law. Mr. Murdo stated that the Montana Corporation Business Act is not changed in any way by HB257.

Representative Ramirez then distributed a Statement of Intent (see attached Exhibit "B").

There being no further proponents, opponents or questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 24: Representative Keyser testified that this bill would provide the Social and Rehabilitation Service of Montana with the power to license youth care facilities in Montana and would hold this Department responsible for an accurate accounting of where money is being spent. Representative Keyser stated that getting an accurate accounting has been a problem in the past and, hopefully, HB24 would stop this problem. He also stated that most judicial districts do not have funds for placement of youth. Representative Keyser feels that separate budgets for these districts would allow for more accountability. He explained that HB24 would also provide for some definitions and prompt treatment of troubled youth because the bill provides for placement in a timely manner. He feels this bill will provide for better distribution of funds and simplify the process for caseworkers and probation officers.

PROPOSERS: Ms. Norma Vestre of the Montana Department of Social and Rehabilitation Services testified that her Department supports HB24. She feels this bill will solve some of the problems in the residential care system and provide the youth of Montana with better care. She urged the Committee for a do pass recommendation.

Mr. Kurt Chisholm, of the Montana Department of Institutions, testified that he feels HB24 will solve problems incurred between the Department of Social and Rehabilitation Services and the Department of Institutions. He feels there needs to be a definite decision as to who is responsible for the financing of youth programs.

Mr. Jeremiah F. Johnson, President of the Montana Probation Officer's Association, testified that he feels the bill is in good shape and clarifies who is responsible for youth care facilities.

Mr. Geoffrey Birnbaum, representing the Montana Residential Child Care Association, testified that he feels the current system is

fragmented and HB24 will bring the system back together by designating who has the responsibility for these programs and the financing. Mr. Mike Meloy, representing the Montana Youth Justice Council, testified that he feels there are too many sources of money. It is his opinion that because people try to qualify children under one program or another, that it is difficult to tell whether each child is being treated fairly. He reminded the Committee that the Federal Government feels that states should make their own decisions as to the best use of federal monies. Mr. Meloy feels that HB24 will bring the various youth programs closer to the community.

Eileen F. Morgan, representing the Montana Association of School Psychologists, stated that she supports the idea of increased accountability and feels HB24 will provide more services for emotionally disturbed youth.

OPPONENTS: Mr. Bob Larsson, a minister and Director of the Pine Haven Christian Children's Ranch, told of his personal experience in dealing with the Department of Social and Rehabilitation Services. Mr. Larsson is of the opinion that the various SRS decisions are detrimental to the children. Because of this, Mr. Larsson returned the license issued by the SRS to Pine Haven Christian Children's Ranch. Mr. Larsson believes the responsibility of placing troubled youth should lie with the youth courts, and HB24 should reflect this change. Mr. Larsson submitted written testimony (see attached Exhibit "C") and correspondence from the Department of Social and Rehabilitation Services (see attached Exhibit "D").

There being no further proponents or opponents, the hearing was opened to questions from the Committee.

Senator Mazurek stated that it was his belief that HB24 did provide for the youth court to approve non-licensed homes being considered for placement. Steve Nilson stated that youth courts were responsible for licensing individual foster homes and the SRS would be responsible for licensing larger childcare facilities.

Representative Keyser closed the hearing by stating that he believes the language of HB24 takes care of any potential problems and does not change the Youth Court Act. He stated that there has been substantial thought and communication between agencies in proposing this bill.

CONSIDERATION OF HOUSE BILL 812: Representative Shontz testified that HB812 is proposed because most property now is being sold

under a contract for deed. The purchaser now is not required to be notified of certain things which affect the property. Under HB812, holders of any purchasing interest in the property would be notified of all legal actions taken on the property.

