

MEETING MINUTES
HUMAN SERVICES SUBCOMMITTEE
INSTITUTIONS SUBCOMMITTEE
JANUARY 23, 1987

(18b:150)

Chairman Cal Winslow called a brief meeting of the Human Services subcommittee and the Institutions and Cultural Education subcommittee to order at 10:15 in room 108 of the state Capitol building.

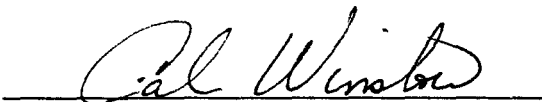
In response to the hearing on the proposed new Family Services Department, HB 325, it is assumed that this legislation will pass, and based on that assumption, the two (2) subcommittees will begin processing the necessary appropriation information.

The Institutions subcommittee accepted the responsibility for presenting a total agency overview to the full appropriations committee.

The Human Services subcommittee will make preliminary recommendations on the necessary components from SRS, i.e. foster care, day care, aging services, etc, and transfer the appropriate information to the Institutions subcommittee for the total agency presentation.

Sen Hims1 was concerned where the Swan River Forest Camp fit into this reorganization. Rep Miller stated the Swan River facility was not supposed to be in family services. This camp was no longer a youth camp but a giant pre-release center; and therefore is being handled through the department of Institutions.

The meeting was adjourned at 10:23 a.m. (18b:263)

A handwritten signature in cursive script, reading "Cal Winslow", is written over a horizontal line.

Cal Winslow, Chairman

DAILY ROLL CALL

HUMAN SERVICES SUB-COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date January 23, 1987

[illegible]

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

Jan. 22, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody			
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
HUMAN SERVICES SUBCOMMITTEE
INSTITUTIONS SUBCOMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 23, 1987

The meeting of the State Administration Committee and the Human Services and Institutions Subcommittees of the Appropriations Committee was called to order by Chairman Sales on January 23, 1987 at 8:00 a.m. in the Old Supreme Court Chambers of the State Capitol.

ROLL CALL: Rep. Cody was excused. All other committee and subcommittee members were present.

CONSIDERATION OF HOUSE BILL NO. 325: Rep. Mercer, House District #50 and sponsor of the bill said the bill was introduced at the request of the Governor. The bill results from a study conducted by the Governor's Council on Reorganization of Youth Services, commonly referred to as the Youth Services Study Council. It is a bill to reorganize and consolidate youth and family services into a new department known as the Department of Family Services. Several existing problems have brought this problem before the legislature. For example, in the youth area, we have district judges sentencing or disposing of youth to correctional facilities or foster homes, but the state is paying for this. There is no unity of authority. At the county level, there is a probation officer who works for the district judge who works with a youth until the time of commitment to a state institution; yet when that youth is released, another individual working for the Department of Institutions becomes the aftercare worker. Youth are an extremely important commodity in Montana, and they are caught up in the huge SRS system, subject to various agencies that are not under one control. HB 325 proposes consolidation of several agencies into one place. The disposition of a youth currently determined by the youth court judge, will be specified by the department if that youth is determined to be a delinquent youth or a youth in need of supervision. In this way, the agency that specifies the type of correctional facility to send the youth to is the agency that will pay for the care, allowing one agency to determine the best allocation of available resources. The authority of the district judges would remain in situations where a youth is a serious threat to a community insofar as commitment of that youth to an institution for the safety of the community. HB 325 does not propose the creation of anything new and does not anticipate any additional funding. It is merely a consolidation of present resource agencies. Youth Probation Officers, currently employees of the district judge, would become employees of the state. Funds currently being contributed by counties would be kept at the same level. SRS staff is dealing with abused and neglected children; the youth court is dealing with delinquent youths or youths that need supervision. Often, these children overlap.

Emotionally disturbed children frequently do not fit into either category. We need to have one entity in charge of children regardless of how they are classified. Crimes among youth have drastically changed in recent years. Sex offender youths have entered the picture, and they require a whole new type of rehabilitative services. HB 325 will utilize and unify current resources.

PROPONENTS: Joe Mazurek, Senate District #23 and a member of the Youth Services Study Council, spoke in support of HB 325. HB 325 attempts to get a handle on youth services at the state and local level. A continuum of care within one area of responsibility is necessary. The present system is not effective from a cost or human perspective. Within our current resources, there is a need to change that system in order to do a better job for youth. He acknowledged that the creation of a new state department is difficult for some to accept. He stated the need for local control consistent with accountability at the state level. Decisions on the delivery of services and service availability should be made closer to the local level. Funding decisions should be tied closely to case decisions. The responsibility for youth services should be in a central agency. There has to be a single focal point for accountability and advocacy for youth which is spread all over our state and local system at present. Current sources of state and local funding should continue with any growth being the responsibility of the state. The dispositional authority of the youth court must be balanced with the agency responsible for funding dispositional services. He would like to see these services provided at the local level with only slight review accountability at the state level. Realistically, given the economic and legal climate at the local level, this probably cannot be accomplished. He hopes to see the creation of a new department with existing resources and with that department's emphasis at the local level. The most controversial areas in HB 325 are the transfer of the probation officers from county to state employees and the judicial authority on disposition. Probation officers are doing an effective job at the local level; they take their jobs seriously and are advocates of youth. They are concerned about getting out from the county system and becoming part of the state system. However, it is not consistent to create a state system and leave the probation officers at the local level. The sentencing authority of the district judges is another area of concern. The bill would change the judge's dispositional authority to allow him only to sentence youth, and this is a dramatic change. He closed his testimony by emphasizing that services to youth are very fragmented. As a result, there is no continuity or flexibility.

Dave Lewis, SRS Director and a member of the Youth Services Study Council, stated that the setting of priorities is a major task for this legislature. The current youth services delivery system is a classic example of how not to set priorities and how not to approach

a major problem in state government. The purpose of this proposed legislation is to build a delivery system of services to youth and families that is more effective from both the cost and human perspectives. One of the major issues in HB 325 is who controls the foster care budget. At the present time, it is a budget of approximately \$7.7 million. The authority to administer that budget is currently shared with probation officers and youth courts. When authority over a budget of this magnitude is shared, there are continuing problems as far as settling the final issue of responsibility. HB 325 is attempting to set up a unified system that allows state resources to be targeted and prioritize so that services are given to the most critical cases on a statewide basis rather than on a judicial basis. He thinks HB 325 strikes to the heart of the problem and proposes to concentrate responsibility and authority for a critical group of people in one place.

Carroll South, Director of the Department of Institutions and a member of the Youth Services Study Council, stated he has heard many complaints from people involved in the delivery of services to youth that there is no continuity of service among the existing agencies. HB 325 will rectify this. The current system is very fragmented and, at present, there is no one looking comprehensively at what the state is doing relative to youth services. He encouraged the committee not to destroy the concept of the bill and urged its adoption. He stated that the service delivery system for children and youth will never be adequate until one entity is responsible to see that those services are provided. One entity needs to be given an appropriation by the legislature and to be held accountable for how efficiently those funds are disbursed. This bill is not an impediment to other proposed legislation to reorganize Montana's executive branch relative to human services. It will enhance any further reorganization that the legislature might pursue.

Gene Huntington, representing the Governor's Office, submitted written testimony (Exhibit #1). He also presented a handout (Exhibit #2) for the committee's review. The concerns that have been voiced about the new department by preceding speakers related to judges' authorities, probation officers' authorities, etc. There are some concerns also relating to the transition. HB 325 will not radically change, at the outset, what social service people are currently doing in the field. The intent of the proposed legislation is not to disrupt services to clients. He envisions that the department would initially put someone in a coordinator status in the social services regions whose role would be to work out the implementation with local government officials and to set up local advisory committees that would be appointed by the governor from nominations from county commissioners, judges, etc. These committees would be responsible for the development of a plan of services for their particular region. This would provide for an orderly transition that would not disrupt service. The critical issue is not the transition but the consolidation of authority in one agency.

Harold Hanson, County Attorney for Yellowstone County and a member of the Youth Services Study Council, expressed support for HB 325. He expressed support for the probation officers being removed from the court and placed under the jurisdiction of the new state agency. He believes that the court best serves its constituents when it is an independent finder of facts in determining the law. The youth court is not a due process court. There is no way a court can make dispositional recommendations and still remain objective. Youth services in Montana are fragmented, and this presents serious problems from the standpoint of budget control and serving youth. It is time that Montana refocuses on the need to put a system together that has the best opportunity to deliver services to children. He made reference to a letter from Judge Joseph Gary, a member of the Youth Services Study Council and a district judge from Bozeman. Judge Gary concurs in the proposal to remove the probation officers from the district court. He stated HB 325 goes a long way to move Montana where it needs to be. It will provide Montana with an opportunity to move dramatically forward to provide a higher level of services to all youth who are having difficulties and to do it in an accountable fashion within the budget dollars that are available for these services.

Dee Cranmer, a Helena parent, stated her support for HB 325 and submitted written testimony (Exhibit #4) outlining the frustrations she experienced in attempting to get professional help for her emotionally disturbed son which was mainly caused by a lack of continuity among the various social service agencies. There was never one agency to go to or one person to talk with. She felt consideration and passage of HB 325 is very important.

Cort Harrington, a Helena attorney, said he was a former representative of youths in the Helena Youth Court as a public defender. He found that his role as an advocate was more important at the dispositional stage of the court proceedings than it was at the hearing to determine whether or not the youth was delinquent. He found that the fragmented youth services delivery system was extremely frustrating. He strongly supports HB 325 which would bring all the service agencies under one "umbrella" agency. He noted that HB 325, as drafted, would limit the youth court in the disposition it can take over a youth. The bill would limit the power of the youth court to either committing the youth to the department or placing the youth on probation. He feels this is not the most beneficial approach as far as the youth is concerned. He supports HB 325 with the proposed amendments to keep the probation officers as court employees and not to limit judicial discretion.

Geoff Birnbaum, Executive Director of Missoula Group Homes, Vice President of the Montana Residential Child Care Association and a member of the Youth Services Study Council, addressed two points of the bill: 1) youngsters caught between agencies and 2) evaluations. Responsibility for youth, regardless of their emotional classification, needs to be

assigned to one place. HB 325 will better serve youngsters in the state of Montana and should be adopted.

Craig Anderson, Chief Probation Officer from the Seventh Judicial District, President of the Montana Probation Officers Association, and a member of the Youth Services Study Council, stated that the removal of probation officers from the jurisdiction of the courts is probably the most serious issue concerning HB 325. The probation officers are concerned about the implications of that power being moved from the courts and placed with a new state department. He feels youth services will lose an effective advocate and an efficient way of meeting individual needs in the communities. He encouraged the committee to study the issue in its entirety and debate it fully. Generally, the probation officers support the concept of reorganization.

Jerry Weist, Superintendent of Schools in Great Falls and a member of the Youth Services Study Council, stated that the problems of dealing with disturbed youths are becoming more complex and there are no simple solutions. He stated that there needs to be recognition of the current fragmented system and how it drains the human and financial resources from their intended purposes. A system that is both responsible and accountable is necessary. A system with a consolidated authority is needed. HB 325 will go a long way to deal with the current problems by providing easier access to services for both the youth and their families as well as the professionals who work with them. It will provide for a more responsive system and will channel both human and monetary resources to their intended purposes which are to work for the youth of our state. He urged passage of HB 325.

Richard Meeker, Chief Juvenile Probation Officer of the First Judicial District, supports the general concept of HB 325 for reorganization of services but is concerned with eliminating, to some degree, community-based services. The probation officers currently provide community-based services. They would like to continue to provide these services in the future.

Robert Butorovich, Sheriff of Butte-Silver Bow County and a member of the Youth Services Study Council said he is looking for accountability and responsibility in the youth services system and feels HB 325 is the answer. He urged passage.

Mona Jamison, representing the Juvenile Probation Officers Association, outlined some concerns with the bill. She expressed concern over the loss of local control and accountability by taking the youth court out of the district court. Her proposed amendment (Exhibit #5) demonstrates an increased commitment of accountability by the youth court and the probation officers to the funding agency. She supports HB 325 but requested the committee to "surgically remove" that part of

the bill concerning the youth court. She does not feel the accountability of decisionmaking should be traded off with the accountability of the funding. She submitted documentation on out-of-state youth placement (Exhibits #5, #6 and #7) and noted that SRS, not the youth court judges, are responsible for the majority of such placements. In 1983, the legislature established a "paper budget concept" which directed the SRS to develop a placement budget for each youth court. Pursuant to that statute, which was enacted in an attempt to increase the accountability of the youth courts to the funding agency, rules were adopted (Exhibit #8). Her proposed amendments, which incorporate language contained in the SRS rules, stipulate that when the youth court has expended 80% of its budget, it no longer would have the discretion to make placements. The new department would make those decisions at that point. The youth court and probation officers would still submit recommendations to the department on what they deem to be the best placement for a particular youth. The final decision, however, would rest with the new department as the agency that controls the funds.

John Wilkinson, Deaconess Home Administrator, expressed support for HB 325. He stated there are not sufficient local services which will, in time, place increased pressures on the institutions, on residential treatment programs, and on out-of-state treatment programs. This bill goes a long way toward resolving some major problems in the present system.

Joan Rebich, Chairman for the Committee For Emotionally Disturbed Children From Montana said she feels that enactment of HB 325 will address the need for a continuum of care. It will be possible to have some prevention and early intervention through a coordinated effort of one department. This will eventually save money because the money will be expended early on at a point where not so many dollars are needed. A single department will also be able to come up with logical data regarding the needs of children in Montana. The committee recommends passage of HB 325 and feels it will be a beginning on the ability to plan for the children in our state, particularly the emotionally disturbed ones. Handouts she submitted are included as Exhibits #9 and #10.

Kevin Burham, Juvenile Probation Officer in Flathead County, wished to go on record as wholeheartedly supporting the amendment set forth by Mona Jamison. There is definitely a need for fiscal control of the budget.

Rep. Cal Winslow stated that the Montana system of delivery, not only for children and youth, but for all human services, is inadequate, inefficient, and needs change. HB 325 is a good plan because it will make placement easier, more efficient, and better for the youth being served. At the same time, it adds accountability. The bill as written

is necessary. He does not support the amendment submitted by Mona Jamison.

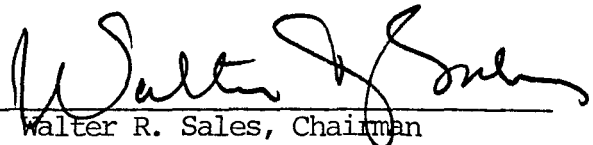
Louise Salo, Chairman of the Governor's Advisory Council on Aging, spoke on behalf of the aging. She submitted written testimony in support of HB 325 (Exhibit #11).

