

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By CHAIRMAN BILL BOHARSKI, on January 6, 1993, at  
3:00 p.m.

#### ROLL CALL

##### Members Present:

Rep. Bill Boharski, Chairman (R)  
Rep. Stella Jean Hansen, Vice Chair (R)  
Rep. Bruce Simon, Vice Chairman (R)  
Rep. Beverly Barnhart (D)  
Rep. Ellen Bergman (R)  
Rep. John Bohlinger (R)  
Rep. Tim Dowell (D)  
Rep. Duane Grimes (R)  
Rep. Brad Molnar (R)  
Rep. Sheila Rice (D)  
Rep. Angela Russell (D)  
Rep. Tim Sayles (R)  
Rep. Liz Smith (R)  
Rep. Carolyn Squires (D)  
Rep. Bill Strizich (D)

Members Excused: Rep. Tom Nelson

Members Absent: None

Staff Present: David Niss, Legislative Council  
Alyce Rice, Committee Secretary

Please Note: These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### Committee Business Summary:

Hearing: HB 18, HB 19  
Executive Action: None

#### HEARING ON HB 18

##### Opening Statement by Sponsor:

REP. ROYAL JOHNSON, House District 88, Billings, said that the  
current way the state of Montana is handling the well-being of  
abused or neglected children is very expensive. HB 18 would

intervene and help the family cope with the problems of every day life, such as the overwhelming financial responsibility. This bill would provide the necessary tools to help a family cope with everyday stress. In the long run this would be a less expensive process than waiting until the child or children are abused or neglected. This bill forces the state to provide a foster home to these children. The state should intervene before the actual abuse occurs. The committee was asked to consider carefully what the bill is truly trying to do. This bill, at this particular moment, does not have a financial impact on the state of Montana, however, it will have a long lasting impact on what direction we pursue, how we pursue that direction, and when we get underway in doing it. This is one of the most expensive programs that Montana has and it should be managed properly.

Proponents' Testimony:

Gary Walsh, Department of Family Services, (DFS), said policies and guidelines set forth in this act are very relevant to the activities and functions of DFS. Two current legal mandates for the department that are relevant to this bill are to provide protective services to ensure the health, welfare and safety of children who are at risk of abuse, neglect or exploitation, and to provide for the care, protection, and development of youth who are in need of supervision, or delinquent youth. The policy set forth in this bill is consistent with the activities of the child welfare system. The DFS supports the establishment of a full range of services for children and families. The bill has the potential to strengthen those interagency efforts that are currently under way and will allow and encourage the agencies to work toward a more comprehensive, coordinated system for services to children and families. The DFS supports HB 18. Written testimony. EXHIBIT 1.

Jeanne Kemmis, Montana Council for Families Written testimony. EXHIBIT 2.

Fred Fisher, Board of Crime Control, stated Board supports HB 18. All the law enforcement professionals, human services providers, and prevention service providers firmly believe in the ideals that are contained in this bill. We all benefit when families are functioning effectively. The bill provides the BOCC and other public and private agencies with a very well developed set of guiding principals and lends a lot of sanction and legitimacy to the efforts that have gone on until this point. In a recent conference in Missoula, a discussion was held about what the participants would like the youth justice system to look like in the year 2000. Most of the ideals and principals that are contained in this bill were stated at that conference as the goals of the youth justice system.

Harley Warner, Montana Association of Churches, said that in 1991, the Association of Churches, at their annual assembly,

adopted the position paper entitled Strengthening Families.

**EXHIBIT 3.** The Montana Association of Churches does support the family policy act because it stands to reason they are in favor of strengthening the family. They believe that this is a step in the right direction.

**Sharon Hoff, Director, Montana Catholic Conference,** stated that in the Catholic Church, the family is the basic structural unit, and that anything one could do to strengthen the family and encourage the prevention of abuse of children would be supported by the conference.

**Paulette Kohman, Executive Director, Montana Council for Maternal and Child Health (MCMCH),** stated that the members of this organization are primarily professional groups and non-profit health organizations across the state. MCMCH supports HB 18.

**Jeana-Marie Fiumefreddo, Montana Council for Families.** **EXHIBIT 4.**

**Elizabeth Dane, Director, National Association of Social Workers in Montana,** stated that as a parent one would experience a wide range of emotions raising a child. These emotions range from joy and excitement to rage, fury, and frustration. A lot of us have the resources to cope with these emotions when they become overwhelming, others of us don't. She said she supports the family policy bill because it is a critical time in both the state and the nation in terms of fiscal issues and fiscal constraints. It's critically important to have guiding policies at state level to serve as a basis for setting program priorities when there are fiscal constraints. The family policy act offers the state an opportunity to exert strong leadership to promote the preservation of families in Montana. The benefits will be many. It's a unique opportunity to establish a framework for determining priorities for families and children in this state. Establishing a force at the state level will support both volunteer and public efforts in a way that cannot be measured and cannot be bought.

