

MINUTES OF THE MEETING  
STATE ADMINISTRATION SUBCOMMITTEE  
MONTANA STATE SENATE

March 20, 1987

The second meeting of the Senate Administration Subcommittee on House Bill 325 convened at 11:20 a.m. in Room 331 of the State Capitol. The meeting was called to order by Chairman Bill Farrell.

Senators Abrams, Lynch and Rasmussen were present along with representatives from the Department of Social and Rehabilitative Services, SRS; the Governor's office, the social workers; Steve Waldron, Executive Director of the Montana Council of Mental Health Centers; and Mona Jamison, representing the probation officers.

Amendments had been proposed by the differing parties after the first subcommittee meeting on March 17, 1987. Eddy McClure, legislative researcher, noted the amendments proposed did not address all the differences and that the social workers were still recommending that further study be done. (EXHIBIT 1)

The first three pages of amendments included some technical changes suggested by Gene Huntington from the Governor's office. This would allow the welfare departments to have a seat on the councils that would be appointed for determining the placement of the youth. He suggested a cap on the amount the counties would be obligated to pay remain at the Fiscal 1987 level. One of his proposed amendments would clarify that SRS could collect administrative costs the same way they do presently from the counties.

Page four of the amendments being proposed would allow the county to contract with the county board of welfare for the administration of child and adult protection services. This addressed a concern of county workers for additional ways to address local control.

The last page of amendments were suggested by the social workers. There would be language inserted that a youth may be placed in a public facility as determined by the department or be referred back to the youth court. Bea Lunda stated she was concerned about having a safeguard to prevent a large influx as there would be some discretionary powers over which youth were committed to the department. There would also be language inserted that would ensure if a youth were placed in a care facility or a correctional facility that the department would be responsible for all or a portion of the costs of such a placement. The court could order a probation officer to conduct the investigation into the financial status of the parents or his guardianship assets. It would also divide the legislation into two parts as there are occasions where the department is responsible and times when probation is responsible.

Bea Lunda stated she felt the probation officer should do this investigation rather than the social worker as it would result in an increased workload for the caseworker.

There was also an amendment that would state that the court would determine whether continuation in the home would be contrary to the welfare of a child and whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home.

Another amendment the social workers proposed would change a wording from provide to arrange which they felt was clearer.

Senator Lynch MOVED TO RECOMMEND THE ADOPTION OF THE FIRST THREE PAGES OF AMENDMENTS THAT HAD BEEN PROPOSED BY GENE HUNTINGTON. Senator Farrell asked Gordon Morris, from MACO, to respond to the amendments that had been proposed. He noted he would be concerned about defining what indirect costs would affect the counties. Mary Blake, from SRS, stated this is lined out specifically in the bill the counties would get each month from the Department and is current law. The motion was passed unanimously.

Senator Lynch asked Mr. Huntington to address the amendment allowing the county to contract with the board of welfare. Mr. Huntington stated he had no problems with the amendment and felt it might be for clarification. He felt the county directors would still be used for backup but that the Department needed to have some clear lines of authority. Gordon Morris felt it would put the county in the position of creating a Family Services Agency that has the authority to go back and contract for services the county already performs. Senator Lynch then MOVED THAT THE PAGE FOUR AMENDMENT CONTRACTING WITH THE COUNTY FOR ADMINISTRATION OF CHILD PROTECTIVE SERVICES BE RECOMMENDED. This motion passed unanimously.

Senator Lynch asked Mona Jamison to respond to the amendments on youth placement. She stated this amendment would basically eliminate the whole point of the compromise that had been reached regarding probation officers. She noted the compromise had stated that the department would have the final decision on placement because they controlled the dollars. If the placement were to go back to the youth court she stated they would have no funding. She said for accountability that this amendment should not be accepted. Gene Huntington stated the amendment would not make the bill unworkable but that it was the intent of the interim council to have the dollars be accountable somewhere as Ms. Jamison had pointed out. He noted it would not be the intent of the department to refer youth back

to the youth court but that it could be done with this amendment.

Bea Lunda said she felt the counties would not have the money that is necessary to place the youth either. She thought there should be an option so the counties could do some selection and prioritization of placements. Senator Lynch felt this might be getting into a "yoyo" situation and felt this might just be adding another shuffle in the process. There was no support for amendment number 1 on page 5.