PROPOSERS: Mr. Greg Groepper of the Montana Department of Revenue, submitted written testimony (see attached Exhibit "E") and stated that when a notice is served on the Clerk and Recorder, a Realty Transfer Certificate should also be completed to notify the Assessor's Office.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 467: Senator Galt moved that HB467 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL ⁶¹⁸~~628~~: Senator Turnage moved that HB618 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 678: Senator Turnage moved that HB678 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 438: Senator Turnage moved that HB438 BE TABLED. This motion carried with Senator Halligan voting in opposition.

ACTION ON HOUSE BILL 705: Senator Turnage moved that Steve Brown's proposed amendments BE ADOPTED. This motion carried unanimously. Senator Turnage then made a motion that HB705 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

ACTION ON HOUSE BILL 215: Senator Mazurek made a motion that HB215 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 855: Senator Mazurek moved that the amendments proposed by David L. Johnson BE ADOPTED. This motion carried unanimously. Senator Mazurek moved that HB855 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

ACTION ON HOUSE BILL 257: Senator Mazurek moved that HB 257 and the Statement of Intent BE CONCURRED IN. This motion carried unanimously.

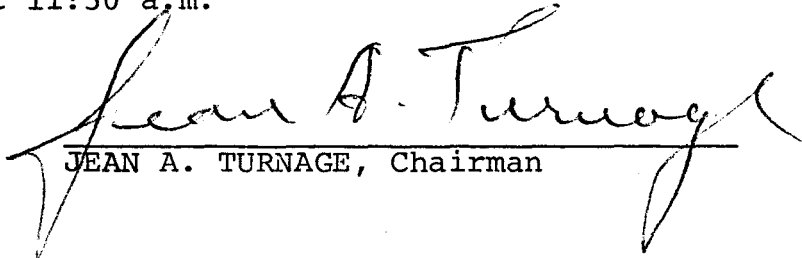
ACTION ON HOUSE BILL 331: Senator Galt moved that the first set of amendments to HB331 (see attached Exhibit F) BE ADOPTED. This motion carried unanimously. Senator Turnage moved that HB331 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

Senate Judiciary Committee
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ACTION ON HOUSE BILL 376: Senator Turnage moved that the proposed amendments to HB376 BE ADOPTED. This motion carried with Senator Mazurek voting in opposition. Senator Turnage then moved that HB376 BE CONCURRED IN AS AMENDED. This motion carried with Senator Mazurek voting in opposition.

ACTION ON HOUSE BILL 370: Senator Turnage moved to take HB370 off the table. This motion carried unanimously. Senator Turnage then moved to amend HB370 by deleting subsection (4) on pages 2 and 3 and that this amendment BE ADOPTED. This motion carried unanimously. Senator Turnage then moved that HB370 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

There being no further business to come before the Committee, the meeting was adjourned at 11:50 a.m.


JEAN A. TURNAGE, Chairman

DATE _____ () _____

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME: BOB MURDO DATE: 3/19/83

ADDRESS: 203 No. EWING HELENA

PHONE: 442-1300

REPRESENTING WHOM? BUSINESS LAW SECTION - STATE BAR OF MONTANA

APPEARING ON WHICH PROPOSAL: HB 257

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: THE BUSINESS LAW SECTION SUPPORTS THE
CONCEPT OF UPDATING MONTANA CORPORATE LAWS
THROUGH THE USE OF ABA MODEL ACTS. ALTHOUGH WE
ARE NOT THE SPONSORS OF THIS BILL, WE SUPPORT
IT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Statement of Intent

House Bill 24

Insert in line 23 after sentence ending with
"delinquent youth" . .

The department will develop plans which inform youth courts about budgeted amounts available for placements during the fiscal year within the limits of the appropriation.

The process for payment will continue in the same manner consistent with Section 41-3-104. The department will advise the youth courts on a regular basis on the status of the budgets.

NAME: ROBERT C. LARSSON DATE: 3-19-83

ADDRESS: PINEHAVEN CHRISTIAN CHILDREN'S CARE - Box A
ST. IGNATIUS, MT.
59865

PHONE: 406-745-3784

REPRESENTING WHOM? PINEHAVEN C.C.R.

APPEARING ON WHICH PROPOSAL: HB 24

DO YOU: SUPPORT? AMEND? ✓ OPPOSE?