Written testimony was received from Jan Watson, Extended Family Services in Missoula, (Exhibit #12) and Sister Gilmary Vaughan, Director-Discovery House in Anaconda (Exhibit #13).

OPPONENTS: None present

Discussion on HB 325 was closed by Rep. Mercer. He acknowledged the legitimate concerns of the probation officers, and he does not think transfer of probation officers to the state department will prevent them from being effective advocates for youth. He feels the amendment submitted by Mona Jamison is a proposed political compromise. Limited resources have to be allocated properly, and this can be accomplished effectively by having one entity responsible. He submitted a technical amendment (Exhibit #14) and asked the committee members to address the issue and pay close attention to the experts who testified.

ADJOURNMENT: There being no further business to come before the committee and subcommittees, the hearing was adjourned at 10:00 a.m.


Walter R. Sales, Chairman

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 23, 1987

An executive discussion was called to order for the State Administration Committee by Chairman Sales on January 23, 1987 at 10:15 a.m. in Room 437 of the State Capitol. This followed a joint hearing with the State Administration Committee and the Human Services and Institutions Subcommittees of the Appropriations Committee on HB 325 in the Old Supreme Court Chambers.

DISCUSSION: Chairman Sales stated he had received numerous calls on HB 325 from people at the local level, and he wondered how much input there has actually been from the people that have been and will continue to perform services. Gene Huntington replied that, although he was not directly involved in the Advisory Council's deliberations, he was under the impression that there had been broad geographic representation on the council. Hearings were held around the state to address the concerns of social workers, probation officers, etc. which provided an opportunity for everyone involved. There will definitely be a decentralization in the future with local advisory councils at the local levels. Chairman Sales then asked Gene Huntington who would be appointing the local advisory council members, and he responded that appointments would be made by the governor from nominations submitted by county commissioners and the courts. Chairman Sales clarified with Gene Huntington that the concerns of loss of local control were probably unfounded as, under HB 325, there would actually more local input and control. Mr. Huntington concurred. The intent is that the services would be very local and community-based. Allocation of funding for the program would be determined by the local council based on their priorities in that particular community.

Discussion continued with Rep. Phillips asking Gene Huntington to give a rundown on the concerns of the social workers. He responded that he met in Great Falls with social workers and assured them that it was the system in Helena that was uncoordinated. He reassured them that they were doing a good job and that they would continue to have the opportunity to make recommendations and to comment on the council's proposals. Rep. Jenkins expressed concern that there might be another new state building in the future, and Gene Huntington replied that there would be no additional spending, and it was not the intention to add anything in Helena. There would possibly be facilities at the local level, however, for management purposes.

Chairman Sales then asked if anyone was present who could speak on behalf of the social workers. Norma Harris, Administrator of the SRS Community Services Division, responded that the social workers are concerned about

relocating but feel comfortable with the details of implementation laid out by Gene Huntington. She indicated she would personally encourage social workers to support HB 325.

Rep. Pistoria stated he has received letters from social workers in opposition to HB 325 and wondered what the real reason was why the probation officers do not want to be part of this new department instead of being under the judges. Mona Jamison, representing the Juvenile Probation Officers Association, responded to the question by stating it wouldn't be human if the probation officers weren't concerned as there is always a certain degree of apprehension inherent with a change of any kind. However, the main concern is that the probation officers feel they can better serve the kids if they are answerable to a judge and both of them are answerable at the county level. She does not feel the judges are in support of removing the Youth Court from the jurisdiction of the district court.

Chairman Sales requested Rep. Mercer to comment on the problem of the probation officers wanting to be answerable to the local judge rather than to someone in Helena. Rep. Mercer stated there were mixed feelings among the judges on this issue. He stated it was more efficient for the same person who places a youth in a correctional facility to be the person paying the bill. In that manner, the interests of the child can be balanced with available resources. He acknowledged that the probation officers will perhaps have some loss of local autonomy. If the proposed amendments are adopted, probation officers will be totally excluded.

Chairman Sales asked Rep. Mercer if taking away the probation officers' relationship with the judges would make their jobs more difficult as now they have a good handle on the disposition of their clients. Rep. Mercer replied that the probation officers would still be recommending to the judges, and in 90% of the youth cases, the judge adheres to these recommendations. It doesn't matter if the probation officers are county or state employees. There would be no change in salary structure for probation officers under the proposed new system.

Rep. Jenkins asked one of the probation officers present to explain the duties of a probation officer to him. Craig Anderson, Chief Probation Officer for the 7th District, replied that the youth court probation system is responsible for two classifications of youth, the first being delinquent youth and the second group being youth in need of supervision. All kids allegedly committing offenses in either category are taken to the probation office after being cited by a police officer or having been referred through other channels. At that point, there are procedures followed depending on the type of crime, etc. The educational requirements are MA or BA with three years experience for a chief probation officer. Deputy probation officers are statutorily

required to have a BA in a related field with one year experience or a BA in any field with three years experience in a youth related field.

Chairman Sales then asked Mr. Anderson how he viewed the change insofar as how things are currently done and how they might be handled under the proposed new system. He replied that one of his main concerns is insufficient resources to provide for all the needy youth which, he feels, will result in a uniform criteria established that kids will be measured against to determine whether or not they will receive services. If they become part of the new state agency, he feels there will be more accountability for the placement dollar. He fears that decisions will be based more on dollars than on the needs of youth. Rep. Bill Strizich, deputy juvenile probation officer from Great Falls, made a few comments to the committee members. The key to this whole issue is children and families. One of the biggest problems in dealing with today's youth is the degeneration of the family system. Responsiveness from the public employees dealing with these problems is essential. The youth court traditionally has been responsive. Raising the level of bureaucracy simply cannot have a beneficial effect on the effectiveness of those individuals. On the other hand, he stated that we do have a present system of serving youth that has been established at the state level and reorganization of that particular aspect of youth services is long overdue. There has been a long tradition in Montana of maintaining local control over criminal justice agencies. Chairman Sales stated he understood the feelings expressed by Rep. Strizich and stated that it appeared to him that in this new system, the only hope of retaining that community feeling is going to be by way of the advisory council which, in effect, will be replacing the judge if this commitment is made. Rep. Strizich expressed the concern that the probation officers might be adjudicating more cases when dealing with criminal offenses, rather than diverting such cases from the court system.

Chairman Sales asked Rep. Mercer to explain just how the advisory council would work under the new system. He responded by stating that the probation officers seem to feel that by transforming themselves from being an employee of the judge to an employee of the state, they no longer care about the community. This is an insult to themselves as well as to other caring state employees dealing with youth. The advisory council would try to work to get community services set up at the local level. The spending of the money and the decision making has to be in the same place.

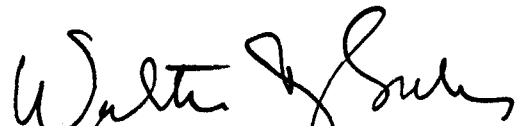
Chairman Sales asked Rep. Mercer if this advisory council would have any authority in determining disposition of a youth. Rep. Mercer replied "no" that the state agency will have the authority to say where the child goes, but the local people will have input in terms of what options are available. They will make suggestions and recommendations.

People like Bill Strizich will be making the decisions subject to the constraints put upon them by a state agency that will advise what resources are available. Chairman Sales then asked if the advisory council would have as much influence at the state level as the judges currently have, and Rep. Mercer replied that he "didn't see how it possibly could"; the judges can demand whereas the advisory council will be recommending. Mona Jamison commented that without the proposed amendments, the bill transfers a judicial function to a state agency and, in effect, punishes the youth court. She stated that if it is the pleasure of the committee to work with the amendments, the Association would be very happy to work with the Legislative Council to determine if the 80% figure is appropriate and any other details in order to work things out. The Association also wishes to go on record in support of the new department because it feels it will fulfill a need in terms of services for kids.

Rep. O'Connell expressed the concern that we were measuring the future of youths by dollars and cents by moving it from the judicial experts to an advisory council which is usually political.

Chairman Sales indicated that executive action would not be taken on this issue until the fiscal note is received.

ADJOURNMENT: There being no further business to come before the committee, the executive discussion adjourned at 11:25 a.m.



Walter R. Sales, Chairman

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OUTLINE OF HB 325 -- DEPARTMENT OF FAMILY SERVICES

Sections 1 through 4 merely create the new Department of Family Services.

Section 5 sets forth the powers and duties of the new Department and is a consolidation of current powers and duties of SRS, Dept. of Institutions, and youth court probation relating to children. Adult protective and aging services within SRS are also included.

Sections 6 through 8 creates local service areas, a state youth advisory council, and local youth services advisory councils. These are the only new functions/activities in the bill.

Sections 10 through 14 clarify the specific functions to be transferred from SRS, D of I, county welfare departments, and youth courts.

Section 15 specifies the Council's recommendations on probation officers' salaries. In essence, probation officers are transferred with their current salaries. Their positions will be classified by state personnel just as other positions. They will be placed at the step closest to their current salary. If the salary is above step 13 of the appropriate grade, the salary is frozen until the pay matrix catches up.

Sections 16 through 30 are amendments to existing statute changing the departmental name or adding the Department of Family Services to the statute. Most deal with child support enforcement or statutes dealing with minors.

Sections 31 through 48 deal with existing statute on child protective services and includes changing department names or minor clean-up.

Sections 49 through 64 amend some statutes within the Youth Court Act.

Specifically, Section 49 adds a definition of "probation officer" to mean an employee of the department (of family services) whose duties generally involve the provision of services to youth in need of supervision and delinquent youth. Through this definition, probation officers become employees of the department but their jobs do not change. This is a major issue for probation officers.

Section 49 also adds a definition of a "serious juvenile offender" which relates to an amendment to the dispositional options available to the youth court judge in Section 60 of this bill.

Section 50 freezes the counties' obligation for youth probation services at their FY87 budgeted level. The Council recommended

that any future increase of probation services be an obligation of the state. Some counties indicated that the FY86 levels were higher than FY87 due to some federal revenue sharing monies that were available. The Council recommended the freeze be at the FY87 budgeted level.

Section 54 amends 41-5-205 to allow the youth court's jurisdiction of a youth to continue until the new department discharges a youth. Currently, this statute terminates the youth court's jurisdiction at the time the youth is committed to the state. This amendment is in accordance with the Council's recommendation to alter the dispositional options available to the youth court in Section 60, but to allow the youth court to continue to be involved at the judges' discretion by extending the court's jurisdiction. Some have indicated that allowing continued jurisdiction is messy, but the Council wanted to be sure that youth court judges have an obvious method to review cases if questions arise.

In Section 57, the method of communicating between probation and SRS regarding placements has been deleted due to the consolidation of these two parties.

Section 60 is the amendment to the dispositional options available to the youth court judge. The Council recommended that the youth court judge should have the authority to order placement of youth in need of supervision or a delinquent youth, but that the new department, which is responsible for the funding for placement, be the party responsible to place the youth. Under this proposal the departmental staff would include the probation officers who currently advise the youth court judges on appropriate placements. Placement advise and recommendations would become decisions by departmental staff who are currently youth court staff.

1) This change begins on page 76, line 14 and continues through page 77, line 19. This amendment continues all of the existing dispositional authority of the judge with the exception of the actual facility or home the youth is placed. Some judges indicated that they need to be able to protect their communities from dangerous juvenile offenders. The Council then recommended that the judges be able to require a physically secure placement in the case of public safety. With the definition of the "serious juvenile offender" added in Section 49 and the amendments on page 77, lines 5-9, that recommendation is accomplished.

2) The next lines 10-16 offer state-of-the-art protection of youth placed in physical confinement.

3) The amendment on page 78, lines 3 and 4, confirms the department's authority to determine the location of a court ordered evaluation.

Sections 65 through 71 are general name changing and clean-up amendments.

Section 72 removes child welfare and child protective services from SRS powers and duties.

Sections 73 through 79 either add the new department to existing statutes or remove children's functions from SRS and the county welfare departments.

Sections 80 through 87 amend the state assumption statutes in allow for the splitting of protective services from public assistance. Through these amendments nothing will change for either an existing assumed county or any county opting for state assumption. All the changes in funding and routing of funding will be the responsibility of the state.

Sections 88 through 96 either add the new department or continue to clarify and separate functions between the new department and SRS.

Sections 97 through 101 amend existing statute on protective services for the developmentally disabled to clarify the role of the new department for these protective services. Some clean-up is included.

Sections 102 through 111 amends existing statutes for the Department of Institutions to substitute the new department. There are no substantive changes.

Section 112 is the repealer section, repealing:

40-3-115 allows youth probation officers to assist with conciliation court which is not done to any great degree.

41-3-1106 is not needed with the inclusion of the youth court probation officers in the Department of Family Services. The regional managers will have authority over local budgets.

41-3-1113 allows the youth court judge to place a youth in a youth care facility. The new department will have the responsibility to place youth.

41-3-1121 is in regard to SRS paying for youth court placements which would not occur under this proposal.

41-5-702 specifies the qualifications for probation officers. This will be handled by the Personnel Division of Dept. of Administration.

41-5-704 specifies the salary and expenses for probation officers. The manner in which the transferred probation

officers' salaries will be handled is in Section 15, page 14 of this bill.

41-5-705 specifies deputy probation officers' salaries. See Section 15.

53-4-121 allows the county board of commissioners to administer child welfare services which is transferred to the Dept. of Family Services in Section 12.

53-4-122 allows county welfare departments to handle county's child welfare work. See Section 12.

53-20-404 allows for a petition to make developmentally disabled persons to become wards of SRS, but this procedure is handled under Title 72, chapter 5, part 4, rather than under this statute.

53-20-407 specifies the method of providing protective services to DD persons which is duplicated elsewhere in the statutes.

53-20-411 allows for termination of protective services for wards which is also covered in Title 72, chapter 5, part 4.

53-20-412 is also covered in the guardianship statutes under Title 72, chapter 5.

Sections 113 through 118 are boiler plate type sections which specify extension of rulemaking authority from SRS and D of I for these purposes, codification instructions, severability, reorganization procedures, implementation, and effective dates. The effective date for the Governor's authority to sign an executive order is immediate, but the implementation of all the other sections does not occur until the executive order or October 1, 1987 whichever comes first.

PROPOSED DEPARTMENT OF FAMILY SERVICES

HOUSE BILL 325

BACKGROUND

In November 1985, Governor Schwinden appointed the 19-member Council on Reorganization of Youth Services to recommend "ways to reorganize and improve the delivery of services to Montana's problem youth." The Council--representing the courts, legislators, local government, agencies serving children and the private sector -- was created in response to growing concern about the lack of coordination and accountability in the youth services system.