Eddy McClure then stated that Bea Lunda had suggested that probation officers be responsible for investigation of youth and noted that there is currently an overlap in services as sometimes the Department is responsible and sometimes the probation officers are. The amendments would divide the responsibilities. Senator Lynch MOVED TO RECOMMEND AMENDMENTS 2, 3 and 4. Mona Jamison stated she would have no objections and neither did Gene Huntington. The motion passed unanimously.

A brief discussion was held on Amendment 5 of Page 5. Bea Lunda noted that this language was necessary to make a child eligible for federal funding which would be advantageous and save general fund money. Gene Huntington also felt it might be beneficial to have this language inserted. Senator Lynch MOVED THAT AMENDMENT 5 BE RECOMMENDED. The motion passed unanimously.

Amendment 6 of Page 5 was a technical wording change from the word provide back to arrange for more clarification. The intent was that the probation officers supervise and the youth court would do the placement. Senator Lynch MOVED TO CHANGE PROVIDE BACK TO ARRANGE. The motion passed unanimously.

The recommendations would be brought to the full committee for their passage and approval. Senator Lynch noted that MACO was still opposed to the bill with the recommended amendments.

The meeting was adjourned at 12 noon.

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SENATOR BILL FARRELL, Chairman

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 3-20-87

BILL NO. HB 325

AMENDMENTS TO HB 325  
Proposed to the Senate State Administration Subcommittee

1. Page 17, line 5  
Following: "THAN"  
Strike: "FOUR"  
Insert: "five"
  
2. Page 17, line 7  
Following: "DEPARTMENT,"  
Insert: "a representative of a county department of public  
welfare,"

AMENDMENTS TO HB 325  
Proposed to the Senate State Administration Subcommittee

1. Page 60, line 9  
Following: "one-half"  
Insert: "of the non-federal share of"
  
2. Page 60, lines 12 through 16  
Following: "(3)"  
Strike: the remainder of line 12 through line 16
  
3. Page 60, line 17  
Following: "(4)"  
Strike: ". IF"  
Insert: ", WHEN"
  
4. Page 60, lines 19, 20, and 21  
Following: "1987,"  
Strike: the remainder of line 19 thru "LEVEL." on line 21  
Insert: "THE COUNTY HAS NO FURTHER OBLIGATION FOR  
FOSTER CARE EXPENDITURES."
  
5. Page 60, line 25  
Strike: "PERCENTAGE OF"

The purpose of this amendment is to cap the counties' participation in foster care at the FY1987 level. Counties continue to pay a portion of each placement as the current agreed level only up to the 1987 expenditure level. The provision for the smaller counties with 1987 foster care expenditures of less than \$10,000 continue to have the 3 year average option instead of the 1987 expenditure level.

AMENDMENTS TO HB 325

1. Page 16, line 15  
Strike: "AND"  
Insert: ","  
Following: "EXPENSES"  
Insert: "," AND INDIRECT COSTS,"
  
2. Page 16, line 19  
Following: "SALARIES"  
Strike: "AND"  
Insert: ","  
Following: "TRAVEL"  
Insert: "INDIRECT COSTS"

Proposed Amendment to HB 325  
(Third Reading)

1. Page 7, line 11 and 12  
Following: "department"  
Strike: "and"  
Insert: "(16) contract with the county board of  
welfare for administration of child and adult  
protection services for that county; and"  
Renumber: subsequent subsection

1. Page 19, line 7.

Following: line 7

Insert: "(7) The youth may either be placed in an appropriate facility as determined by the department or be referred to the youth court."

2. Page 51, line 13.

Following: "(1)"

Insert: "(4)"

3. Page 61, lines 14 through 21.

Following: "41-3-404"

Strike: ", 41-5-403, 41-5-523, or 41-5-924"

Following: "facility" on line 15

Strike: "or youth correctional facility"

4. Page 61, line 21.

Following: line 21

Insert: "(b) Whenever a disposition under 41-5-403, 41-5-523, or 41-5-524 involves placement in a youth care facility or youth correctional facility and the department is responsible for all or part of the cost of such placement, the court shall order the probation officer to conduct an investigation of the financial status of the youth's parents or guardianship assets."

5. Page 81, line 1.

Following: "facility"

Insert: ", The court shall determine whether continuation in the home would be contrary to the welfare of the child and whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home. The court shall include such determination in the order committing the youth to the department."

6. Page 122, line 6.

Following: "arrange"

Strike: "provide"

Insert: "arrange"