COMMENT: THIS BILL NEEDS AMENDING TO RESTRICT
POWERS OF S.R.S., PARTICULARLY AS HAVING POWER
TO CONTROL YOUTHS AND PROGRAMS UNDER JURISDICTION
OF YOUTH COURTS -

WE HAVE CARED FOR YOUNG PEOPLE IN A CHURCH
SPONSORED GROUP HOME SINCE 1976. SRS POLICIES
HAVE BEEN VERY DETRIMENTAL TO REHABILITATING YOUTHS
PLACED IN OUR CARE - TO THE POINT WE VOLUNTARILY
RETURNED OUR SRS LICENSE IN NOV, 81. WE ARE ABLE
TO HELP MANY YOUNG PEOPLE WHEN PLACED THROUGH YOUTH
COURTS - WE SUPPORT ANY AMENDMENT BEING
PROPOSED THROUGH THE YOUTH COURT ORGANIZATION -
SRS YOUTH PROGRAMS SHOULD BE MONITORED AND SUPERVISED
BY THE YOUTH COURT ORGANIZATION - NOT THE
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

OTHER WAY AROUND AS ^{THE ORIGINAL} HB 24 AND RULES ADOPTED
BY SRS WOULD HAVE IT.

The Christian Church
An Undenominational Church of Christ
St. Ignatius, Montana 59865

ROBERT C. LARSSON, MINISTER

Phone 406-745-3789

September 19, 1981

Elly Cummins, Chief
Management Operations Bureau
Community Services Division
Social and Rehabilitation Services
Box 4210
Helena, Montana 59604

Dear Mrs. Cummins:

I have received your letter of Sept. 4, 1981 containing the mandatory material you are demanding of the children's home being operated by this church under the name "Pinehaven Christian Children's Ranch".

Last Sunday, at our regular monthly business meeting, I shared the contents of your letter with the congregation. The congregation voted unanimously to return to you our license inasmuch as we cannot operate our program under the limitations and philosophy set forth in your letter.

We do not wish to be issued an SRS license until some of the conditions imposed by your department are modified or eliminated. This we will seek to have done by legislation and other appropriate action.

I explained to you at our August 4 meeting in Missoula that our program for troubled youth was to offer them a good stable living situation built around the model of a regular family. It is evident that your restrictions would make this into just another institution. The limiting of age range and splitting up siblings into different foster homes is one example.

I also stated that the child we accept is one who would and could fit into our program. Since we operate from a Christian, non-denominational, spiritual basis of counselling and correction, we only accept those children who agree voluntarily to this treatment and philosophy.

Your mandate prohibits parents and children from seeking and receiving spiritual help we as a church offer in our exercise of religion. We believe that this is a violation of our and their constitutional rights as guaranteed by the first amendment.

Regarding discipline, you stated that we agreed that there shall be no use of corporal punishment. I did not agree that this was best, only that we would abide by this regulation until we could have it changed legislatively. What you are asking us to do is unbiblical and what we have been doing is not in violation of any law we are aware of. I told you at that meeting that a judge of the District Court had told us that he believed that we had the right to paddle kids as needed and that Chief probation officer Glen Hufstetler of the 11th Judicial District has given his approval to this form of correction as have parents who have voluntarily placed their children with us. It is

difficult for us to accept your reply that it doesn't matter what any of these say, we must follow the philosophy of correction imposed by SRS. We believe in government by law, not bureaucratic regulations.

That we might work toward a full understanding of each other's position, would you please define and give instances of use of "religious intimidation" as unacceptable discipline practices?

Although you tell us much of what we may not do in disciplining children, your letter lacks the listing of any discipline practices that are acceptable. Would you give us several examples of what are acceptable and have proven effective with the type of troubled children we deal with?

Where is the acceptable monthly report form that you said you would send to us? Many of the items of this type we have no real objection to and feel that we have covered by our past procedures as far as intent if not the specific form.