**REP. TIM DOWELL,** stated that the government cost issue is one that the legislature faces every session. He said one could find ways through the support of this bill and through accompanying legislation that would be seen later and probably in years to come. A dollar spent today will save many dollars in the future.

**Opponents' Testimony:**

None

**Questions From Committee Members and Responses:**

**REP. SHEILA RICE** asked **REP. JOHNSON** why the bill requires that only one written report be sent to the 54th Legislature, shouldn't this be something that would go on year after year or

would it end at the 54th Legislature. **REP. RICE** referred to page 4, line 6 of the bill. **REP. JOHNSON** told **REP. RICE** that she was looking at HB 19 instead of HB 18.

**REP. MOLNAR** asked **Mr. Walsh, DFS**, if written legislation was needed to change the policy to provide the services that are called for in the bill since there is no fiscal note attached to the bill and there isn't any more money to accomodate these changes. **Mr. Walsh** replied that legislation is not needed, but what this bill does is set forth the framework for all state agencies to work towards the same end and that is what is needed.

**REP. SIMON** asked **Mr. Walsh** what sort of problems in regard to "turf" might be encountered such as to who is in charge, when working with different agencies. **Mr. Walsh** said that there would be some turf problems but feels the agencies have come a long way in terms of working together.

**REP. SIMON** asked **Mr. Walsh** if the three mandates listed for the department were the total mandates. **Mr. Walsh** said they were the basic legal mandates. There are other mandates. **REP. SIMON** noted that the word family wasn't mentioned by the DFS in any of their mission. **Mr. Walsh** replied that the word family would be in the legislation to set forth the duties of the family services agency.

**REP. MOLNAR** asked **REP. JOHNSON** about lines 21 through 25 on page 3 and lines 1 and 2 on page 4 of the bill dealing with services which include prenatal care, parenting education, parent aides, child care, etc., and wondered if even the smallest communities would want day care centers and parental aides based on this bill which could mean a large fiscal bill a year from now. **REP. JOHNSON** replied that what they really tried to do was point the arrow in the direction they wanted to go by this type of legislation.

**CHAIRMAN BOHARSKI** asked **REP. JOHNSON** what he thought about changing the language on page 3, lines 18 through 20 of the bill. He was concerned that a situation could occur where someone would say the law said the services were there for them and they were not there for them and could take it to court. **CHAIRMAN BOHARSKI** said he had discussed the concern with the staff attorney and that perhaps the sentence starting on line 18 of the bill could say "the state shall promote the following policies and objectives". **REP. JOHNSON** said to look on the last page of the bill, which says in part "and do not compel a specified level of services". He said the state already provides a great number of these services. **CHAIRMAN BOHARSKI** said that in discussing this with the attorneys, he was not sure they were convinced and suggested that after the word services, adding "or create a private right of action to enforce the requirement for the service contained in another law". **REP. JOHNSON** said if the committee agreed he didn't have any problem with it at all.

Closing by Sponsor:

REP. ROYAL JOHNSON closed.

HEARING ON HB 19

Opening Statement by Sponsor:

REP. ROYAL JOHNSON, House District 88, Billings, said HB 19 establishes a joint oversight committee on children and families. The committee needs to continue and needs \$20,000 funding. He said there are five committees in DFS around the state and they need to increase the size of those committees. Only seven people are allowed on each committee now. The bill increases the number to thirteen. He said when you put eight legislators on a committee, you get some action. He asked the committee to look favorably on the bill.

Proponents' Testimony:

Harley Warner, Montana Association of Churches (MAOC) said the MAOC supports HB 19. He said the committees should continue because there is still a lot of work to be done.

Gary Walsh, DFS said during the time the committee was operating, DFS testified before it and found that it was effective to present information in terms of where DFS was at regarding some initiatives they had going. DFS supports HB 19.

Jeanne Kemmis, Montana Council for Families, said there is a need for strong leadership which the legislature could provide.

Paulette Kohman, Executive Director, Montana Council for Maternal Child and Health Care said that the money is needed for good leadership.

Joan-Nell Macfadden, DFS and Mental Health Association of Montana (MHAM), said that HB 19 provides input and thorough review by legislators on children and family interests.

Elizabeth Dane, Montana Chapter of Social Workers said legislators being involved adds power, stature, prestige, and drive to the coordination of these efforts.

