

MINUTES

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

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN BILL BOHARSKI**, on April 12, 1993, at 12:00 noon.

ROLL CALL

Members Present:

Rep. Bill Boharski, Chairman (R)
Rep. Bruce Simon, Vice Chairman (R)
Rep. Beverly Barnhart (D)
Rep. John Bohlinger (R)
Rep. Tim Dowell (D)
Rep. Duane Grimes (R)
Rep. Tom Nelson (R)
Rep. Angela Russell (D)
Rep. Liz Smith (R)
Rep. Carolyn Squires (D)

Members Excused: Rep. Bergman, Rep. Molnar, Rep. Rice, Rep. Sayles, Rep. Strizich, Rep. Hansen

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:
Executive Action: SB 271

EXECUTIVE ACTION ON SB 271

Discussion: **CHAIRMAN BOHARSKI** explained the amendments to SB 271, which primarily establishes a pilot program. The area of consideration is Cascade County.

REP. NELSON asked **CHAIRMAN BOHARSKI** if he understood correctly that the amendments establish a pilot program in Great Falls, and tie the appropriations to HB 2. **CHAIRMAN BOHARSKI** said that is correct.

REP. SQUIRES asked **CHAIRMAN BOHARSKI** how Great Falls was chosen

for the pilot program. **CHAIRMAN BOHARSKI** said he made the decision.

REP. SIMON said the judge in Great Falls expressed an interest in trying the pilot program.

REP. BARNHART asked **CHAIRMAN BOHARSKI** why other communities hadn't been approached about the pilot program. **CHAIRMAN BOHARSKI** said he visited with some people in Flathead County about the pilot program but there was lack of interest. **REP. BARNHART** said usually with a pilot program there is a request for proposals. **CHAIRMAN BOHARSKI** said Great Falls is the only area in the state that will meet the characteristics set forth in amendment no. 9. **REP. SIMON** said amendment no. 9 states that the judicial district must have a population of approximately 82,000; be composed of approximately 3,300 square miles; have received approximately 2,000 civil, 300 criminal, and 200 juvenile case filings in 1991. **REP. BARNHART** said she wouldn't vote for an amendment that fits only one area. **CHAIRMAN BOHARSKI** said normally pilot programs are handled through a state department, and the department requests proposals; this is not a state program, but a Supreme Court program. There isn't anyone to handle a bidding process. **REP. BARNHART** disagreed. **CHAIRMAN BOHARSKI** said he is open to suggestions. **REP. BARNHART** said proposals should be requested from other judicial districts. **REP. SIMON** said someone could find out if the Supreme Court administration would be willing to take proposals for one pilot program.

REP. SQUIRES asked **Hank Hudson, Director, Family Services**, if Great Falls received the majority of complaints. **Mr. Hudson** said Great Falls is not one of the most contentious areas; it falls somewhere in the middle as far as concerns about how long children are in foster care and whether the department's decisions about children in foster care are appropriate. **REP. SQUIRES** asked **Mr. Hudson** what area is the most contentious. **Mr. Hudson** said Lewistown has the most problems.

REP. BOHLINGER said in Oregon the coordinator of the review board is in charge of selecting the area for a pilot program. The success of the program is dependent upon the attitude of the judge and the court system. **REP. BOHLINGER** said he knew some judges in Billings he could contact. **CHAIRMAN BOHARSKI** said the bill had to be acted on today. He could ask **SEN. JACOBSON** to reject the amendments and put into a conference committee.

REP. BARNHART asked how many judicial districts are in Montana. **CHAIRMAN BOHARSKI** said there are 21 judicial districts. **REP. BARNHART** said she didn't believe the request for proposal (RFP) process would cost very much money. **CHAIRMAN BOHARSKI** said he wasn't opposed to the RFP, but the state can only afford to have a pilot program in one area. **REP. BARNHART** asked **CHAIRMAN BOHARSKI** if the criteria for the pilot program is in the bill. **CHAIRMAN BOHARSKI** said everything that has to be done is in the

bill. **REP. BARNHART** said it is generally assumed when one has a pilot program, it will be evaluated to find out if it works. That's why there is a bidding process.