We, too, believe that a child should be expediently returned home to his/her natural family when possible or freed for an alternate permanent placement. When a child has been placed here and it becomes evident that a permanent placement is necessary, we see no reason in moving the child to another placement, and thus force him/her to make adjustments all over again.

Two other things I would request:

1. The letter of apology promised to us in the August 4, 1981 meeting for the unfair way in which we were treated from February to August over the discipline incident.
2. The repayment of the \$79 we advanced to pay for the flute Mary Nicholas caused to be destroyed while in PINEHAVEN. It was understood that she would make restitution to us for this. We believe it is only right, since your worker, Helen Santa Cruz, took custody of Mary that she be responsible for seeing that the restitution be made also.

Your last paragraph contains a thinly veiled threat that we as Christians and as citizens find most unacceptable: "We are hopeful that you will submit satisfactory material to enable you to continue offering a service to children in Montana." We offer a service to the children of Montana and the world because our Lord in His word told us to. James 1:27 says that this is "pure religion". Our constitution says that there shall be no law (and certainly no bureaucratic regulation) that shall prohibit the free exercise of religion.

This church shall continue to exercise our religion, including caring for children, whether we satisfy the philosophy of the SRS or not.

One other thing puzzles us. When our program is working so well, according to those who should know, the youth court officers who place kids with us and monitor their progress, why do you seek to change our program and make it less effective? Why not study our program, centered around the family, and learn what makes it effective and try to implement it in other like areas?

Sincerely,



Robert C. Larsson

Minister - St. Ignatius Christian Church

Director - Pinehaven Christian Children's Ranch

Youth Court Services

Eleventh Judicial District

Box 839 - Kalispell, MT 59901
(406) 755-5300

J. M. SALANSKY
ROBERT C. SYKES
Youth Court Judges

R. GLEN HUFSTETLER
Chief Probation Officer

DEPUTIES:
Kevin J. Burham
Noel Kirack
Elisabeth A. Moothart

August 3, 1981

TO WHOM IT MAY CONCERN:

We are writing concerning the foster home license for Pine Haven Christian Children's Home in St. Ignatius. We have had six youths placed there over the past two years, and still have two there now. Three of these stayed there and did very well for over a year and the two who are there now are doing well. We feel very positive toward their program, and have found the staff to be very open and cooperative.

The incident which has brought their license into question was precipitated by two girls, both referrals from us, who have long and chronic histories of manipulation. The girl who was most directly involved stayed there and made progress longer than in any other placement before that. We can document four placements through this office in the eight months prior to her going to Pine Haven. Before that she had been moving in and out of friends' homes weekly. Before that she had been in numerous placements in Idaho and Washington. Our purpose in mentioning these facts is to point out that her determination to get out of a place is not necessarily a reflection on that particular place. It has become a very repetitive pattern with her.

This brings us to another factor which we feel must be mentioned. Pine Haven, and in fact most group homes, tend to have the more difficult cases referred to them. Many of their kids are sent because they did not function satisfactorily in foster care, and it seems safe to say that all were unable to function in their own homes.

However, in spite of these difficulties, we feel that our kids have made good progress at Pine Haven and that they have had excellent care there. We have dropped in for visits many times and have found a harmonious atmosphere and mutual respect between the houseparents and the kids. In any situation with troubled teenagers, there are going to be times of

August 3, 1981

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conflict, but we have found them to be able to resolve these in a positive manner. The only exception to this that we are aware of is when the kids have been encouraged in rebelliousness by outsiders.

We are glad that something is being done to resolve this situation, and hope that all facets will be considered. We are sincerely supportive of the home and will do whatever we can to bring this problem to a successful conclusion.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Glen Hufstetler".

R. GLEN HUFSTETLER
Chief Probation Officer

RGH/gw

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES



TED SCHWINDEN, GOVERNOR

P.O. BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604

September 8, 1981

Bob Larrison
P.O. Box 8
St. Ignatius, MT 59865

Dear Rev. Larrison:

RE: Pine Haven Christian Children's Ranch

Enclosed is the mandatory material we discussed during the meeting August 4, 1981, with Gary Walsh, Human Service Manager, Missoula District and Randi Hood, SRS Attorney. I apologize for the delay in getting the information to you. However, I thought it was important to fully explain the required material and not merely send the information to you in piecemeal fashion. As we discussed during the meeting, information regarding discipline and job descriptions should have been prepared and submitted without waiting for this letter.