Authority and resources for youth services are currently spread among two state agencies, district courts, probation officers and mental health centers. As it now stands, no single agency:

- can be held accountable for what happens or fails to happen to a child in the system;
- has responsibility for long range policy because plans or policies made by one agency are not binding on others in the system;
- can be held accountable to the legislature for the efficient use of funds for children with the greatest needs.

THE PROPOSED DEPARTMENT

The Council recommended that responsibility and authority for youth services be consolidated within a single, locally responsive agency. It recommended that adult protective services and aging services be placed in the new department to retain current staff who serve both children and adults in rural areas and to have all family-related services within one agency.

Functions

The Department of Family Services would incorporate the following existing functions into a new department:

- intake, investigation, case management and client supervision (SRS - Probation)
- foster care, group care, residential care and adoption (SRS- Probation)
- institutional services at Pine Hills and Mountain View School (Institutions)
- the Youth Evaluation Program and contracted evaluation and counseling services (Institutions-SRS- Probation)
- licensure of foster homes, group homes and youth care facilities (SRS)
- aftercare and youth court probation (Courts-Institutions)
- prevention services such as Big Brothers/Sisters, child abuse prevention grants and the Childrens' Trust Fund (SRS)

Decentralization

To decentralize authority, management functions within the proposed agency would be organized into five regions, each with a local planning/advisory council. Council members would be nominated by local county commissioners and courts, and appointed by the Governor. There would be a direct line of authority and accountability between the local (regional) manager and the department director.

Implementation

The new department would be implemented over the next biennium. Initially, field operations would change very little until local planning/advisory groups could be organized to review plans for local services.

Funding

No additional funding would be required beyond existing budgets from the agencies being consolidated. Resultant savings could be directed to additional services. Since local government responsibilities would be assumed by the state, funds for those assumed services would be transferred to the state. However, local government contributions would not exceed fiscal year 1987 budget levels. For foster care expenditures over the 1987 level, the local government matching rate would be halved.

Judges' Authority

The Council recognized that conflict will continue as long as the courts hold the authority to place a youth, but SRS must pay for the placement. To resolve this conflict, the Council recommended that the new department decide where youth should be placed. Judges would retain authority to decide if a child should be taken from the family or community and, if the child poses a threat to society, whether placement in a secure setting is appropriate.

DEPARTMENT OF FAMILY SERVICES

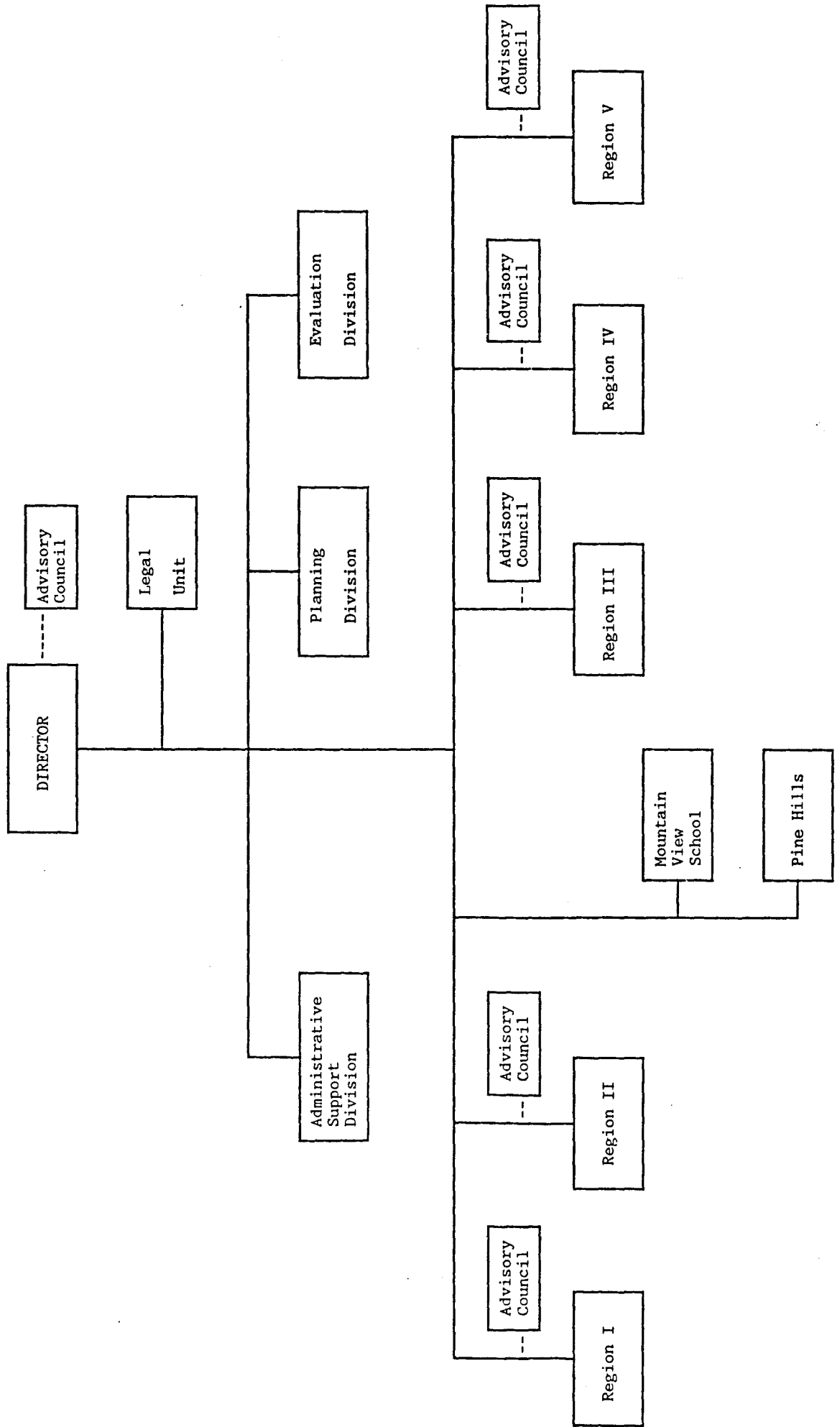




EXHIBIT #3
DATE 1/23/87
HB. 325

EIGHTEENTH JUDICIAL DISTRICT
Department II

JOSEPH B. GARY
DISTRICT JUDGE

DOROTHY BRADLEY, J.D.
LAW CLERK AND MASTER

ROBYN M. ORI
CSR, RPR
COURT REPORTER

SUE AVERY
SECRETARY

January 22, 1987

Representative Walt Sales
Chairman

~~Human Services~~ Committee **STATE ADMINISTRATION**
Capitol Building
Helena, Montana 59620

Re: House Bill No. 325

Dear Walt:

As a member of the Governor's Committee that worked on the study that culminated in House Bill No. 325, I signed an endorsement of the result and would support the passage of the bill.

There were certain aspects of the bill that caused me some concern, one of which was losing the probation officers from the judge's supervision and appointment. However, it appeared that in the long run that consolidation of services for youth would be beneficial if it were under one department. The Division of Labors in this field from probation of delinquent youth on the one hand and abused youth on the other hand should required correlation yet probation handles the delinquent youth and SRS handles the abused youth and often the abused youth becomes the delinquent youth, so there is not a continuity that this department could undoubtedly correct. The question of After Care, also, requires a certain amount of continuity which at the present time probation has nothing to do with, and the Department of Institutions does and the committing judge and officer sometimes lose track and do not know what happens after the youth leaves the institution.



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DATE 1/23/87
HE 325

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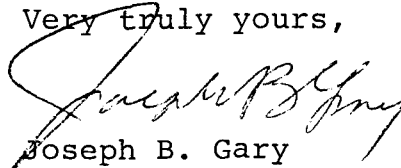
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Representative Walt Sales
January 22, 1987
Page 2

For these reasons, I feel that the department would be advantageous and recommend its passage.

Very truly yours,



Joseph B. Gary
District Judge

JBG:sa

EXHIBIT #4

DATE 1/23/87

HE 325

August 16, 1981

To: Ted Schwinden, Governor, State of Montana
Carroll South, Director, Department of Institutions
John LaFaver, Director, Social and Rehabilitative Services
Jerry Roth, Director, Special Services Center, School Dist. #1
J. Bailey Molineux, PhD., Psychologist, Private Practice
Dick Meeker, Chief Probation Officer, Lewis & Clark County
Judy Johnson, Asst. Superintendent, Office of Public Instruction
Dick Rosenleaf, Director, Children's Unit, Warm Springs State
Hospital
Gordon Bennett, Judge, First Judicial District, State of
Montana
William Ware, Chief of Police, Helena Police Department
Bill Evans, Director, Southwest Montana Mental Health Center

From: Dee Cranmer, concerned parent

I'm writing to share with you a very personal, very frustrating experience. Partly, it's a story about my adopted son, Cesar, who, in about a year's time, evolved from being a fairly average, compliant, polite and good natured 12 year old, to a dishonest, defiant, emotionally disturbed youngster. I don't know why it happened; I was a good mother. The experts suggest to me that his problems were probably latent -- originating when he was an abandoned street kid in Guatemala City, but not manifested behaviorally until recently. At any rate, the thrust of the story is about the nearly insurmountable problems I had in getting him placed in the Children's Unit at Warm Springs State Hospital for an intensive evaluation.

Last fall, Cesar was acting-out in school and at home, to the point where I was not coping well:

11/21/80--I had an appointment at Southwest Montana Mental Health Center with Agnes Johnson, who suggested that Cesar be evaluated by Dr. Evan Lewis, then at SMMHC.

12/4/80--Evaluation completed with Cesar.

12/11/80--Evaluation interpreted to me by Dr. Lewis, who had found him to be very uncommunicative, but nothing pathological showed up.

12/15/80--I had a final session with Ms. Johnson, who was positive about my ability to cope with Cesar and his behaviors.

Jan. 1980 through Easter 1981--Cesar was on a home-school controlled reward system for both behavior and completion of work. If he complied, he was allowed privileges. If not, privileges were denied. The system involved the School Psychologist, Resource Teacher, Classroom Teacher and myself. Things ran roughly, but nothing was out of control. Also, I made application to Big Brothers and Sisters for Cesar.

4/28/81 Tues.--Cesar ran away from home, but returned late that night.

5/17/81, Sun.--He ran away again, and was found the next morning on

the school playground. At that point, I decided to make an appointment with a private psychologist for family counseling.

5/28/81, Thurs.--Cesar and I had our first appointment for counseling with Dr. Molineux. Cesar was uncommunicative.

6/13/81, Sat.--Cesar met with Dr. Molineux alone.

6/18/81, Thurs.--I met with Dr. Molineux alone. He told me that Cesar was showing signs of disturbed behavior and we should start thinking in terms of an intensive evaluation on an in-patient basis; perhaps at Yellowstone Boys and Girls Ranch or the Children's Unit at Warm Springs State Hospital.

6/23/81, Tues.--Cesar ran away again.

6/24/81, Wed.--I went to the Police Station to file a Run-Away Complaint. Also called Dr. Molineux for advice.

6/25/81, Thurs.--I cancelled our appointment with Dr. Molineux, took a picture of Cesar to the police, and called most of his buddies--no one had seen him.

6/26/81, Fri.--Called Capt. Sanguin, Juvenile Division of the Police Department, to tell him a neighbor girl may have information about Cesar, but she was unwilling to talk to me about it. Cesar was found that afternoon. He refused to come home, so was taken to Dick Meeker at Lewis and Clark County Probation, who placed him at the Attention Home. I spent 2 hours talking to house parents, to Cesar and to Dick Meeker, late that afternoon. Since Cesar refused to come home with me, we decided he could stay there for 2 days. It was hard for me to hear that my own son didn't want to come home.

6/28/81, Sun.--I brought him home from the Attention Home.

6/29/81, Mon.--We had another family therapy session with Dr. Molineux. Cesar was still not talking much.

6/30 through 7/9/81--Cesar's behavior was deteriorating--lying, stealing, sneaking out of the house at night, odd sexual curiosities and behaviors.

7/9/81, Thurs.--We had another family session with Dr. Molineux. Again he strongly recommended an intensive evaluation. I agreed to make an appointment with Lewis and Clark County Welfare to find out about financial assistance for the evaluation at Yellowstone Boys and Girls Ranch. I was having a hard time accepting that the evaluation should be done at Warm Springs.

7/10-11/81, Fri., Sat.--A dreadful two days! Cesar's behavior was nearly out of control. He had thrown a tool at me and had repeatedly said that he didn't want to live at home anymore.

7/12/81, Sun.--I took Cesar to church camp as planned. Maybe a week with the priests would help?

7/13/81, Mon.--I met briefly with Dr. Molineux expressing fear for

my safety and coping skills in dealing with Cesar's bizarre and new violent behaviors.

7/15/81, Wed.--I met with Bill Minor at the L&C County Welfare Office. He took a brief history about Cesar, explained red-tape for financial assistance, talked about how expensive YB&GR is, and promised to assign a Social Worker to the case early the following week. Also, he asked if I'd considered Family Teaching Center. I thought that was rather inappropriate; it's a wonderful agency, but I felt our problems were bigger than they could handle. Besides, I'd sought out professional help already.

7/17/81, Fri.--I picked Cesar up from camp at Salmon Lake. He didn't talk to me all the way home. Late that night he ran again.

7/18/81, Sat.--I called Dr. Molineux for advice and support. Then I went to the police to file another Run-Away Complaint, and dropped by the Attention Home to let them know that Cesar would be back there when found. I came home to find that he'd broken into the house and taken many of his clothes and the money in his wallet. I reported that to the police.

7/20/81, Mon.--I called Dick Meeker to let him know that Cesar had run, then went to the Police to encourage them to look harder for Cesar. I left them with a list of his buddies, their parents' names, addresses and phone numbers, thinking perhaps the kids would talk to the police, even though they wouldn't talk to me or my friends. I came home to find that he'd broken into the house again to take a pillow, sleeping bag, and blankets, so I reported that to the police.

7/22/81, Wed.--I had not heard from Welfare yet, so I called them. Bill Minor had assigned the case to Joe Loos, who was in a meeting. I called back. Now he was out to lunch. I called back later. He was still not available, so I left a message. Received a call from Joe Baumgartner, who had been assigned the case by Joe Loos, who had been assigned the case by Bill Minor. We scheduled an appointment to begin the Case History at 9:00 the next morning. Then a neighbor called to say that Cesar had just been at her house. I called the police and told them.