Opponents' Testimony:

None

Questions from Committee Members:

REP. MOLNAR asked REP. JOHNSON if it wouldn't be preferable

money-wise to have the administrators of the departments solve their own problems. REP. JOHNSON said that the biggest bargain the state of Montana receives is the service from people who are willing to serve on committees like this. \$20,000 will not fund one FTE in most of these services. Six people's time can be bought for a full year. He said this is the least expensive way to go.

**Closing:**

REP. ROYAL JOHNSON closed.

**ADJOURNMENT**

Adjournment: 4:10 p.m.

*Wm E Boharski*

\_\_\_\_\_  
WILLIAM BOHARSKI, Chair

*Alice Rice*

\_\_\_\_\_  
ALICE RICE, Secretary

WB/ar

**HOUSE OF REPRESENTATIVES**  
**HUMAN SERVICES AND AGING** COMMITTEE

**ROLL CALL**

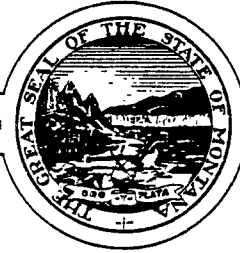
**DATE**

1-6-93

NAME	PRESENT	ABSENT	EXCUSED
REP. BILL BOHARSKI, CHAIRMAN	✓		
REP. BRUCE SIMON, VICE CHAIRMAN	✓		
REP. STELLA JEAN HANSEN, V. CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. TIM DOWELL	✓		
REP. DUANE GRIMES	✓		
REP. BRAD MOLNAR	✓		
REP. TOM NELSON			✓
REP. SHEILA RICE	✓		
REP. ANGELA RUSSELL	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. CAROLYN SQUIRES	✓		
REP. BILL STRIZICH	✓		

DEPARTMENT OF FAMILY SERVICES

EXHIBIT 1  
DATE 1-6-93  
HB 18



MARC RACICOT, GOVERNOR

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STATE OF MONTANA

HANK HUDSON, DIRECTOR  
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January 6, 1993

House Bill No. 18

AN ACT ESTABLISHING THE MONTANA FAMILY POLICY ACT TO GUIDE  
STATE GOVERNMENT ACTIONS THAT IMPACT CHILDREN & FAMILIES

Submitted by Gary Walsh  
Department of Family Services

The legal mandate for the Department of Family Services is to:

- (1) provide protective services to ensure the health, welfare, and safety of children and adults who are in danger of abuse, neglect, or exploitation within communities;
- (2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred to the Department; and
- (3) provide supportive services to enable senior citizens to maintain their independence.

The goals of family preservation services and child protective services are compatible. It is possible for child welfare staff to engage families around the needs of their children. This Act is consistent with how the Department views its mission and agency philosophy. The Department intends to continue to incorporate the public policy and philosophy as stated in this legislation into its planning and management processes.

The Department of Family Services supports the establishment of a range of services to children and families. It should be noted that the range of family support services identified in section 2 on page 3 are the collective responsibility of the state's Human Services Agencies and the Office of Public Instruction. The Act has the potential to strengthen those interagency efforts currently underway to work towards a comprehensive and coordinated service system for children and families.

The Department of Family Services supports House Bill 18. This legislation sets forth a positive direction for the state to support the family unit and focus on family preservation.



Testimony in Support the House Bill 19, MONTANA FAMILY POLICY ACT

Submitted by Jeanne Kemmis, Montana Council for Families, 728-9449

I have had the opportunity during the past several years to study many of the multitude of reports and recommendations concerning children and families that have issued of late from literally dozens upon dozens of professional groups, foundations, and federal, state and local government organizations.

I enjoyed the comment on these reports made to the interim Subcommittee on Children and Families by Legislative Council staff Andy Merrill. She said she had a stack of reports as high as her desk and they all basically say the same thing. She is right, and I want to review what I perceive to be the unifying theme sounding throughout the recommendations. That is the need to direct our services toward strengthening and supporting families.

The reports begin with a recognition that existing services for children and families were designed at a time when government could pretty safely assume that families as a rule -- acting either on their own or with the assistance of extended family and community support -- could provide for the basic material and emotional needs of their children.

Services were created to deal with the rare exceptions to this rule, by providing care and protection to children in circumstances where the family for whatever reason had failed to fulfill its child-rearing function.

We all know, unhappily, that various constellations of changing social and economic pressures during the past ten years have put enormous strain on families. And as increasing numbers of families have buckled under that strain, rapidly increasing numbers of children are being removed from their family homes and placed in foster care and group care facilities.