1. Written job descriptions of all staff members including yourself are essential. Please include material regarding the houseparents, and any other staff that has contact with the children. Please include information for general ranch staff, those involved in the treatment plan, preparation of daily meals, discipline, etc.
2. Written discipline policies which set out acceptable and unacceptable practices. Such policies must not include any techniques which shame, humiliate or use religious intimidation. Neither must practices include harsh or degrading responses that may result in humiliation of a child or the undermining of his/her self respect. As we agreed, there shall be no use of corporal punishment. Acceptable disciplinary practices must meet the following criteria:
 - a. Forms of punishment must be approved by the director of the program and made known to all staff.
 - b. Program staff who administer disciplinary measures must be trained in the forms of discipline used in Pine Haven.

- c. The behavior of the child that will result in the administration of disciplinary measures must be made known to both staff and children.
3. A written description of the program and treatment offered by Pine Haven Christian Children's Ranch. Please include Pine Haven's philosophy of care. Program statement shall be made available to referring agencies, social workers, parents or others interested in placing a child in Pine Haven. Such statement shall, at a minimum, include a description and explanation regarding the following:
- a. Philosophy, objectives, goals and methods.
 - b. Child to be served; age, sex, number, type of problems, conditions of behavior, i.e., emotional disturbances, juvenile delinquency, etc.
 - c. Anticipated length of stay.
 - d. Daily activities.
 - e. Admission criteria, policies, and procedures.
 - f. Discharge policies and procedures.

No child shall be refused admission to the program solely on the grounds of race, religion or ethnic origin.

As we discussed, it is not acceptable that you provide care for children ranging in ages from 0 through 18. Children encompassing that age range require a different treatment, staffing ratios per child, daily activities, etc. Pine Haven's focus should be narrowed, i.e., boys/girls from 0-6, 7 to 12, 13 and over, etc.

4. Written incidence reports of specific individual children's behavior and how they are handled must be maintained. Such reports need not be submitted to the Agency or placing Agency on a routine basis. However, it is important that incidence reports be kept. i.e., for serious accidents involving a child, incidents of staff misconduct or abuse of children and for other infractions of your rules, such as smoking, drinking. How are such incidents handled? Who handles them? Those records should be available and easily assessible to the licensing authority for periodic review.
5. Please keep a complete inventory of all children's personal items at the time they are placed. As you know, there have been some complaints wherein children stated they are fined personal possessions and do not get them back. In order to avoid such accusations in the future, a written log of all personal items should be kept in each child's individual record.

6. All policies and procedures of the Interstate Compact on the Placement of Children must be followed. You may not accept children from another State without having such placement approved through John Madsen, Management Operations Bureau, Community Services Division, who is the Compact Administrator for the State of Montana.
7. As we mentioned to you, foster home reviews will be required (October 1, 1981) due to legislation recently enacted. SB 228, Section 1, Number 3, specifies: "the department shall conduct or arrange for the review required under (section 2) of a child placed in a licensed family foster home, child care agency, group home, a treatment facility if the child is placed under the supervision of the department or placed by the department or the department pays for the care of the child as set for in this section".

The philosophy of SRS regarding substitute care is that a child should be expediently returned home to his/her natural family when possible or freed for an alternate permanent placement. SRS believes in a differential diagnosis for each individual child. It would be a rare occasion indeed, if we placed three or four children from one family together in the same facility. That type facility is a receiving home which cares for children on a short term emergency basis. If there is a necessity for three or four children to be placed together, the case plan for the family should definitely be reviewed. Efforts should be commenced to help the children return to the natural family and/or the procedures for termination of parental rights begun and the children placed adoptively, or placed in some other permanent alternative.