REP. SIMON suggested that the amendments be adopted because of the time constraint and the need to get the bill out of committee. An additional amendment could be added that is so stupid the bill will be guaranteed to go into a conference committee, or rely on **SEN. JACOBSON** to make a motion to get the bill into a conference committee. Then the Supreme Court could be contacted about an RFP.

REP. BARNHART said amendment nos. 7 and 9 should be deleted and then it would automatically go to a conference committee. **CHAIRMAN BOHARSKI** said the legislative counsel proofers won't accept that. **CHAIRMAN BOHARSKI** said he would rather add an amendment that makes the act effective in 1997. That flaw will guarantee the bill goes to a conference committee.

REP. SIMON suggested **CHAIRMAN BOHARSKI** appoint a subcommittee to look into the possibilities of an RFP. **CHAIRMAN BOHARSKI** appointed **REP. SMITH, REP. GRIMES, AND REP. BARNHART** to the subcommittee, with **REP. SMITH** as Chair.

CHAIRMAN BOHARSKI adjourned the meeting to give the subcommittee time to meet. Executive action will be taken on the House floor upon adjournment.

The meeting reconvened at 3:30 p.m.

Motion/Vote: **REP. BARNHART MOVED THE REVISED AMENDMENTS TO SB 271. EXHIBIT 1.** Voice vote was taken. Motion carried 11 to 1.

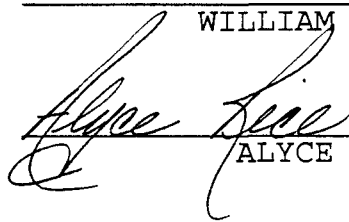
Motion/Vote: **REP. BARNHART MOVED SB 271 BE CONCURRED IN AS AMENDED.** Voice vote was taken. Motion carried unanimously.

ADJOURNMENT

Adjournment: The meeting adjourned at 3:45 p.m.



WILLIAM BOHARSKI, Chair



ALYCE RICE, Secretary

HOUSE OF REPRESENTATIVES
HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE 4-12-93

| 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 | | | ✓ |
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HOUSE STANDING COMMITTEE REPORT

April 14, 1993

Page 1 of 8

Mr. Speaker: We, the committee on Human Services report that Senate Bill 271 (third reading copy -- blue) be concurred in as amended.

Signed: Wm E Boharski
William Boharski, Chair

And, that such amendments read:

Carried by: Rep. Boharski

1. Title, line 8.

Following: "ESTABLISHING"

Insert: "A PILOT PROGRAM FOR A"

2. Title, line 9.

Strike: "BOARDS"

Insert: "BOARD"

3. Title, line 10.

Following: "41-3-205,"

Insert: "41-3-1115, AND"

Following: "AND"

Strike: remainder of line 10

4. Title, line 11.

Strike: "REPEALING SECTION 41-3-1115, MCA;"

Strike: "AN"

5. Title, line 12.

Strike: "DATE"

Insert: "DATES"

6. Page 1, line 16; page 19, line 7

Strike: "13" or "13"

Insert: "14"

Committee Vote:

Yes 12, No 5.

820901SC.Hpf

27. Page 5, line 9.
Strike: "3(3)"
Insert: "4(3)"

28. Page 5, line 17.
Strike: "6"
Insert: "7"

29. Page 6, line 5.
Strike: "Each"
Insert: "The"

30. Page 8, line 16.
Strike: "3"
Insert: "4"

31. Page 11, line 2.
Strike: "7"
Insert: "8"

32. Page 11, line 10.
Following: "care,"
Insert: "the"
Strike: "boards"
Insert: "board"

33. Page 11, line 23.
Following: "agency"
Insert: "or other persons"

34. Page 12, line 21.
Following: "recommendations"
Insert: "or refuses to take action on the board's recommendations
in any case"