The painful irony of this situation is that by attempting to meet the needs of today's children by simply expanding a system of services which was designed for another time, we unwittingly contribute to the failure families. By holding to the rule that services will be provided only when a family has failed, Montana's implicit family policy -- like that of other traditionally-operating states -- is in fact, unintentionally, anti-family.

The solution to this dilemma, as recognized through an unprecedented consensus of professional and governmental policy groups, is straightforward. Our system of services needs to be realigned toward a goal of supporting families for success. This means offering assistance to high risk families before problems require the far more expensive and generally less effective remedy of removing children from their home.

Certainly, for children at risk of serious harm in the care of their parents, we will always need out-of-home care. Experts agree, however, that most children are better served by efforts to support, not replace, the relationship between parent and child.

A group of over 100 participants in the day-long public policy workshop sponsored by the interim committee called for major reform and restructuring of Montana's systems of services to children and family.

The Montana Family Policy Act is proposed as a beginning step, a mission statement to guide state agencies in evolving toward a reformed system that includes family support strategies as part of a broadened response to the problems of children and families.

The Montana Council for Families encourages your support.

MONTANA RELIGIOUS LEGISLATIVE COALITION  
(MRLC)  
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MONTANA ASSOCIATION OF CHURCHES  
POSITION PAPERS

- AGRICULTURE - LAND & FARM CRISIS
- CAPITAL PUNISHMENT
- CORPORATE & GOVERNMENTAL RESPONSIBILITY IN MATTERS OF PLANT CLOSURES & /OR LAYOFFS
- CORRECTIONS
- ENERGY & ENVIRONMENT
- EQUAL RIGHTS FOR WOMEN
- FAITH vs. TIME - Release time for religious education
- FUNDING FOR CONCILIATION COURTS
- GAMBLING
- HEALTH CARE FOR SENIOR CITIZENS
- HEALTH CARE SYSTEM REFORM
- HOME HEALTH CARE
- HUMAN RIGHTS COMMISSION
- HUMAN WELFARE AND FINANCIAL SUPPORT
- MRLC - HISTORY, PROCESS & RATIONALE
- PORNOGRAPHY
- PRE-MARITAL COUNSELING FOR MINORS
- PUBLIC FUNDING OF THE ARTS
- STRENGTHENING FAMILIES
- TAX EXEMPTION
- TAX REFORM
- TRAFFIC SAFETY
- VICTIMS OF CRIME

MEMBER UNITS OF THE MONTANA ASSOCIATION  
OF CHURCHES

American Baptist Churches of the Northwest  
Christian Church (Disciples of Christ) of Montana  
Episcopal Church, Diocese of Montana  
Evangelical Lutheran Church in America -  
(Montana Synod)  
Presbyterian Church (USA) -  
Glacier Presbytery  
Yellowstone Presbytery  
Roman Catholic Church -  
Diocese of Great Falls / Billings  
Diocese of Helena  
United Church of Christ -  
Montana-Northern Wyoming Conference  
United Methodist Church -  
Yellowstone Conference

MONTANA RELIGIOUS LEGISLATIVE  
COALITION

EXHIBIT 3

DATE 1-6-93

HB 19



## Strengthening Families

### *Position Paper*

Adopted at the Annual Assembly  
Montana Association of Churches

1991

# Strengthening Families

The Montana Association of Churches encourages the Montana Legislature to continue public policies and programs to support and strengthen family life.

We support the development of a wide range of family support services, activities and programs designed to promote total family well-being.

Families experiencing problems should be provided home-based rehabilitation services, whenever appropriate, in order to strengthen and pre serve the family.



## Supporting Statement

The Montana Association of Churches recognizes the family as the basic institution of society through which our children's sense of well-being and self-esteem are developed and nurtured. It is in healthy families that children best learn these qualities which are essential to a healthy, productive and independent life in adulthood.

We speak from a Judeo-Christian ethic which holds that all persons are unique and of special worth. Jesus Christ called his followers to minister to those most in need. Today children make up the most impoverished segment of American society and are often subject to cruelty, abuse and neglect. We believe that violence toward children will change only if our society as a whole undertakes the responsibility of establishing and implementing prevention policies, programs and procedures. Those programs and services will have the greatest efficacy which respect and support the parent or parents and enable healthy parenting skills and thus enhance the whole family's ability to function in a healthy, productive way.



Recycled Paper

EXHIBIT 7  
DATE 1-6-93  
HB 19  
Mr. Chairman & members of the community. I  
Timmfredo - a student in Social Work at the

Jeannamarie  
L Timmfredo  
7 W Spruce  
MT 59802  
Me

I began my life with three strikes against me. I happened to ~~be~~ be the first, of the fourth generation of ~~abused~~ families ~~family to be raised in an abusive home~~. As a result my parents were never taught to be healthy, nurturing parents, and I payed the price.