(IF YOU'RE FINDING THIS WHOLE THING LONG, CUMBERSOME AND TEDIOUS, SO DID I. THAT'S MY POINT!)

In the meantime, I'd spoken to a friend who had arranged for me to meet with Dick Rosenleaf of Warm Springs Children's Unit at 3:30. I left the house just in time to see Cesar riding down the street on the back of a motorcycle, tried to catch them, couldn't, so stopped at a pay phone to call the police. I met with Dick Rosenleaf, who agreed that perhaps Cesar should come to his place for an evaluation. I was very impressed with what he said and was more comfortable with the idea of Warm Springs. I might need to go through the Office of Public Instruction and School District #1 of Helena to make recommendation for the placement. I talked with Judy Johnson at OPI who suggested I'd need to meet with Jerry Roth, the Director of Special Services for School District #1 to begin the process. I had dinner with friends and came home at 9:00. At 10:30 I decided to police the

neighborhood in hopes of spotting my son, but decided to call in at the Police Department first. I was informed that Cesar had been found earlier in the evening and was at the Attention Home. I spent an hour and a half on the phone spreading the good news to friends and relatives. I wondered why the police hadn't called to let me know he'd been found.

7/23/81, Thurs.--Joe Baumgartner from Welfare came to my home to interview me about Cesar. Also, I called Dr. Molineux to tell him Cesar had been found and scheduled a session for both Cesar and I on Monday night.

7/26/81, Sun.--I went to visit Cesar at the Attention Home. He was defiant and hateful toward me. I told the house parents of the appointment with Dr. Molineux. I would pick Cesar up the next evening at 7:45 for the therapy session. I spoke with the house parents again later that evening; they said Cesar had been suspected of stealing money from another child there.

7/27/81, Mon.-- I went to the Attention Home, as arranged, to pick Cesar up. He wasn't there; he'd been allowed to go on an "outing" with the rest of the kids. They were sorry, but they'd forgotten about the appointment. I was furious. I met with Dr. Molineux alone and finalized the decision to go through OPI and School District #1 for placement for the evaluation. First choice, Warm Springs. Second choice, YB&GR. I received a mountain of information and forms from YB&GR for possible future use. I also signed releases for information to go to about five different places. We were covering all bases and following the rules, right?

7/28/81, Tues.--I met with Jerry Roth to explain (in writing, copy to Judy Johnson) my request for an independent evaluation of Cesar. Mr. Roth was sympathetic and cooperative. He met with Dal Curry at OPI that afternoon in an attempt to define roles and responsibilities of the School District and of OPI in a case like this. Mr. Roth called me to let me know that a Child Study Team meeting had been called for the next afternoon.

7/29/81, Wed.--I met at the Special Services Center with the Child Study Team. Mr. Roth had called in a Core Team consisting of psychologist, nurse, resource teacher and administrator (himself). All came to the meeting willingly although all were on summer vacation. We did the appropriate paperwork. I called Dick Rosenleaf to tell him that Cesar would indeed be coming to Warm Springs. He said he'd call me back the next day with finalization plans.

(PLEASE DON'T GIVE UP NOW -- THE BEST IS YET TO COME.)

7/30/81, Thurs.--Dick Rosenleaf called to say that he'd rather not take Cesar on a voluntary basis. He would rather have a Court Order determine his placement there, and that I should contact Dick Meeker to make those arrangements. I went to see Mr. Meeker who told me that the Court Order process could take up to 2 weeks, that Cesar must have his legal rights explained to him by an attorney, that a petition be drawn up, that a hearing before a judge was required, and that it wasn't easy to have Cesar declared a Youth in Need of Supervision. Mr. Meeker said he'd make necessary arrangements for

an attorney to visit with Cesar, probably the next day (Fri.) or the following Monday. At this point, I was wondering what my rights were as a concerned parent--evidently none. I was extremely frustrated knowing that there was nothing I could do to expediate matters. Nothing was happening. All I wanted was for my son to be evaluated by a professional staff to determine why his behavior had changed so dramatically.

7/31/81, Fri.--I was close craziness knowing that nothing would be accomplished before the next week. I decided to go visit my parents in Billings. I called the Attention Home to let them know where they could reach me, and was told that Cesar was on maximum restrictions. He was causing trouble for the other kids and the adults, and was non-compliant, lying and stealing. I sensed they were hoping he'd be leaving them soon. I then called Mr. Meeker to tell him how to reach me. Still frustrated, I tracked down Dr. Molineux at a meeting in Billings (by phone since I had not left town yet), described the current stalemate and tried to blame everybody in sight, but--God bless him--he encouraged me to be patient and strong. I'd have to ride it out. I flew to Billings--on mental R and R.

8/4/81, Tues.--I was still in Billings and had heard nothing from Helena. I called Mr. Meeker who said that David Hull, an attorney, had talked with Cesar as legally necessary, and that the Court Order was ready to be signed by myself and a judge. Good news! Maybe things were going to work out after all.

8/5/81, Wed.--I signed the Court Order and made arrangements to take Cesar to Warm Springs the following day. I called Dick Rosenleaf to let him know we would arrive around 11:00 a.m. All I'd need to do the next morning was to pick up the Court Order, not yet signed by a judge, pick up Cesar, and go. I was really encouraged.

8/6/81, Wed.--At 4:20 a.m., I received a call from the Police Station to say my car had been stolen by two boys, and would I please come to identify and claim the car at the corner of 7th and Jackson. A police officer picked me up and, sure enough, there was my car with my son inside. He and another boy had run from the Attention Home, broken into my house through a basement window, stole the money in my wallet, my keys and my car, while I was asleep upstairs. I told Mr. Meeker on the phone from the Police Station that I was in no shape to take Cesar to Warm Springs later that morning and that he would have to make arrangements for his transportation. He said he would. I was furious, frightened and totally disillusioned at that point. I couldn't believe what was happening. This kind of thing happens to other people. Cesar spent the night in the County Jail. He's only 12 years old, for God's sake! Later that morning I went to see Capt. Morley at the Police Station, who said that charges of breaking and entering, robbery and car theft probably would be filed against the boys. At 1:00 that afternoon, Dick Meeker called to say that Judge Gordon Bennett refused to sign the Court Order. Apparently he didn't want Lewis and Clark County to have to pay the \$2500 for the evaluation at Warm Springs. If Cesar went on a voluntary basis, the financial responsibility belonged to the State of Montana, since Warm Springs is a state institution. I couldn't believe it! Apparently it was acceptable to have the child in jail or running on the streets

being destructive, but not okay to spend county tax money to have him evaluated. However, Mr. Meeker had arranged a meeting at 3:00 with Bill Evans as SMMHC to take care of the paper work which would enable Cesar to go for the evaluation on a voluntary basis (please refer back to page 4, 7/30/81; we're back to square one). We met, signed the voluntary commitment papers and I cried all the way home. Cesar spent another night in jail. Mr. Meeker took him to Warm Springs on Friday, August 7.

Today is August 16. I went to Warm Springs on Friday to visit Cesar, to deliver his birthday presents (he was 13 yesterday--every mother wants her child to spend his/her 13th birthday in the "nut house", right?), and to share information with his primary therapist. I was frightened; I'm still frightened. However, I'm satisfied that he's placed appropriately and that he's receiving excellent care.

Today, August 16, I'm still a 35 year old single parent, college educated, civic minded and law abiding. And, I'm still infuriated by the cumbersome process that I had to endure in order to get help for my emotionally disturbed child. Sadly, it's not over yet. After the evaluation is completed, recommendations will be made for a treatment plan. I'm apprehensive. Will I have to go through all this nonsense again to get him placed for treatment? Fortunately, I was not working this summer, which allowed me the time needed to make the endless phone calls, to meet with people, to search for help for my son. I'll be returning to work on August 26; I'll no longer have limitless free time. Do you understand my apprehension?

To those of you who plowed through this essay, thank you. Perhaps your senses of humanity have been touched. If so, please, please, work toward altering the steps of this process. Please work toward defining this process for parents and agencies. And, please work toward consistency within state controlled departments.

Sincerely,

Diedre J. (Dee) Cranmer
~~511 E. 6th Ave.~~
 Helena, Montana 59601
 669 So. Montana Ave.
 443-3945

From August 7, 1981 until April 30, 1985, Cesar was at Warm Springs State Hospital, Children's Unit. During the first two of those years I drove to Warm Springs every other Monday evening for Family Counseling. For the next year and a half, for various reasons, I made the trip much less often, but had frequent phone contact with Dick Rosenleaf and Julie Powers, his primary therapists.

In February of 1985, attempts were made by the staff at WSSH to get him placed in a group home. It was felt that he would adapt better to group home life than to making the transition to MYTC in Billings. Also, Cesar was at WSSH on a voluntary commitment. There were some legal questions regarding his transfer to MYTC on that type of commitment. Numerous letters were sent and phone calls made to Lewis and Clark County Human Services (Joe Connell), to SRS, to D of I, to Last Chance Group Home in Helena, all in the attempt to place Cesar. For reasons I never understood, it just "couldn't be done." I think no one wanted to take the fiscal responsibility.

Via legal action in Deer Lodge County which involuntarily committed him, Cesar was transferred to MYTC on April 30, 1985. During the year and three months he was there, what little contact I had with that staff was mostly at my initiation. Decisions were made regarding his education, vocational training (I use the term loosely), medical treatment and psychotherapy, without my knowledge, much less my input. Often my phone calls weren't returned, nor my letters answered. This was very frustrating for me being 240 miles away and feeling left out. I could get answers and/or action only when I went directly to Curt Chisholm at D of I or Kelly Moorse at the Board of Visitors.

In April of 1986, as Cesar came nearer to turning 18, talk began at MYTC of discharging him to a group home. I attended a meeting at MYTC in June, 1986 and there was still talk about it. On his 18th birthday, August 15th, he was discharged to an adult group in Billings. I found out about it via a copy of the legal notification to the District Judge, Thirteenth Judicial District, Yellowstone County, Montana. No one called me to let me know.

My son is 18, and therefore an adult. He chose to leave the group home (where, according to him, "all they do is smoke and rock"), in November and is living on the streets in the southside of Billings, taking his meals at the Rescue Mission and sleeping wherever.

The bottom line here is that during my 6 plus years of involvement with THE SYSTEM, I have found it always difficult and disjointed. Never has there been one person with most of the answers. No one seems to make anyone else accountable. No one has ever said to me, "I'll take care of it." There is a dire need for continuity. I see a Department of Family Services as being able to provide continuity.

Miss Johnson

EXHIBIT #5
DATE 1/23/87
40 325

PROPOSED AMENDMENTS TO HB 325, INTRODUCED COPY.

Delete all amendments to section 41-3-1114 in section 45 of the bill. Delete the repeal of 41-3-1106, 41-3-1113, and 41-3-1121 and amend those sections and 41-3-1114 as follows. Then amend the remainder of the act to take the youth court and its probation officers out of the act and maintain the status quo of current law.

41-3-1106. Allocation of money to judicial districts -- transfers between budgets -- reports. (1) The department shall allocate placement budgets, based upon historical placement patterns and current placement trends, to the judicial districts for the substitute care of youth in need of supervision or delinquent youth. The budget must be for a fiscal year beginning July 1 and must be determined by the department prior to July 1. The department shall send a written copy of each judicial district's budget to the district's youth court and chief youth court probation officer. The department must monitor each district's budget expenditures and submit to the youth court and its chief probation officer quarterly reports stating the beginning budget amount for the fiscal year and the percent spent as of the end of the quarter. The youth court judge or judges and chief probation officer must, upon receipt of a quarterly report, meet and examine the report and determine whether the rate of budget expenditures makes it advisable to consider changing the youth court's placement decision policies in order to remain within the budget.

(2) If the department determines that the balance in a district's budget is or may be insufficient to adequately fund the youth court's and department's substitute youth care placements under this part for the remainder of the fiscal year, the department may transfer to the district's budget account

funds in the budget account of a district that the department determines will or may end the fiscal year with a surplus in the budget account.

(2) (3) The placement budgets may be monitored by a youth court committee as provided for in 41-5-105 or a foster care review committee as provided for in 41-3-1115.

41-3-1113. Authority of judge to commit youth. A (1) Except as provided in subsection (2), a youth court judge may in his discretion place a delinquent youth or a youth in need of supervision in a youth care facility for any period of time up to the child's 21st birthday, subject to the approval of the facility's sponsoring nonprofit corporation or association.

(2) If 80% or more of the budget provided for in 41-3-1106 has been expended the youth court may not make any further placements for the remainder of the fiscal year and the department shall, after considering the youth court's placement recommendations, place all youths that the court determines must be placed.

41-3-1114. Continuing jurisdiction of youth court. The youth court ~~placing--a--delinquent--youth--or--a--child--in--need--of supervision--in--a--youth--care--facility~~ retains continuing jurisdiction over the a youth placed under this part until the youth becomes 21 years of age or is otherwise discharged by order of the court.

41-3-1121. Foster care payments for youth court placements.

(1) The youth court may establish procedures for finding, maintaining, and administering substitute care and foster homes approved by the court for youth within the provisions of this part.

(2) Pursuant to 41-3-1112, the department shall make a foster care payment for a child placed by the youth court or the department if:

(a) the child is placed in a youth care facility licensed by the department or by an appropriate licensing authority from another state;

(b) the youth court, with respect to placements made by it, enters into an agreement according to federal regulations with the department for the placement of children;

(c) the placement of the child is reviewed as required by 41-3-1115; and

(d) the youth court retains supervision of the child in placement.

DLC1645/JM/JM1

more families

OUT-OF-STATE PLACEMENTS: DOCUMENTATION AVAILABLE AS OF 1/14/87

PART 1: OVERVIEW OF OUT-OF-STATE PLACEMENTS AS OF 1/14/87:

- ... 38 Montana youth are currently placed in out-of-state residential treatment facilities.
- ... 6 Montana youth are currently placed in an out-of-state group home (North Dakota's Home on the Range for Boys).

PART 2: PLACEMENT CHANGES DOCUMENTED SINCE THE PREVIOUS UPDATE (9/19/86)...