35. Page 16, line 12; page 21, line 4.
Strike: "9" or "9"
Insert: "10"

36. Page 19, line 6.

Following: "a"

Insert: "foster care review committee established under 41-3-1115 or, when applicable, the"

37. Page 19.

Following: line 23

Insert: "Section 16. Section 41-3-1115, MCA, is amended to read:

"41-3-1115. Foster care review committee. (1) ~~In~~ Except as provided in [sections 1 through 14], in every judicial district the youth court judge, in consultation with the department, shall appoint a foster care review committee. The members of the committee must be willing to act without compensation. The committee shall be composed of not less than five or more than seven members. The members shall include:

- (a) a representative of the department;
- (b) a representative of the youth court;
- (c) someone knowledgeable in the needs of children in foster care placements who is not employed by the department or the youth court;
- (d) a representative of a local school district;
- (e) if the child whose care under review is an Indian, someone, preferably an Indian person, knowledgeable about Indian cultural and family matters who is appointed effective only for and during that review; and
- (f) if there is one, the foster parent of the child whose care is under review. The foster parent's appointment is effective only for and during that review.

(2) When a child is in foster care under the supervision of the department or if payment for care is made pursuant to 41-3-1122, the committee shall conduct a review of the foster care status of the child. The review must be conducted within a time limit established by the department. The time limit must comply with federal law and may not be later than the 12-month anniversary date of the child's placement into foster care.

(3) The department shall provide the committee with guidelines for operation of the committee. Within 30 days of the foster care review, the committee shall provide the youth court and the department a written report of its findings and recommendations for further action by the youth court or the department.

(4) The department shall adopt rules necessary to carry out the purposes of this section.

(5) Because of the individual privacy involved, meetings of the committee, reports of the committee, and information on individuals' cases shared by committee members is confidential and subject to the confidentiality requirements of the department.

(6) The committee is subject to the call of the youth court judge to meet and confer with ~~him~~ the judge on all matters pertaining to the foster care of a child before the youth court."

Renumber: subsequent sections

38. Page 21, line 4.

Following: "~~41-3-1115~~"

Insert: "41-3-1115 or when applicable,"

39. Page 21, line 7 through page 22, line 18.

Strike: Sections 16 and 17 in their entirety

Renumber: subsequent sections

40. Page 22, lines 24 and 25.

Strike: "\$73,592 IN FISCAL 1994 AND \$73,592 IN FISCAL 1995 FROM THE GENERAL FUND"

Insert: "\$10,513 from the general fund for the biennium ending June 30, 1995,"

41. Page 23, lines 1 through 3.

Strike: "MONTANA SUPREME COURT \$242,908 IN FISCAL 1994 AND \$242,908 IN FISCAL 1995 FROM THE GENERAL FUND"

Insert: "youth court of the judicial district designated pursuant to [section 2] \$113,232 from the general fund for the biennium ending June 30, 1995,"

42. Page 23, lines 4 through 8.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

43. Page 23, line 9.

Strike: "SUBSECTIONS (1) AND (2) ARE"

Insert: "subsection (1) is"

44. Page 23, lines 12 and 13.

Strike: section 19 in its entirety

Renumber: subsequent section

45. Page 23, line 14.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) [Sections 18 and 20 and this section] are effective
on passage and approval.

(2) [Section 4]"

46. Page 23.

Following: line 15

Insert: "(3) [Sections 1 through 3 and 5 through 17] are
effective January 1, 1997."

NEW SECTION. Section 20. Termination. [This act]
terminates July 1, 1995.