The Social Worker responsible for supervision must have access to the individual child privately and to those directly responsible for his/her daily care. Such access is essential in order to accomplish case planning which will result in a permanent plan for each child.

Professional resources must often be consulted in terms of case planning. If a child has psychological or emotional problems with which your staff cannot cope, a referral should be made to professional mental health resources or other agencies in the community.

We expect that your facility as a treatment resource, will have to participate in regular foster care reviews effective October 1, 1981.

8. Monthly reports to the placement agency are vital. The content of such reports should include the reason for placement, the continued reasons for placement with detailed information regarding behavior and emotional problems and efforts to remediate or solve the problem clearly specified. What is the prognosis? Is it necessary to change the case plans?

9. As discussed, the agreements both children and parents sign must be changed in several areas.
- A. Children cannot be placed in your facility for an indefinite period of time. There should be a case plan worked out among the staff at Pine Haven, the parents and the placement Agency for a time limited placement, with a case plan clearly delineated.
 - B. It is not acceptable that all children who are placed in your facility be required to attend the First Christian Church of St. Ignatius. Each child should have an option regarding the church they wish to attend. There is a constitutional question as to whether the Ranch can force children of whom any agency, parent or guardian has custody to sign such an agreement and have the religious philosophy of Pine Haven imposed on them.
 - C. There is no reason for the signature of a youth and one of the house parents on bank accounts. The money belongs to the children. Pine Haven should teach the children responsibility for handling money rather than not giving them access to the money.
 - D. The Pine Haven Staff do not have the right or permission to discipline the child as they deem necessary. The written discipline policy should clear up this item. However, the item should be changed or deleted from your agreement.
 - E. We have many questions regarding the prearranged visiting from parents. An appropriate policy on parental visiting should state that visitation agreements shall be worked out between the Social Worker, the parents, placement staff and that the negotiation of visiting arrangements should consider all factors relevant to the parents situation. The parents and childrens needs must take priority over the mere convenience of the foster home or group placement facility.

Parental visiting and involvement by parents can, of course, have some problems. Visiting can be stressful and problematic. However, despite the problems, visiting is of upmost importance and must be accomplished for a parent and child to work out difficulties and problems that are preventing the family to be reunited.

The statement in your agreement regarding the fact that visitation is subject to its affect on the child and the parents must accept direction as to frequency and duration from the Pine Haven Staff must be deleted. Visits are critical and facilities must offer any assistance or outreach that will facilitate those visits -- not ignore or make it difficult for the parents to visit.

- F. The statement regarding a release of liability for any mishaps that might occur is not acceptable. A facility cannot expect to have an agreement signed that is a total release of liability for any mishaps that might occur during a treatment stay.

Please submit this material as soon as possible. As you are aware, you have been provisionally licensed through 9/30/81. Although Fred Jenneskens, Social Worker Supervisor III from Kalispell, was not present for the meeting, we have utilized Fred's suggestions and those from Joyce Williams, Resource Worker, in discussing required information with you. We are hopeful that you will submit satisfactory material to enable you to continue offering a service to children in Montana. The material requested is minimal and does not exceed the expectations for any other group home presently licensed.

Sincerely,



Elly Cummins, Chief
Management Operations Bureau
Community Services Division

sn

MOB1/E

(This sheet to be used by those testifying on a

Exhibit "E"
March 19, 1983
HB812

NAME:

Gregg Thompson

DATE:

5/19/83

ADDRESS:

PHONE:

449 - 2808

REPRESENTING WHOM?

Dept of Revenue

APPEARING ON WHICH PROPOSAL:

HB 812

DO YOU:

SUPPORT?

AMEND?

X

OPPOSE?

COMMENT:

provides for completion of Realty transfer
Certificate I.A.W. existing statute

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

AMENDMENTS TO HB 331

1. Page 1.

Following: line 21

Insert: "(3) The youth court has jurisdiction of any violation
of subsection (1) by a person under 18 years of age."