1. was placed at Excelsior Youth Center (Spokane) on 10/15/86.
2. was placed at Shamrock Acres (Spokane) on 1/1/87.
3. was placed at Colorado Christian Home (Denver) on 12/3/86.
4. was placed at Griffith Center (Golden, Colorado) on 12/31/86, after an evaluation at Denver Children's Home.
5. was placed at the Youth Behavior Program (Evergreen, Colorado) on 1/1/87.
6. placement at Hennepin County Home School ended 10/20/86.
7. was placed in the group home at Home on the Range for Boys (Sentinel Butte, North Dakota) from 10/29/86 until 12/18/86.
8. placement in the group home at Home on the Range for Boys (North Dakota) ended 11/1/86.
9. was placed at Clayton College for Boys (Denver) on 12/15/86.
10. placement at Forest Heights Lodge ended 10/18/86.
11. was placed at Colorado Christian Home on 10/8/86.
12. was placed in the group home at Home on the Range for Boys (North Dakota) on 10/12/86.
13. was placed at the Youth Behavior Program (Evergreen, Colorado) on 11/3/86.
14. was placed in the group home at Home on the Range for Boys on 8/13/86.
15. was placed at Colorado Christian Home (Denver) on 10/24/86.
16. was placed at Shamrock Acres (Spokane) on 11/18/86.
17. placement at Colorado Christian Home (Denver) ended 10/30/86.
18. placement at Vision Quest (Arizona) ended 10/28/86.
19. was placed for 16 days in August at Home on the Range for Boys.
20. was placed at Home on the Range for Boys for 16 days in August.
21. was placed at Cleo Wallace Center (Broomfield, Colorado) on 10/28/86.
22. was placed at Griffith Center (Golden, Colorado) on 12/5/86.

1/14/87 Update
Prepared by Frank Kromkowski
Community Services Division, SRS
Names of children
deleted to protect
confidentiality--
1/20/87 FK

EXHIBIT #6
DATE 1/23/87
HB 325

[Updated 1/14/87]

PART 3: LISTING OF CHILDREN CURRENTLY IN OUT-OF-STATE PLACEMENTS, ARRANGED BY STATE AND FACILITY

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
ARIZONA PLACEMENTS:										
(A)/ARIZONA-----VISION QUEST PLACEMENTS:										
	05/06/69	16	Lewis & Clark	YD	Court <i>Deaconess as of 1-20-86</i>	8/85	Vision Quest	Psychiatrist	Vision Quest (Tucson, AZ)	Court-ordered. No appropriate in-state treatment resources were available. Order states that YBGR and Pine Hills are not appropriate facilities. Probation Officer reported that he checked into YBGR and VoA as potential in-state treatment placements. Not committable to MYTC, according to psychiatrist who examined FS.

COLORADO PLACEMENTS:										
(A)/COLORADO-----CLAYTON COLLEGE FOR BOYS PLACEMENTS:										
	10/18/76	10	Yellowstone	PC	SW	12/86	In-state: Intermountain Deaconess Home, YBGR, Montana Youth Treatment Center (MYTC) Out-of-state: Colorado Christian Home, Cleo Wallace Treatment Center Clayton College for Boys (Denver)	SW (Social Worker)	Clayton College for Boys (Denver)	No appropriate Montana treatment facility was available when ML needed treatment... Deaconess Home (Helena), the most appropriate treatment facility for ML's problems, need and age, would have accepted ML but had no openings... YBGR had opening but refused to accept ML because of risk of ML being a sexual offender... MYTC refused admission because ML was too young... Colorado Christian Home and the Cleo Wallace Center refused admission (no openings)... Clayton College for Boys (less expensive than YBGR) accepted ML for placement (12/15/86)... ML is still on the Deaconess Home waiting list in case the Clayton College placement does not work out.

[COLORADO PLACEMENTS are continued on the next page...]

LEGAL STATUS CODE		Description
HD	Code	48 hr. hold under authority of 41-3-301 MCA/45 day hold
PA	Code	Parental agreement
PC	Code	Agency permanent custody
PF	Code	Petition filed
ST	Code	Stipulation of youth court
TA	Code	Temporary investigative authority
TC	Code	Tribal court
TP	Code	Agency temporary custody
YA	Code	Youth court (aftercare use only)
YC	Code	Youth court (need of care) (probation use only)
YD	Code	Youth court (delinquent) (probation use only)
YS	Code	Youth Court (need of supervision) (probation use only)
OS	Code	Another state has custody

[Updated 1/14/87]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
COLORADO PLACEMENTS, Continued:										
(R)/COLORADO-----CLEO WALLACE CENTER PLACEMENTS:										
	10/15/70	16	Yellowstone	TP	SRS, by court order	10/86	YBCR Highly structured residential treatment program such as the Montana Youth Treatment Center (MYTC) or the Cleo Wallace Treatment Center.	SW (6/17/86) Psychiatrists, SW (9/22-23/86)	Cleo Wallace Center (Broomfield, Colorado)	Court-ordered (9/24/86). Montana resources were explored, attempted and found inadequate to meet IS' need. Court found that IS needed a more restrictive, structured treatment setting than previous Montana placements, which have produced unsatisfactory results. IS ran away from YBCR placement and from other Montana placements. YBCR refused readmission after run away. Court found IS seriously mentally ill and committed IS to MYTC in Billings until the Cleo Wallace Center had an opening.
(C)/COLORADO-----COLORADO CHRISTIAN HOME PLACEMENTS:										
	10/06/75	10	Cascade	TP	SRS	1/85	Intermountain Deaconess Home, Forest Heights Lodge, YBCR Forest Heights, Colorado Christian Home, Denver Children's Home, Secret Harbor	SRS Screening Committee (8/30/84) SWT (8/22/84)	Colorado Christian Home (Denver)	No available appropriate treatment in Montana. The SRS Screening Committee on 8/30/84 found JC to be a severely emotionally disturbed child for whom residential treatment is appropriate. 8/22/84 social study: JC was found emotionally disturbed, with diagnosis of "Childhood Schizophrenia," inadvertently emotionally deprived and abused by JC's mother (described as having an "inability to understand and care for her own needs in a mature way.") No openings at Intermountain Deaconess Home.
	09/13/79	7	Park or Mesgher [Court order regarding financial responsibility is pending.]	TP	SRS	12/86	Residential treatment center or specialized foster care home with psychotherapy	Clinical psychologist (9/2/86)	Colorado Christian Home (Denver)	No appropriate in-state facility was available to meet RF's needs. RF: severely emotionally disturbed, result of long-standing psychological/emotional abuse. Intermountain Deaconess Home, the only appropriate in-state treatment facility, had no openings...Several foster care homes were unable to cope with RF's aggressiveness and other extremely difficult problems.

[...COLORADO PLACEMENTS are continued on the next page...]

[Updated 1/14/87]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
COLORADO PLACEMENTS, Continued:										
70 COLORADO CHRISTIAN HOME PLACEMENTS, continued:										
	03/22/76	10	Cascade	TP	Court	5/86	Residential Treatment	Mental Health Center, Great Falls School District	Colorado Christian Home (Denver)	Court-ordered (3/31/86). No appropriate treatment resources for RG's severe problems and needs were available in Montana. Court order of 3/31/86 recommended residential treatment at either Intermountain Deaconess Home or Colorado Christian Home. Deaconess had no openings. YBCR had judged earlier that they could not treat RRG because of the severity of his emotional problems. RRG is extremely hyperactive and unable to function in the school system even in programs for the emotionally disturbed. Forest Heights Lodge, also contacted, indicated it would not accept any additional Montana children because of contract dispute.
							Intermountain Deaconess Home	SW		
							Colorado Christian Home	SW		
							Forest Heights Lodge	SW		
	11/10/76	8	Valley	PC	SRS	9/84	YBCR, VOA, Casey Family Program, Intermountain Deaconess Home, Forest Heights Lodge, Colorado Christian Home	SW	Colorado Christian Home (Denver)	No Montana program was available at the time of BK's need for placement. Deaconess Home had no contract openings. YBCR was not considered because their behavior modification program would not have been an effective treatment for this child. BK has experienced multiple losses and Forest Heights Lodge's program deals specifically with this type of child.
	10/15/74	11	Flathead	TP	SRS	10/86	Residential treatment facility	SW and Juvenile Probation in consultation	Colorado Christian Home (Denver)	Available Montana facilities could not provide adequate treatment to meet PH's needs. Placement at Deaconess Home ended after PH's assaults on Deaconess staff. Deaconess recommended treatment at Kalispell's Glacier View Hospital, but this was found not possible because of economic factors.
	04/23/79	7	Yellowstone	TP	SRS	10/86	YBCR, Deaconess	SW	Colorado Christian Home (Denver)	Placement for treatment within Montana could not be secured. YBCR denied admission--could not handle MEP's issues/problems. Intermountain Deaconess was willing to try treatment, but had no openings. Colorado Christian was finally chosen on the basis of previous good results and willingness to do frequent psychiatric consultations.
							Colorado Christian Home, Devereaux (Texas), Forest Heights Lodge, Cico Wallace Center	SW		

[...COLORADO PLACEMENTS are continued on the next page...]

[Updated 1/14/87]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
COLORADO PLACEMENTS, Continued:										
COLORADO-----COLORADO CHRISTIAN HOME PLACEMENTS, continued:										
	03/24/75	11	Missoula	YC	SRS	7/86	Colorado Christian Home	SW	Colorado Christian Home (Denver)	Court-ordered (7/11/86). Appropriate resources for treatment in Montana could not be found. Order grants temporary legal custody of BR to SRS/ Missoula County Department of Human Services, with placement at Colorado Christian Home to begin 7/14/86 until further order of the court or CCH staff terminate this placement. BR: emotional handicap, behavior problem, parental request. [SRS Screening Committee previously, 4/11/84, recommended 45-day extensive evaluation at Salt Lake City's Primary Children's Hospital for sexual maladjustment. See 3/28/84 psychiatric report.] 6/3/86 authorization from Assistant Administrator of Community Services Division to pursue placement at CCH.
	08/11/80	5	Cascade	TP	SRS I	5/86	Structured Residential Treatment Center	DR's primary therapist and Mental Health Center staff	Colorado Christian Home (Denver)	No treatment facility in Montana for child DR's age (5) and with DR's problems. Report from SWS III: DR needed care not available in current foster home/therapy arrangement. Emotional state recently deteriorated seriously; potentially psychotic. Therapist and Mental Health Center staff recommended structured residential treatment. DR: abused and sexually abused. Deaconess Home --only real in-state possibility-- would not take DR.
	08/20/73	11	Cascade	TC	SRS I	8/84	Colorado Christian Home, Wallace Village Intermountain Deaconess Home	Psychologist	Colorado Christian Home (Denver)	No in-state placement could meet SS's needs. Social Worker reports that SS is very severely disturbed. Warm Springs Children's Unit not accepting new cases, but wouldn't meet need anyway.
	11/08/74	10	Cascade	TC	Court	11/84	Sex offender program	Psychologist	Colorado Christian Home (Denver)	Court-ordered. No Montana treatment facility would accept JT. Only Colorado Christian was willing to take JT due to extensive sex offender history...See Treatment Review Report (8/4/86) for update on progress in treatment.

[Updated 1/14/87]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RAITONALE FOR PLACEMENT
COLORADO PLACEMENTS, continued:										
70/COLORADO-----EXCELSIOR YOUTH CENTER PLACEMENTS:										
	07/28/71	15	Silver Bow	YS	Court [Probation, with SRS custody 8/4/86]	8/86	Excelsior Youth Center (Aurora, CO) Long-term in-patient care	P.O. (Probation Officer), Mental Health Services Butte Stress Center staff	Excelsior Youth Center (Aurora, CO)	Court-ordered (8/4/86). No appropriate treatment resources in Montana were available...PO's 7/18/86 report: sev- eral recent suicide attempts, runaway from natural home. YBCR considered (but refused because of inadequate resources). Deaconess home was con- sidered (but inappropriate because of open setting). MYIC, described by PO as having "horrible reputation" and "in- appropriate to even be considered by PO... Court found JEL to be a youth in need of supervision; ordered to Excelsior (Aurora) for not more than 6 month period. Reasons cited 8/4: un govern- able, beyond control of her custodial parent, all reasonable efforts made to maintain JEL in natural and foster homes, emergency situation arose requiring further placement.
	07/28/69	16	Yellowstone	TP	SRS	8/85	Montana Youth Treatment Center -- until opening at Denver Children's Home or Excelsior Youth Center (Englewood, CO)	Psychiatrist	Excelsior Youth Center (Englewood, CO) -- after a 4-week placement at MYIC	No in-state facility could meet CM's needs. Less restrictive settings (at Billings Deaconess psych unit, YBCR, Deaconess psych unit again) were unsuccessful. YBCR felt not equipped to handle CM's serious suicide potential. Psychiatrist stated grave concern about appropriateness of MYIC. Excelsior Youth Center opening emerged.

[...COLORADO PLACEMENTS are continued on the next page...]

RAISONALE FOR PLACEMENT

FINAL PLACEMENT

RECOMMENDATION MADE BY

PLACEMENT RECOMMENDATIONS

DATE PLACED

PLACING AUTHORITY

LEGAL STATUS

COUNTY

AGE AT PLACEMENT

DATE OF BIRTH

NAME

COLORADO PLACEMENTS, continued:
 (IN/COLORADO)-----EXCELSIOR YOUTH CENTER PLACEMENTS, continued:

Court-ordered (8/26/86) for immediate placement in Excelsior Youth Center (Colorado). No Montana treatment facility could be found to handle CRN's problems. Temporary custody granted to SRS with Silver Bow designated financially responsible... 7/14/86 psychiatrist's report from Billings Deaconess psych unit where CRN was admitted 5/11/86: Diagnosis is (a) post-traumatic stress disorder and (b) major depression, nonpsychotic... Very seriously emotionally disturbed; sexual abuse, physical abuse... Recent rape and beatings in Silver Bow county and in Billings by unknown persons allegedly involved in earlier sexual abuse... Psychiatrist who evaluated CRN's case concluded that CRN can't be appropriately treated or safely treated and protected from harm while CRN is in Montana... Suicide attempts, recently and in previous years... See psychiatrist's report stressing ominous outcome if seriousness of problem is minimized or denied in the slightest.

Excelsior Youth Center (Englewood, CO)

Long-term psychiatric residential treatment outside of Montana

8/86

SRS

TP

Yellowstone
 [Silver Bow, for financial responsibility]

15

12/19/70

(E)/COLORADO-----GRIFFITH CENTER PLACEMENTS:

Court-ordered (3/5/86). Court found that no suitable in-state placement was available. Social Worker's case notes indicate that the current YBCR placement could not provide the care needed and that Montana Youth Treatment Center and Intermountain Deaconess Home were considered inappropriate. No openings at Excelsior Youth Center.