However, after fifteen years my mother gained the courage to break the cycle, and removed me and my sister and brother from further more deadly violence. But this <sup>action</sup> did not eliminate the residual effects of the abuse. My family to this day struggles to pull itself together.

This is not even the worst part. Another generation has been born. My daughter was <sup>born</sup> ~~for~~ almost five-and-a-half years ago. She was born to a mother who had never learned appropriate parenting skills. ~~I~~ Not only did I lack the <sup>too good parent</sup> ~~only did not have these~~ skills, I didn't have any resources to help me, or even the skills to find ~~the~~ any resources which might have been available.

My husband <sup>(John)</sup> and I struggled to make ends meet, and four years ago an anti front hit. It put our only

EXHIBIT 7  
DATE 1/6/93  
HB 19

get to his minimum wage job, and as a result lost it.

We ended up on A7DC. Our marriage began to deteriorate, and our innocent child Jessica began to feel the effects.

We swore that we would never abuse her, however one  
swat on the diaper led to another. As our frustrations from  
the stress of life rose it became easier to react ferociously  
due to our impatience <sup>for the smallest infractions.</sup> We knew nothing ~~but~~ else.

It took a year before we found, after hunting for ~~the~~  
an agency to begin to eliminate the stress. One agency  
finally led to another. We were finally able to get the  
help we needed after fighting our way through the  
human service  
~~social~~ systems in Montana. ~~However~~

However, there are many families who are not able to stumble across services as we did. And unfortunately its the innocent children like Jessica who pay the price.

I believe that ~~this~~ this bill will lay the foundation  
for Montrose, to work toward eliminating child abuse  
by preventing ~~it~~ it before families reach crises, ~~and for~~  
~~living a~~ living a ~~life~~ life.

This bill could be  
~~this bill could~~

The difference, between a child like mine facing early  
death, or a life of misery, ~~and~~ <sup>or</sup> a successful start for  
a working family

EXHIBIT 4  
DATE 1/6/93  
HB 19

DEPARTMENT OF FAMILY SERVICES

EXHIBIT 5  
DATE 1-6-93  
HB 19



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STATE OF MONTANA

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January 6, 1993

HOUSE BILL NO. 19

AN ACT ESTABLISHING A JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES; APPROPRIATING FUNDS FOR USE BY THE OVERSIGHT COMMITTEE; PROVIDING AN EFFECTIVE DATE AND TERMINATION DATE

By Gary Walsh  
Department of Family Services

The Department of Family Services provided testimony to the Joint Interim Subcommittee on Children and Families. This provided an effective format for the Department to provide information on its initiatives for program development and implementation issues.

As the Agency moves toward a reform of its service system, the Department would welcome the opportunity to report on its efforts to the Oversight Committee established by this Act. The Department intends to keep the key players informed and involved in its planning activities.

The Department of Family Services supports House Bill 19. The Oversight Committee will be able to use a system approach to examining the planning, services and programs for children and families.



EXHIBIT #6  
DATE 1-6-93  
HB 18

Amendments to House Bill No. 18  
First Reading Copy

Requested by Rep. Royal Johnson  
For the Committee on Human Services and Aging

Prepared by David S. Niss  
January 7, 1993

1. Page 5, lines 20 and 21.

Following: "family home" on line 20

Strike: the remainder of line 20 through "services" on line 21

Following: "."

Insert: "This section may not be construed to require a service  
or a particular level of service or to grant a right of  
action to enforce this section or other law."

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Human Services

COMMITTEE

BILL NO. HB 18

DATE 1-6-93

SPONSOR(S) REP. R. JOHNSON

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
EARLEY WARNER Box 745, HELENA 59624	ASSOC. OF CHURCHES	X	
Jeanne Kemmies	MT Council for Families	X	
Jeanne-marie L. Fiumefredolo	MT Council for Families		
Mary Walsh	Dept Family Services	X	
Elizabeth Dane	NATIONAL ASSOC. OF SOCIAL WORKERS MT.	X	
Judith Wright	DHES	X	
Marylynne Donnell	DHES	X	
Hank Hudson	DFS	✓	
SHARON HOFF	MT CATHOLIC CONFER.	X	
Paylette Kellman	MT Council for Mental Hth	✓	
Ira J. Fisher	Board of Crime Control	✓	
Donnell Macfadden	DFS / MHA-M	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Human Services

COMMITTEE

BILL NO. HB 19

DATE 1-6-93

SPONSOR(S) REP. R. JOHNSON

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
HARLEY WARNER	ASSOC. OF CHURCHES	X	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.