Amend HB 331

1. Page 1, line 18

Following: line 17

Insert: "(2) The provisions of this section do not apply to a bonafide institution of higher education conducting research with human volunteers pursuant to guidelines promulgated by the federal department of health and human services."

or their equivalent

2. Page 2, line 18

Strike: "(2)"

Insert: "(3)"

STANDING COMMITTEE REPORT

March 19, 1983.....

MR. **President**

We, your committee on **Senate Judiciary**

having had under consideration **House** Bill No. **467**
Jensen (Halligan)

Respectfully report as follows: That **House** Bill No. **467**

DO-PAGE

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 19, 19 83.....

MR. President.....

We, your committee on Senate Judiciary.....

having had under consideration House Bill No. 618.....
Keyser (Mazurek)

Respectfully report as follows: That House Bill No. 618.....

DO PASS

BE CONCURRED IN

N.C.

STANDING COMMITTEE REPORT

.....March 19,..... 19...83..

MR.President.....

We, your committee on.....Senate Judiciary.....

having had under considerationHouse..... Bill No. 678.....
Kitselman, (Shaw)

Respectfully report as follows: That.....House..... Bill No. 678.....

DO PASS

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 19, 19 83....

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 855
Ramirez (Crippen)

Respectfully report as follows: That House Bill No. 855
be amended as follows:

1. Page 6, line 16.

Strike: "July"

Insert: "October"

2. Page 14, line 17.

Strike: "January"

Insert: "October"

3. Page 24, line 23.

Following: (2),

Insert: "if"

DO PASS

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 19, 19...83...

MR. President.....

We, your committee on Senate Judiciary.....

having had under consideration House..... Bill No. 257.....
Ramirez (Mazurek)

Respectfully report as follows: That House..... Bill No. 257.....

DO PASS-

BE CONCURRED IN

He

STANDING COMMITTEE REPORT

March 19, 1983

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 331
Pistoria (Turnage)

Respectfully report as follows: That House Bill No. 331
be amended as follows:

1. Page 1.

Following: line 17

Insert: "(2) The provisions of subsection (1) do not apply to a bona fide institution of higher education conducting research with human volunteers pursuant to guidelines adopted by the institution or any federal or state agency."

Renumber: subsequent subsection.

2. Page 1.

Following: line 21

Insert: "(4) The youth court has jurisdiction of any violation of subsection (1) by a person under 18 years of age."

DO-PASS

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 19, 19 83.....

MR.**President**.....

We, your committee on**Senate Judiciary**.....

having had under consideration**House**..... Bill No.**376**.....
McBride (Hager)

Respectfully report as follows: That.....**House**..... Bill No.**376**.....
be amended as follows:

1. Title, lines 4 and 5.

Strike: "GENERALLY REVISING THE LAW ON GRANDPARENT VISITATION RIGHTS"

Insert: "TO ALLOW ALL GRANDPARENTS THE OPPORTUNITY TO SEEK VISITATION RIGHTS WITH THEIR GRANDCHILDREN"

2. Page 1, line 13.

Strike: "A"

Insert: "The district court may grant to a"

3. Page 1, lines 14 and 15.

Following: "grandparent"

Strike: the remainder of line 14 through "grandchild" on line 15.

Insert: "of a child reasonable visitation rights"

4. Page 1, line 18.

Strike: ":",

Insert: "the visitation would be in the best interest of the child."

DO-PASS-

Continued on page 2

Senate Judiciary Committee

Re: HB376

Page 2

March 19, 19 83

5. Page 1, lines 20 through line 2 on page 3.

Strike: line 20 on page 1 through "proceeding." on line 2, on page 3.

Renumber: subsequent section

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 19, 19 93.....

MR. President.....

We, your committee on Senate Judiciary.....

having had under consideration House..... Bill No. 370.....
Sands (Brown)

Respectfully report as follows: That House..... Bill No. 370.....
be amended as follows:

1. Page 2, line 25.
Strike: subsection (4) in its entirety.

DO PASS

And, as so amended,
BE CONCURRED IN

1/c