Griffith Center (Golden, CO)

Intermountain Deaconess Psychiatrist Home (IDH)

3/86

Court

TP

Yellowstone

13

09/25/72

SW

Excelsior Youth Center

3/86

Court

TP

Yellowstone

13

09/25/72

Psychiatrist, SW

Griffith Center

3/86

Court

TP

Yellowstone

13

09/25/72

[...COLORADO PLACEMENTS are continued on the next page...]

[Updated 1/14/87]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
COLORADO PLACEMENTS, continued:										
(E/COLORADO)---GRIFFITH CENTER PLACEMENTS, continued:										
	03/31/73	13	Lewis & Clark	YS	Court	12/86	YBCR, Susan Talbot Home Denver Children's Home Griffith Center, Cleo Wallace Treatment Center	P.O. P.O. Denver Children's Home	Griffith Center (Larkspur, Colorado)	Court-ordered to Griffith Center 12/74/86. No Montana facilities were willing to accept GIG because of behaviors, size, age and need for secure, closed facility. Susan Talbot Home placement for GIG ended when Talbot concluded that GIG needed closed setting. YBCR would not accept GIG because of size and age. Court-ordered placement at Denver Children's Home ended when DCH staff could not handle GIG's behaviors and staff intimidations. Only in-state option would have been fail.
	12/20/71	14	Lewis & Clark	YD	Court	12/86	Residential treatment	Pine Hills School; St. Peter's Hospital (Helena); Youth Evaluation Program (Great Falls) P. O. (8/18/86), recommending community-based treatment program in lieu of incarceration	Griffith Center (Golden, Colorado)	Court-ordered (12/4/86. Order stated that there is no Montana facility which can care for and treat CW and that residential treatment at the Pine Hills School in Montana is inappropriate. Youth Evaluation Program diagnosis: Conduct disorder, socialized aggressive (D.S.M. III-312.23).
	10/01/68	16	Glacier	YS <i>not sure</i>	Court	11/84	Griffith Center	Pine Hills School's evaluation report	Griffith Center (Golden, CO)	Court-ordered to Griffith Center.

[...COLORADO PLACEMENTS are continued on the next page...]

[Updated 1/14/87]

RATIONALE FOR PLACEMENT

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DATE
PLACED

PLACING
AUTHORITY

LEGAL
STATUS

COUNTY

AGE AT
PLACEMENT

DATE OF
BIRTH

NAME

COLORADO PLACEMENTS, continued:
7/17/76-1/14/87---LARADON HALL PLACEMENTS:

There were no Montana facilities able to provide environment necessary for treatment. Diagnosis by the Denver Children's Hospital was Mental Retardation (organic brain disease with seizure disorder) and Pervasive Development Delay (childhood onset type)... NPN cannot effectively be served at home or in a foster home setting. VOA (Billings) accepted NPN for structured treatment foster home, but Billings school system refused to accept NPN. YBGR was contacted (but was found not appropriate for NPN). Inter-mountain Deaconess Home was contacted (but refused admittance). Several out of-state facilities also refused placement. (See 5/9/86 and 5/12/86 memos from SW and 9/17/86 memo to Social Security Administration.) Laradon Hall was chosen because of its proximity to Denver Children's Hospital, where NPN can continue to receive services.

No program available in Montana to meet BO's needs because of his age and the severity of his problems. 6/27/86 note: E.O. was ready for group home placement, less restrictive environment than residential -- but still no available placement location in Montana.]

No available in-state treatment was found to be appropriate. YBGR refused placement there because of possible brain damage. VOA couldn't handle JB's behavior.

No program in Montana at this time to meet JB's needs. Treatment for sexually abused needed. (Move to Teen Acres on 2/7/86 was a move to a less expensive, less restrictive environment. In transition to independent living.)

(G)/COLORADO-----ROUNDUP FELLOWSHIP PLACEMENTS:

(H)/COLORADO-----SHILOH HOUSE PLACEMENTS:

(I)/COLORADO-----TEEN ACRES PLACEMENTS:

[...COLORADO PLACEMENTS are continued on the next page...]

[Updated 1/14/87]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
COLORADO PLACEMENTS, continued:										
T D C LOBANO---YOUTH BEHAVIOR PROGRAM PLACEMENTS										
	05/25/77	9	Musselshell	PC	SRS	1/87	Residential treatment	SRS Resource Worker and Therapist	Youth Behavior Program (Evergreen, Colorado)	Montana treatment resources (for insuring success of pre-adoptive placement) were found to be inadequate. IMH's pre-adoptive placement could not continue without additional treatment, not available in Montana. IMH has special needs and multiple losses to deal with.
	08/21/80	6	Deer Lodge	PC	SRS	11/86	Residential treatment facility for intensive in-patient treatment	SW and therapist	Youth Behavior Program (Evergreen, Colorado)	No Montana placement adequate for IM's needs could be found. IM: severely emotionally disturbed, in need of treatment to prepare him for adoption. Psychological report of 6/23/86 describes IM's highly disruptive behavior.

IDAHO PLACEMENTS:

(A)/IDAHO---NORTH IDAHO CHILDREN'S HOME PLACEMENTS:

	11/20/69	15	Lincoln	PC	SRS	3/85	Intermountain Deaconess Home, Children's Unit at Warm Springs Hospital	SW	North Idaho Children's Home (Lewiston, ID)	No Montana treatment found to be workable. Ran away from Deaconess Home and they wouldn't accept back. Warm Springs Children's Unit said placement there was not appropriate.
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NORTH DAKOTA PLACEMENTS: [All current North Dakota placements are in a group home, not a treatment facility: Home on the Range for Boys.]

(A)/NORTH DAKOTA--HOME ON THE RANGE FOR BOYS PLACEMENTS:

	02/10/69	17	Richland	YC	Court	4/86	Home on the Range for Boys (Group home, not treatment)	P.O.	Home on the Range for Boys (Sentinel Butte, ND)	Court-ordered. Youth Court consent decree of 4/14/86 orders IDC to HOR for Boys, citing felonies and misdemeanors since 1/86. 45-day evaluation by D of I was ordered 1/7/86.
	08/10/70	15	Dawson	YD	Court	3/85	Home on the Range for Boys (Group home, not treatment)	P.O.	Home on the Range for Boys (Sentinel Butte, ND)	Court-ordered to HORB (group home).

NORTH DAKOTA PLACEMENTS are continued on the next page...

[Updated 1/14/87]

RATIONALE FOR PLACEMENT

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PLACEMENT

DATE OF
BIRTH

NAME

NORTH DAKOTA PLACEMENTS, continued:
SOUTH DAKOTA PLACEMENTS, continued:
MONTANA PLACEMENTS, continued:

After MM's long-term adoptive placement in eastern Montana broke down, a foster care home placement in western Montana was tried (but failed). When subsequent shelter care placement in Billings could not meet MM's need for care, MM was transferred to Home on the Range for Boys, a group home that is relied upon as a resource for eastern Montana youth.

SRS Resource Worker (Miles City District Office) reported that HUR for Boys is the most appropriate placement for CN, a youth from eastern Montana. A three-year foster home placement in Glendive broke down. Adoption attempts had been unsuccessful.

Court-ordered (8/8/86) at Home on the Range for Boys until age 18, with SRS ordered to pay for placement and school district for educational costs. Placement made as a result of several thefts, assault, runaway, truancy and school difficulties.

Court-ordered. DDT was placed at HUR on 4/8/86, in need of care not available at previous placement (three weeks at group home care in Wolf Point, per court order of 3/19/86). Placed by Youth Court (burglary, unauthorized use of motor vehicle, runaway cited in 5/8/86 court document, "Consent Adjustment Without Petition"). 6/5/86 HUR report also cites drug and alcohol abuse and physical assaults on family members.

Home on the Range for Boys (Sentinel Butte, ND)

SW

Home on the Range for Boys (Group home, not treatment)

10/86

SRS

PC

Rosebud

16

06/12/70

Home on the Range for Boys (Sentinel Butte, ND)

SRS Resource Worker

Home on the Range for Boys (Group home, not treatment)

8/85

SRS

PC

Phillips

15

02/26/70

Home on the Range for Boys (Sentinel Butte, ND)

P.O.

Home on the Range for Boys (Group home, not treatment)

8/86

Court

YS

Cascade

13

01/09/73

Home on the Range for Boys (Sentinel Butte, ND)

P.O.

Home on the Range for Boys (Group home, not treatment)

4/86

Court

YC

Dawson

14

10/25/71

[Updated 1/14/87]

RATIONALE FOR PLACEMENT

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COUNTY

AGE AT
PLACEMENT

DATE OF
BIRTH

NAME

TEXAS PLACEMENTS:

(A)/TEXAS-----BROWN SCHOOLS COMMUNITY PROGRAM:

No Montana residential facility was found that could handle DNS' multiple physical handicaps, emotional problems, and maladaptive, problematic behaviors. ---Residential treatment was recommended by SRS Screening Committee back in 1979 (5/10/79), but no facility would accept DNS due to the complexity and extent of her problems. [Double D Manor's closing required transfer to another facility.]

Double D Manor (Evergreen, CO)... Transferred 8/15/86 to the Brown Schools Community Program (Austin, Texas).

5/10/79: SRS Screening Committee
7/8/86: Clinical psychologist

11/82
Residential psychiatric treatment
Long-term, highly structured residential program

TP

Deer Lodge

10

06/04/72

WASHINGTON PLACEMENTS:

(A)/WASHINGTON---EXCELSIOR YOUTH CENTER PLACEMENTS:

No in-state facility was available to handle CD's multiple problems (sexually abused, sexual offender, other behavior problems). Report from ~~CD~~: No openings at Intermountain Deaconess Home, and YBGR was determined by psychologist to be inappropriate. Colorado Christian could not accept because of CD's age. CCH recommended Excelsior Youth Center. Excelsior Spokane was chosen because costs were lower and facility was closer than Excelsior's Denver facility. Placed 4/8/86.

Excelsior Youth Center (Spokane)

SW
Intermountain Deaconess Home
Colorado Christian Home
Excelsior Youth Center (Spokane)
Colorado Christian Home Staff

4/86

TP

Cascade

14

11/02/71

Court-ordered (10/14/86): Order states: "No appropriate in-state resources are available including local group homes and state institutions." Court order was issued after 45-day evaluation at Pine Hills School for Boys.

Excelsior Youth Center (Spokane)

P.O.
Excelsior Youth Center

10/86

YD


Missoula

13

04/12/73

[...WASHINGTON PLACEMENTS are continued on the next page...]

[Updated 1/14/87]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
WASHINGTON PLACEMENTS, continued:										
TAYLOR WASHINGTON--EXCELSIOR YOUTH CENTER PLACEMENTS, continued:										
	12/26/69	16	Cascade	TP	 not pure	8/86	Excelsior Youth Center (Spokane), Deaconess Home, YBCR	SWII, Youth Evaluation Program (Great Falls) and District Court (8/22/86)	Excelsior Youth Center (Spokane)	Court-ordered 8/28/86. Search for programs in Montana to meet TP's needs came up empty-handed. TP unable to return home (long-term physical abuse, stepfather refuses counseling). Ran away from foster home placement 5/86. Previous group home placement. Evaluated at YEP (Great Falls), which recommended EYC (Spokane) placement for chemical abuse treatment and for therapy for other emotional and behavior problems. 8/14/86 memo indicates that both YBCR and Intermountain Deaconess Home refused admission.
	09/04/71	14	Missoula	YC	Court	8/86	Excelsior Youth Center (Spokane), Cleo Wallace Center (Colorado) MYTC (Billings)	SW, PO SRS/CSD Administrator (8/5/86)	Excelsior Youth Center (Spokane)	Court-ordered. No appropriate Montana treatment facilities were available... 7/31/86 report: MYTC, YBCR, Deaconess Home and Susan Talbot Youth Care Center were in-state facilities considered, but were judged to be clinically inappropriate for ALS. Consent Decree of 8/7/86 found that (a) placement in facility other than group home or youth foster home is necessary, (b) ALS cannot receive appropriate treatment in a Montana youth care facility. SRS was ordered to pay costs at EYC... 8/14/86 Supplemental Court Order found that reasonable efforts have been made to prevent out-of-home placement and that EYC (Spokane) placement is the "best [sic] restrictive alternative" available to meet ALS' needs... JM memo in file: ALS, a severe suicide risk... Cleo Wallace Center (Colorado) and Excelsior (Spokane) were out-of-state facilities considered.

[...WASHINGTON PLACEMENTS are continued on the next page...]

(Updated 1/14/81)

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	
WASHINGTON PLACEMENTS, continued:										
WASH/WASHINGTON--EXCELSIOR YOUTH CENTER PLACEMENTS, continued:										
	05/21/70	16	Cascade	TP		7/86	YBGR, Excelsior Youth Center Intensive psychotherapeutic environment in facility for behaviorally disturbed adolescents	SWIII Clinical Psychologist (5/7/86)	Excelsior Youth Center (Spokane)	<p>Court-ordered 7/9/86. Order granted temporary custody of ESV to SRS "so she can be placed at Excelsior Youth Home" (Spokane). No Montana treatment facility could be found to handle ESV's problems and needs...YBGR had no openings. Foster care homes were inappropriate because of ESV's sexual activity. Receiving home and shelter care (which were the previous placements) could not provide needed care and treatment. Finally, Excelsior Youth Center had an opening and EYC's costs were lower than in-state treatment at YBGR.</p>

(R) WASHINGTON--RYTHER CHILD CENTER PLACEMENTS:

	02/15/78	7	Lewis & Clark	TP		8/85	Rytther Child Center (Residential treatment facility in Washington, state of residence of natural mother.)	State of Washington (Department of Social and Health Services)	Rytther Child Center (Seattle)	<p>SRS removed CH (11/83) from the home of his natural father, then placed CH (4/84) with his natural mother in the state of Washington. VA Dept. of Welfare later recommended/implemented foster home placement for CH. From foster home, CH was placed in Rytther CC (where CH's brother had been placed per recommendation of SRS Screening Committee).</p>
	04/23/75	9	Lewis & Clark	TP	SRS	1/85	Residential treatment in Washington	SW, with concurrence of the SRS Screening Committee	Rytther Child Center (Seattle)	

[...WASHINGTON PLACEMENTS are continued on the next page...]