-END-

Amendments to Senate Bill No. 271
Third Reading Copy

For the Committee on Human Services and Aging

Prepared by David S. Niss
April 12, 1993

1. Title, line 8.
Following: "ESTABLISHING"
Insert: "A PILOT PROGRAM FOR A"

2. Title, line 9.
Strike: "BOARDS"
Insert: "BOARD"

3. Title, line 10.
Following: "41-3-205,"
Insert: "41-3-1115, AND"
Following: "~~AND~~"
Strike: remainder of line 10

4. Title, line 11.
Strike: "REPEALING SECTION 41-3-1115, MCA;"
Strike: "AN"

5. Title, line 12.
Strike: "DATE"
Insert: "DATES"

6. Page 1, line 16; page 19, line 7
Strike: "13" or "13"
Insert: "14"

7. Page 1, line 16
Following: "Board"
Insert: "Pilot Program"

8. Page 1.
Following: line 17
Insert: "NEW SECTION. Section 2. Establishment of pilot program. (1) The office of the supreme court administrator shall solicit written indication of interest from each youth court judge interested in having a local citizen review board established pursuant to [sections 1 through 14] within

the jurisdiction of the youth court.

(2) (a) There is a local citizen review board screening committee. The committee is composed of the following members:

(i) a member of the house of representatives, designated by the speaker of the house;

(ii) a member of the senate, designated by the president of the senate;

(iii) a representative of the Montana judges' association, designated by the association; and

(iv) a representative of the office of the supreme court administrator, designated by the chief justice of the supreme court.

(b) The members designated pursuant to subsections (2) (a) (i) and (2) (a) (ii) must be from different political parties.

(3) The committee shall meet at a time agreeable to its members, and the members shall serve without additional compensation.

(4) The committee shall review the responses of youth court judges received pursuant to subsection (1) and shall designate a judicial district to operate the local citizen review board pilot program from among those courts expressing an interest in the program."

Renumber: subsequent sections

9. Page 1, line 20.

Strike: "supreme court"

Insert: "youth court judge of the district designated pursuant to [section 2] to operate the pilot program"

10. Page 1, line 21.

Strike: "each"

Insert: "the"

11. Page 1, lines 21 and 22.

Strike: "in the state"

12. Page 1, line 23.

Strike: "each"

Insert: "the"

13. Page 2, lines 2 and 6.

Strike: "chief justice of the supreme court"

Insert: "youth court judge of the judicial district designated pursuant to [section 2]"

14. Page 2, line 6.
Following: "appoint"
Insert: "the"
Strike: "boards"
Insert: "board"

15. Page 2, lines 22 through 25.
Strike: subsection (d) in its entirety

Renumber: subsequent subsection

16. Page 3, lines 8 and 9.
Strike: "office" on line 8 through "court," on line 9
Insert: "youth court of the judicial district designated pursuant to [section 2]"

17. Page 3, line 10.
Following: "procedures"
Insert: "that have the force of law"

18. Page 3, line 11.
Following: "of"
Insert: "the"
Strike: "boards"
Insert: "board"

19. Page 3, line 14.
Following: "request to"
Insert: "the"

20. Page 3, lines 15 and 17.
Strike: "boards"
Insert: "board"

21. Page 3, lines 18 through 20.
Strike: "office" on line 18 through "court," on line 20
Insert: "youth court of the judicial district designated pursuant to [section 2] shall, at the time prescribed by 5-11-210, prepare"
Strike: "biennial"

22. Page 3, line 25.
Following: "of"
Insert: "the"
Strike: "boards"
Insert: "board"

23. Page 4, line 4.

Strike: "supreme court"

Insert: "youth court of the judicial district designated pursuant
to [section 2]"

Following: "procedures"

Insert: "that have the force of law"

24. Page 4, line 5.

Following: "board"

Insert: "pilot"

25. Page 4, lines 7 and 8.

Following: the second "of" on line 7

Insert: "the"

Strike: "boards" on line 8

Insert: "board"

26. Page 5, line 4.

Following: "which"

Insert: "the"

Strike: "boards"

Insert: "board"

27. Page 5, line 9.

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Insert: "4(3)"

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the youth court;
(d) a representative of a local school district;
(e) if the child whose care under review is an Indian,
someone, preferably an Indian person, knowledgeable about Indian
cultural and family matters who is appointed effective only for
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{ Internal References to 41-3-1115:

x41-3-205

x41-3-1122

x52-2-112 }

Renumber: subsequent sections

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