Names of children
deleted to protect
confidentiality--
1/20/87 FK

1/14/87 CHANGES TO THE 9/19/86 OUT-OF-STATE PLACEMENTS CHART

A: NEW PLACEMENTS (FOR TREATMENT) DOCUMENTED SINCE THE 9/19/86 REPORT

NAME	PLACED AT	PLACEMENT DATE	ALL IN-STATE RESOURCES EXHAUSTED?	LEGAL STATUS	COURT-ORDERED?
1.	Excelsior Youth Center Spokane, Washington	10/15/86	Yes	YD ✓	Yes
2.	Shamrock Acres Spokane, Washington	1/1/87	Yes	YD ✓	Yes
3.	Griffith Center Golden, Colorado	12/31/86	Yes	YS ✓	Yes--Ordered to pay at their current rate
4.	Clayton College for Boys Denver, Colorado	12/15/86	Yes	PC S.N. ✓	No--In-State resources were exhausted
5.	Colorado Christian Home Denver, Colorado	10/8/86	Yes	TP S.P. ✓	No--In-State resources were exhausted
6.	Youth Behavior Program Evergreen, Colorado	11/3/86	Yes	PC S.P. ✓	No--In-State resources were exhausted
7.	Colorado Christian Home Denver, Colorado	10/24/86	Yes	TP S.P. ✓	No--In-State resources were exhausted
8.	Shamrock Acres Spokane, Washington	11/18/86	Yes	YS ✓	Yes
9.	Cleo Wallace Center Broomfield, Colorado	10/28/86	Yes	TP S.P. ✓	Yes
10.	Griffith Center Golden, Colorado	12/5/86	Yes	YD ✓	Yes--Ordered to pay at our current rate
11.	Colorado Christian Home Denver, Colorado	12/3/86	Yes	TP ✓	No--In-State resources were exhausted
12.	Youth Behavior Program Evergreen, Colorado	1/1/87	Yes	PC S.P. ✓	No--In-State resources were exhausted

#7
1/23/87
395

[Updated 1/14/87]											
RATIONALE FOR PLACEMENT											
Court-ordered (11/21/86). Extensive history of in-state placements and treatments attempted. Previous in-state placements for CNP have included YBCR, Pine Hills School (for evaluation), foster care home (run away), Shodair Hospital Chemical Dependency Unit, Ewing Place (group home) and Wilderness Treatment Program (residential treatment for drug and alcohol abuse).											
Court-ordered:-- Several in-state placement options were explored and utilized prior to court decision to place TJD (an adjudicated juvenile delinquent) out of state... The Montana programs and resources used with TJD included a regular foster care home (placement broke down), chemical dependency treatment (Shodair), adolescent day treatment (Mental health), shelter care and a group home.											

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT
WASHINGTON PLACEMENTS, continued:									
(701275) HINGTON-----SHAMROCK ACRES PLACEMENTS:									
	10/10/76	16	Lewis & Clark	YS	Court	11/86	Shamrock Acres <i>No longer in plan</i>	P.O. (11/13/86)	Shamrock Acres (Spokane)
	04/17/71	15	Lewis & Clark	YD	Court	1/87	Shamrock Acres Group Home	P.O.	Shamrock Acres (Spokane)

FCTR3/cc

SOCIAL AND
REHABILITATION SERVICES

46.5.677 YOUTH FOSTER HOME, TRAINING REQUIRED (1) Unless a special exemption has been approved by the department the foster parent(s) shall attend an orientation session prior to licensure, and at least 15 hours of training annually for licensure, provided or approved by the department and including training in the following topics:

- (a) separation and grieving;
- (b) alternatives to physical discipline and a definition of the department's policy on physical discipline;
- (c) department's and foster parents' roles and responsibilities;
- (d) biological family rights and responsibilities;
- (e) how and why children come into foster care;
- (f) types and behaviors of children in care;
- (g) placement process;
- (h) confidentiality;
- (i) sexual abuse;
- (j) drugs and alcohol; and
- (k) foster parent insurance. (History: Sec. 41-3-1103 and 53-4-111 MCA; IMP, Sec. 41-3-1103 and 53-4-113 MCA; NEW, 1983 MAR P. 1746, Eff. 7/1/83.)

Rules 5 through 59 reserved

46.5.690 PREPARATION OF PLACEMENT BUDGET (1) Within the limits of the appropriation, the department shall prepare placement budgets for each judicial district for the substitute care of youth in need of supervision or delinquent youth.

(2) The following method will be used to allocate placement budgets to each judicial district:

- (a) The youth court for each judicial district shall submit a proposed budget request on forms provided by the department no later than August 1, 1983, for fiscal year 1984 and May 15, in subsequent fiscal years.

(b) The department will determine a percentage by the following formula:

(i) total expenditures during the previous fiscal year for substitute care of youth in need of supervision and delinquent youth placed pursuant to Youth Court Act, title 41, chapter 5, MCA, divided by the total expenditures by the department and the department of institutions for the previous fiscal year for substitute care for all children placed in substitute care.

(c) The department will multiply the percentage determined in subsection (b) by the foster care appropriation for the upcoming fiscal year to determine the monies available for youth placed in substitute care pursuant to the Youth Court Act.

(d) Based upon the total amount of monies available as determined by subsection (c), a budget will be prepared for each judicial district using the following considerations:

COMMUNITY SERVICES DIVISION 46.5.691
SERVICES FOR CHILDREN, FAMILIES AND ADULTS

- (i) the proposed budget requested by the youth court;
- (ii) the total population of the judicial district;
- (iii) the total youth population of the judicial district;
- (iv) the total number and costs of placements in public facilities and out-of-home facilities;
- (v) trends in population, placements, and local economics.

(3) The placement budget for each judicial district shall be determined by the department each year prior to July 1 (with the exception of fiscal year 1984) and shall be sent by the department to the youth court judge, and the probation officer(s) for the district.

(4) The placement budget shall be prepared for the purposes of monitoring the expenditure of funds for substitute care for youth placements; payments for placements shall be made by the department in accordance with Section 41-3-104, MCA.

(5) The department shall be responsible for the actual payment of funds for substitute care. The department shall be responsible for monitoring the impact of youth court placements on the placement budget and shall advise the youth court judge and probation officers regularly about the status of the budget.

(6) The youth courts may negotiate with each other about the transfer of placement budget amounts. The department may change budgeted amounts depending upon availability of funds and requests from the youth courts. (History: Sec. 41-3-1103 MCA; IMP, Sec. 41-3-1103 and 41-3-1106 MCA; NEW, 1983 MAR P. 1742, Eff. 7/1/83.)

46.5.691 INVESTIGATION OF FINANCIAL STATUS (1) An investigation of the financial status of the parents or guardianship assets of every child in substitute care shall be conducted by the county of responsibility for the purposes of determining the financial ability of the parents or the adequacy of the guardianship assets to pay the cost of supporting the child in a youth care facility.

(a) Voluntary placement. If a child enters substitute care under a voluntary placement agreement executed by the parents or guardian, the assessment of financial ability and determination of amount of contribution shall be completed within 30 days of the child entering care.

(b) Involuntary placement. If a child is placed in substitute care on an involuntary basis under an emergency informal adjustment or other court order an investigation of the financial status of the child's parents or the extent of guardianship assets shall be conducted pursuant to the order of the court and a written report including the financial assessment and determination of the recommended amount of parental contribution shall be filed with the court within the

EXHIBIT #9
 DATE 1/23/87
 HB 325

TABLE 1

Total Estimated Value of Office Space, Equipment, and Vehicles
 in Youth Court Probation Offices in Montana, 1986

<u>CATEGORY</u>	<u>TOTAL</u>
Office Space *- 22,271.25 sq ft.	\$367,621.71
Furniture @	149,294.83
Office Equipment @	228,572.25
Vehicle/Mileage #-(state rate)	237,620.82
Other **	135,500.00
-----	-----
TOTAL	\$1,118,609.61

KEY: *-Estimated rental of current space for one year,
 and estimated cost of utilities for one year.

@-Estimated value of non-consumable furniture or office equipment
 being used.

#-Estimated value of vehicles used or annual mileage paid for use
 of private vehicles.

** -Estimated value of items like Detention facilities and capital
 items not listed above.

TABLE 2

List of Total Capital Equipment and Annual Value of Space and
 Utilities provided for Youth Court Probation Services, by County

<u>COUNTY</u>	<u>TOTAL</u>	
Beaverhead	\$ 300.00	C
Big Horn	7,010.00	
Blaine	7,550.00	
Carbon	4,260.00	
Carter	188.00	V C
Cascade	34,900.00	
Choteau	6,600.00	V C
Custer	12,697.00	
Daniels	6,827.21	V C
Dawson	17,905.04	V
Deer Lodge	17,995.00	
Fallon	1,102.86	V C
Fergus	20,334.95	C
Flathead	410,420.00	*
Gallatin	52,450.00	
Garfield	188.00	V C
Glacier	28,538.00	V C #
Golden Valley	605.01	V
Granite	5,800.00	
Hill	18,180.00	C

V=shared vehicle
 C=shared clerical

*-includes new building 1984-\$160,000 and \$123,500 of the Other
 category for Detention Facilities.

#-includes all District #9 vehicle/mileage (continued)

TABLE 2-continued

<u>COUNTY</u>	<u>TOTAL</u>		
Jefferson	\$ 22,360.00	@	V=shared vehicle
Judith Basin	945.00	V C	C=shared clerical
Lake	24,619.00		
Lewis & Clark	21,395.00		
Liberty	600.00	V C	
Lincoln	24,473.91		
McCone	152.94	V	
Meagher	1,465.59	V	
Mineral	735.00		
Missoula	37,646.00		
Mussellshell	39,029.54		
Park	12,135.00		
Petroleum	252.00	V C	
Phillips	2,200.00		
Pondera	1,254.88	V C	
Powder River	493.00	V C	
Powell	5,200.00		
Prairie	308.71	V	
Ravalli	29,201.40		
Richland	7,326.17	V	
Roosevelt	39,570.00	V C	
Rosebud	3,701.02	V C	
Sanders	11,291.00		
Silverbow	42,100.00		
Stillwater	4,010.00		
Teton	1,254.88	V C	
Toole	3,709.00	V C	
Treasure	188.00	V C	
Valley	11,400.00		
Wheatland	647.85	V	
Wibaux	293.65	V	
Yellowstone	114,800.00		
TOTAL	\$1,118,609.61		

@-includes \$12,000 unspecified Other

Survey of County Commissioners

A second survey was sent to the County Commissioners in all the counties reporting capital equipment and office equipment currently provided. The Commissioners were asked to give their preferences for action regarding the capital equipment and space should the new state department incorporate Youth Court Probation services (see Appendix B).

A total of 37 surveys were sent out to counties which had reported capital expenditures other than mileage.

We have received responses from the following 19 counties: Blaine, Daniels, Dawson, Deer Lodge, Fergus, Gallatin, Hill, Jefferson, Lincoln, Missoula, Park, Powell, Prairie, Ravalli, Richland, Roosevelt, Stillwater, Valley, and Yellowstone.

Table 3 shows the breakdown of the responses:

TABLE 3
Commissioners' Preferences for Action Regarding Capital Equipment,
1986

Office Space -including utilities

- 12 - Rent (est. value \$58,086.)
- 3 - Require the new dept. to find new space (est. value \$24,165.)
- 1 - Sell to the new dept. (est. value \$28,500.00)
- 1 - N/A
- 1 - no change

Furniture

- 7 - Rent (est. value \$22,662.)
- 4 - Sell to the new dept (est. value \$45,840.)
- 3 - Require the new dept. to buy their own (est. value \$9393.)
- 2 - N/A
- 1 - Provide free to new dept. while retaining ownership
- 1 - no change

Office Equipment

- 5 - Sell to the new dept. (est. value \$53,070.)
- 5 - Rent to the new dept. (est. value \$10,400. + shared)
- 3 - Require new dept to buy their own (est. value \$19,982)
- 3 - N/A
- 1 - Provide free to the new dept. retaining ownership.
- 1 - no change

Vehicle

- 7 - N/A
- 6 - Sell to the new dept. (est. value \$36,185.00)
- 2 - Rent to the new dept. (est. value \$19,529.00)
- 1 - Require new dept. to buy their own. (est. value \$10,000)
- 1 - Transfer to new dept. (currently lease @ \$5,000/yr)
- 1 - no change

Totals equal 18 as Missoula County only provided comment.

EXHIBIT #10
DATE 1/23/87
HB 325

ADMINISTERING JUVENILE PROBATION

THE EXECUTIVE BRANCH
OR
THE JUDICIAL BRANCH ?

WHAT ABOUT OTHER STATES?

The administration of juvenile probation in the United States varies enough to suggest that there is no preferred means of organizing this service. TWENTY THREE STATES CURRENTLY ADMINISTER PROBATION THROUGH AN EXECUTIVE BRANCH AGENCY, WHILE THE JUDICIAL BRANCH HANDLES IT IN THE OTHER TWENTY SEVEN STATES. From state to state Juvenile Probation is administered by various agencies including:

- Local Courts
- State Office of Courts
- The Department of Human Services, or Corrections at the state level
- Executive Branch of County Government

While these represent the primary administrative vehicles there are endless variations. There are states like Texas that have attempted to develop this service by having it locally administered and state subsidized. In rural states, with one population center, the pattern is more likely to be one of state administered services in rural communities and local administration services in the more populated areas. Oklahoma has a system where services are locally administered in Oklahoma City and Tulsa; the remainder of the state probation services are handled by the State Department of Institutions and Rehabilitation Services.

WHICH IS BEST?

There has not been a definitive study to determine which of these organizational schemes is most effective.

WHAT DO EXPERTS SAY?

In the last decade there have been several major efforts to develop standards for guiding the administration of youth services. However, these studies seem to have no more wisdom to offer on this subject than state legislators. The American Bar Association/Institute for Judicial Administration Standards, and the National Advisory Committee on Juvenile Justice do not make specific recommendations, but rather leave the judicial or executive administration of probation a state option.

WHAT ARE THE FACTORS THAT INFLUENCE PERFORMANCE?

It appears from looking at other states that the performance of juvenile probation has less to do with which governmental unit is administering the service and more to do with the power, money and interest of the responsible governmental unit.

EXHIBIT # 11
DATE 1/23/87
HB 325

January 23, 1987

TO: Joint Human Services Appropriation Sub Committee
and State Administration Committee

FROM: Louise J. Salo *Louise J. Salo*
Chairman, Governor's Advisory Council on Aging

SUBJECT: HB 325

The Governor's Advisory Council on Aging had some concerns about where Aging would fit into the proposed new Department of Family Services. After explanations and discussions with Gene Huntington, the Director of the proposed new Department, the Council agreed that we have no problems with the suggested change. We feel Aging Services will not suffer - maybe we may even see some gains.

EXTENDED FAMILY SERVICES

Sponsoring

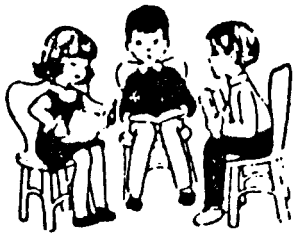
Jack & Jill Nursery & Kindergarten

Watson's Receiving Home

1330 South 4th West

Missoula, Montana 59801

January 19, 1987



Janice Watson, Director

EXHIBIT #12
DATE 1/23/87 (406) 549-0058
HB 325

Representative Sales
Chairman of the Administrative Committee
Helena, Montana 59601

Dear Representative Sales,

As a person who has worked 29 years with children especially abused/neglected I urge you and the committee to establish a Department Of Family Services.

In a state that has a department to protect wild life, it is my opinion that a department for the protection of children in families is long over due.

Sincerely yours,

Jan Watson
Jan Watson



EXHIBIT #13
DATE 1/23/87
HE 325

January 20, 1987

The Honorable Walter Sales
House of Representatives
Helena, MT 59601

Dear Mr. Sales:

As Director of Discovery House, I ask your support of the single Youth Services Agency.

Discovery House is the only short-term facility for youth in need of care and/or supervision for six counties in Southwestern Montana.

Over the past 12 years, we have been caught between the Department of Social and Rehabilitation Services and the Department of Institutions. We have the care of youth from both departments.

It is time we look at youth services as a whole and base our services on the unique needs of the child rather than several sets of inflexible criteria and labels.

Again, as Director of Discovery House, I ask your support of "THE SINGLE YOUTH SERVICES AGENCY".

Respectfully yours,

Sister Gilmary Vaughan

Sister Gilmary Vaughan
Director-Discovery House

SGV:jrg

EXHIBIT #14
DATE 1/23/87
HB 325

Amendment to HB 325

1. Page 2, line 25:

Following line 24:

Insert: "(15) adopt rules necessary to carry out the purposes of Title 41,
chapter 5 as transferred to the department of family services [in
section 14] ."

per

Proposed

Technical

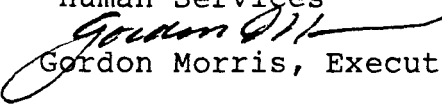
Amendment

MONTANA
ASSOCIATION OF
COUNTIES

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

January 24, 1987

TO: Rep. Walt Sales, Chair, State Administration
Rep. Cal Winslow, Chair, Appropriations Subcommittee on
Human Services

FROM:  Gordon Morris, Executive Director

RE: HB 325 (Mercer) - Department of Family Services

I have had sufficient opportunity to review HB 325 and to obtain limited comment from County Commissioners from across the state. I wish to therefore submit the following comments for consideration.

The Montana Association of Counties is supportive of the Task Force Recommendations. MACo has had the opportunity to actually participate in the development of the recommendations. We concur in the conclusions that call for reorganization of Youth Services. Further, we hope that progress will be made cautiously and cooperatively as the State, the Department and Counties move into the implementation phase following favorable legislative action.

On behalf of the Association I would like to offer the following observations, suggestions, and in some cases recommendations for amending the bill you now have before you.

(1) Counties obviously have concerns in regard to overall finances. The bill should make reference to the need to conform with county budget law. It might also be advisable to consider temporary and special authority to deal with unforeseen, and hence unanticipated, expenses in the transition period.

(2) Beginning on Page 42, Section 37 and through Page 47, Section 40, we find proposed revisions in current law dealing with legal duties in regard to providing protective services. A question arises in regard to the repetitive reference found beginning on Page 43, line 4:

"The county attorney, attorney general, or an attorney hired by the county. . ."

It occurs to me that the county attorney does, and will continue to have, an obligation to provide legal services in regard to all aspects of youth protective services. However, it

MACo

should become the new Department's prerogative to hire legal services. If this is correct, then the following amendment would be in order throughout:

"The county attorney, attorney general, or an attorney hired by the department"

(see page 43, lines 4 and 7; page 45, line 24; page 46, line 11; and page 47, line 2.)

(3) On Pages 61 and 62, Section 50, the youth court funding is established. I suggest consideration of the following:

(a) Using "expenditures" would be better than "the amount initially budgeted." Counties always try to accurately anticipate expenditures for the year and in doing so leave nominal room for the unanticipated. As a consequence, at year end, what is unexpended becomes "cash carryforward" and is used to reduce levies in each succeeding year. A system to contribute based on actual expenditures would be preferable, or as an alternative, to ensure equity, a "statutory appropriation" wherein year-end reserves would be used to reduce contributions in the succeeding year.

(b) Requiring payments on July 1 and January 1 creates a potential problem due to cash flow considerations. The cyclical nature of tax receivables results in two annual periods of minimal "cash available": June through November and January through May. I recommend that this be taken into account and although I see a problem in providing start-up funding for the new department, would suggest monthly payments, or perhaps later payments, i. e., October 1 and April 1.

(4) I would point out that juvenile offenders generate criminal expenses, such as public defenders, evaluations, etc., which presumably would be reimbursable under the "District Court Reimbursement Program." I suggest there is a need to include reference to these expenses as being eligible for reimbursement as submitted either by the department or the county.

This concludes my assessment. I appreciate the opportunity to submit written comments, and would go on record in support of HB 325 in the interest of Montana's youth.

P.O. Box 266
Helena, Montana 59624
Ry Sorensen, MRCCA President
1732 So. 72nd St. West
Billings, MT 59106



January 20, 1987

Rep. Walter Sales
Montana State House of Representatives
State Administration Committee
State Capitol
Helena, Montana 59604

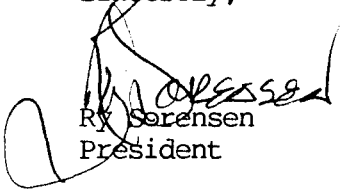
Dear Representative Sales:

The Montana Residential Child Care Association supports the establishment of a Department of Family Services in Montana. We applaud the Governor's desire to focus on the very special needs of youngsters and families.

We know the legislature has always been concerned with the plight of troubled young people and believe a new department will allow that interest to be invested directly and positively. The current system of Youth Services is fragmented and ineffective with resources and responsibility scattered among many state departments and between many levels of government. This plan is simply critical in merging authority and responsibility. Such a merger should insure that needs are addressed or that a responsible party can be found to be held accountable for that failure. The need to put Institutions and Community Services together is essential if we are to be flexible enough to address the specific needs of a child in any of our communities. There is no question that our system, like so many others, could use more resources. However, this reorganization will allow us to be more effective in the use of whatever resources we have.

We hope you can join us in support of this reorganization and act in your position to make the plan a reality.

Sincerely,


Ry Sorensen
President

RS/lb

Southeastern Montana Group Home, Inc.

P.O. Box 549
MILES CITY, MONTANA 59301

January 20, 1987

Walter Sales, Chairman
State Administration Committee
State Capitol
Helena, Montana 59601

Mr. Sales,

I am writing in support of the establishment of the Department of Family Services. I have been involved with the "system" of youth services for fifteen years, first as a SW at Pine Hills School, next as a Protective Services worker for SRS and currently as a Director of a group home for adolescents. In all aspects of my career I have seen youth getting lost between agencies and agencies referring to each other with no results. Each time a youth moves from one agency to another they begin over again. This is not only costly and time consuming but also delays the provision of the appropriate service. For example:

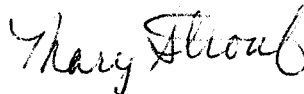
Cindy's behavior became increasingly self-destructive and promiscuous for a period of two years with brief involvements with various agencies. She was finally committed to the Department of Institutions.

Christine, aged 15, was jailed five times in the last two months for intoxication and is currently involved with no agency.

Brian was placed when age 14 for six months and then returned home with no follow-up as he was no longer on probation. By the age of 16 he had committed suicide.

The lives of the youth we deal with are already very chaotic. The current situation merely adds to this chaos.

Sincerely,

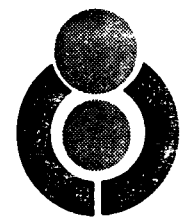


Mary Strouf,
Administrator

cc: Committee members

221 Highway 93 South
Ronan, Montana 59864

BIG BROTHERS/BIG SISTERS
of Lake County, Inc.
406/676-0288



... IT WORKS

January 19, 1987

Walt Sales, Chairman
Administration Committee
State Capital
Helena, Montana 59601

Dear Mr. Sales:

I'm writing to ask your support of the Governor's
Department Of Family Services. This Department
will be a great improvement to the Youth of
Montana.

Sincerely,

Mary

Mary O'Brien, Chairperson
Big Brothers/Big Sisters Of Lake County

Affiliated with

BIG BROTHERS/BIG SISTERS OF AMERICA

the FOLKSHOP

21 HIGHWAY 93 SOUTH, RONAN, MT. 59864 (406) 676-5333



January 19, 1987

Walt Sales, Chairman
Administration Committee
State Capital
Helena, Montana 59601

Dear Mr. Sales:

I'm writing to urge your committee to support the Department Of Family Services as recommended by the Governor. Coordinating the services to youth in Montana is long overdue.

Sincerely,

Norma

Norma Granley, Chairperson
The Folkshop, Inc.



JANUARY 20, 1987

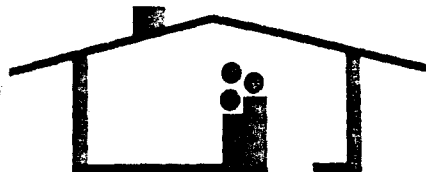
Walt Sales, Chairman
Administration Committee
State Capital
Helena, Montana 59601

Dear Mr. Sales:

I'm writing to urge your committee's support of the Department Of Family Services. The Youth of Montana can only benefit by coordinating efforts on their behalf. This department will be a great improvement.

Sincerely,

Judy Doyle, Chairperson
Lake County Youth Guidance Home



Gallatin-Park County Youth Guidance, Inc.

Houseparent
Doug Stiner

8932 South 19th, P.O. Box 1403
Bozeman, Montana 59715
(406) 587-2481

Director
Norene Corne'
406/586-9340

January 21, 1987

Steve Waldron
Lobbyist for Montana Residential
Child Care Association
512 Logan
Helena, MT 59601

Dear Mr. Waldron:

As Director of the Gallatin-Park County Youth Guidance home in Bozeman, I am very interested in the Department of Family Services bill that Governor Schwinden is proposing.

Having worked in the youth services for the past seven years, I can see the value of only one department coordinating services that are in the best interests of the youth.

In the past I have been involved in cases where needs have not been met because too many agencies were involved. The new department would have accountability, responsibility, money and authority in one place. I feel this is very necessary for ongoing quality care.

I am a board member of Montana Residential Child Care Association, and, as a board, we are recommending, and see the value of, the proposed Department of Family Services bill.

I will be happy to answer any questions in regard to my involvement in working with youth and families.

Sincerely,

Norene Corne', Director
Gallatin-Park County Youth Guidance, Inc.

NC:he





Deaconess Home
Intermountain Deaconess Home for Children

P.O. BOX 4455
HELENA, MONTANA 59604
PHONE 406/442-7920

ROBERT O. WIX
Director of Resource Development

JOHN H. WILKINSON
Administrator

BOARD OF TRUSTEES

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EX-OFFICIO

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Great Falls
JOHN SCHAEFFER
Billings
PHILIP H. YOUNG
Billings

January 22, 1987

Representative Walter Sales, Chairman
State Administration Committee
Montana House of Representatives
Helena, Montana 59601

Dear Representative Sales:

You will be considering the Governor's proposed new Department of Family Services (HB 325) on Friday 1/23/87. I hope you will give the bill favorable consideration. I believe this is the direction needed for youth services in Montana.

Thank you.

Very truly yours, -

Joan Rebich, MS, LPS
Director of Social Services

JR/mmh



Attention Home
Tom Roy Group Home
Susan Talbot Care Center

517 OWEN STREET
POST OFFICE BOX 7616
MISSOULA, MONTANA 59807
TELEPHONE: (406) 721-2704

January 20, 1987


Mr. Walter Sales, Representative
Montana House of Representatives
Chairman, State Administration Committee
State Capitol
Helena, MT 59604

Dear Representative Sales:

I am Executive Director of Missoula Youth Homes, a residential child care program for troubled youth. We contract with the State Department of Social & Rehabilitation Services in work with local Social Services and Youth Court Probation. I and the Youth Homes are members of the Montana Residential Child Care Association. I am Vice President of our State Association and was its representative on the Governor's Advisory Council for Youth Services Reorganization.

I am writing to express my support for the establishment of the new Department of Family Services. I truly believe in the need for organizational change and a consolidated look at the needs of young people in the State of Montana. I am convinced such reorganization can be done for the current cost of administration and possibly at a savings that would allow more services to reach the child. The youth of this state deserve the focus of a State Department.

Sincerely,


Geoffrey L. Birnbaum
Executive Director

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 305DATE Jan. 23, 1987SPONSOR Mason

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
GEOFF BIRNBAUM	MISSOURI YOUTH HOMES	X	
CORT HARRINGTON	Self	X as amended	
FLOYD MATHIASON	YOUTH COURT	as amended	
Dave Bennett	aftercare	✓	
Karen Northey	Crittendon Home	✓	
Bill Strizich	H.D. - 41	✓ amended	
Carroll South	DAF I	✓	
Mary Blake	SRS - Council	✓	
Oppe McGrath	M. H. Assa gmt	✓	
Cris Volinkaty	DD		
Steve Nelson	Bd. of Crime Cont	X	
John Wilkinson	Dezzeness Home	X	
Harold Hansen	Gov's commission	A	
Jacky King	" "	X	
Charles Butts	Governor's office	X	
Noene Corne	MRCCA / Bozeman Group Homes	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 325DATE Jan. 23, 1987SPONSOR Messer

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Phil Murphy</i>	Mental Health Assoc. MA	✓	
Gene Huntington	Governor's Office	✓	
DEE CRANMER	PARENTS	✓	
RON BROWN	GRS	—	—
Jim Smith	HRDC/MAR		0
Steve Waldron	MACCA	X	
Diane Jensen	JRS	✓	
David DeGroot	Youth Court	✓	AS amended
Jim			
Dick Meeker	Youth Court	✓	
MONA SAMISON	Prob. Officers Assoc.	✓	AS amended
John Burton	Youth Court	✓	AS amended
Craig Anderson	Youth Court	✓	AS amended
Rene Wheeler	Services to dev. disabled		
Kurt Meel	Youth Court	AS amended	
Jerry Jensen	Br. Falls Public Sch.	—	
Jan Shaw	MACCA / Youth Resource	✓	
Jan Lebrich	E.D. Committee	✓	
Gaudi Salo	Gov. Adv. Council Aging		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.