

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - SPECIAL SESSION**

#### **COMMITTEE ON HUMAN SERVICES & AGING**

**Call to Order:** By REP. BRUCE SIMON, VICE-CHAIRMAN, on December 17, 1993, at 3:05 P.M.

#### **ROLL CALL**

##### **Members Present:**

Rep. Bill Boharski, Chairman (R)  
Rep. Bruce Simon, Vice Chairman (R)  
Rep. Stella Jean Hansen, Vice Chairman (D)  
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. Tom Nelson (R)  
Rep. Sheila Rice (D)  
Rep. Angela Russell (D)  
Rep. Carolyn Squires (D)  
Rep. Bill Strizich (D)

**Members Excused:** Rep. William Boharski, Chairman

**Members Absent:** Rep. Tim Dowell  
Rep. Sheila Rice  
Rep. Tim Sayles  
Rep. Bill Strizich

**Staff Present:** David Niss, Legislative Council  
Alberta Strachan, Committee Secretary

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

**Committee Business Summary:**  
Hearing: SJR 2

**SEN. JAMES BURNETT**, District 42, Luther, explained that this resolution of the Senate and the House of Representative directs the Joint Oversight Committee on Children and Families to examine inefficiencies in the provision of services to the elderly by state government agencies and to make recommendations to the 54th Legislature concerning possible legislation to address and alleviate similar future problems. **REP. BURNETT** then made reference to an article which appeared from the Associated Press regarding the death of Agnes James. **EXHIBIT 1**

PROPONENTS:

**Hank Hudson, Director, Department of Family Services,** stated that even though sometimes he opposes bills regarding the department and changes in the process, he would never want to ignore issues regarding the rights of accused families and the balance between the rights of families being left alone by the state and the departments responsibility to protect children and adults. these are very serious issues. Any case that results in the death of a person who is under the scrutiny of the department is a case that needs to be reviewed. The department suggested changes in the law which and are now in effect. These laws allow for the emergency removal of adults from their homes. Many people were nervous about extending to the department the ability to remove adults from their own homes against their will. Finding the right balance and the right process to insure that children and adults are safe is difficult. People also have the right to live alone as they choose to live.

**REP. LIZ SMITH, District 48, Deer Lodge,** stated her support of the bill.

OPPONENTS:

None.

QUESTIONS:

**REP. BOHLINGER** asked what type of inefficiencies will be reviewed and what government agencies would be subject to this scrutiny. He asked whether it beneficial to have more specific guidelines.

**SEN. BURNETT** said the inefficiencies would include not pursuing the resolution of a problem.

**REP. BOHLINGER** then questioned what problems occur with children.

**Mr. Hudson** stated that this resolution dealt specifically with elderly people, the coordination between the different parties in these cases, the breakdowns in cases. There were a large number of people working on the individual case yet their efforts were not coordinated.

**CHAIRMAN SIMON** asked about the problem that occurred in Lewistown.

**Mr. Hudson** outlined that case.

**SEN. BURNETT** closed on the bill.



EXECUTIVE ACTION ON SJR 2

Motion/Vote: REP. BOHLINGER MADE A MOTION DO CONCUR. Motion passed unanimously.

ADJOURNMENT

Adjournment: 3:45 P.M.

  
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BRUCE SIMON, VICE-CHAIRMAN

  
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ALBERTA STRACHAN, Secretary  


BS/aj

HOUSE OF REPRESENTATIVES  
HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE Dec 17, 1993

NAME	AYE	NO
REP. WILLIAM BOHARSKI, CHAIRMAN		✓
REP. BRUCE SIMON, VICE CHAIRMAN	✓	
REP. BEVERLY BARNHART	✓	
REP. ELLEN BERGMAN	✓	<del>✓</del>
REP. JOHN BOHLINGER	✓	
REP. TIM DOWELL		✓
REP. DUANE GRIMES	✓	
REP. STELLA JEAN HANSEN	✓	
REP. BRAD MOLNAR	✓	
REP. TOM NELSON	✓	
REP. SHEILA RICE		✓
REP. ANGELA RUSSELL	✓	
REP. TIM SAYLES		✓
REP. LIZ SMITH	✓	<del>✓</del>
REP. CAROLYN SQUIRES	✓	
REP. BILL STRIZICH		✓

HR:1993  
wp:rlclvote.man  
CS-11

those decisions don't pass muster. They're not the best decisions that could have been made."

—Marc Racicot  
Montana governor

## Final days of Agnes James

### The Associated Press

Key dates in the final days of Agnes James, based on information in state, local and court files:

**January 1989** — Agnes James, then 79, falls and breaks her hip while living alone in Arcadia, Calif.

**April 1989** — Son Steven James moves his mother to Lewistown where she lives in house purchased by her son and next door to his home.

**July 11, 1990** — Officials are notified of elderly woman living alone. A report says woman has urine-soaked clothes, bed and home.

**July 12, 1990** — A Department of Family Services social worker visits home and finds filthy conditions. The house smells strongly of urine. Mrs. James is confused and disoriented.

**July 1990** — Steven and wife Irma are named co-guardians of Mrs. James.

**Dec. 13, 1990** — Officials are notified of elderly woman outside her Lewistown home in housecoat. The report says the woman is dirty and stained with excrement, and that no one is taking care of her.

**Dec. 19, 1990** — A social worker talks with Steven James, who assures the worker his mother is being taken care of by himself and his family.

**March 22, 1991** — The Department of Family Services closes case of Agnes James.

**Sept. 22, 1991** — Lewistown police are asked to check on the condition of Mrs. James. An officer visits home and talks to Steven and Mrs. James. He reports Mrs. James was

incoherent.

**Sept. 26, 1991** — Officials are told of an elderly lady barricaded in her home without food. Police, a social worker, county health officer and emergency medical technician visit the home.

Mrs. James is found in robe soaked with urine. Feces are on the floor and bed. The sofa and bed are soaked with urine, and flies are crawling on Mrs. James. She is disoriented and dehydrated. The front door is barricaded to keep her from wandering away. The house is declared unsafe for human use. An attempt to contact Steven James fails.

**Sept. 27, 1991** — A social worker meets with Steven James who agrees to take his mother to a doctor to see if she needs nursing home care.

**Oct. 2, 1991** — The doctor recommends Mrs. James be placed in the state Center for the Aged. An official at the center agrees to send admission application to Steven James.

**Oct. 17, 1991** — On a visit to Mrs. Agnes, a social worker reports strong urine smell in home. Steven James says he is filling out application.

**Nov. 6, 1991** — The Center for the Aged reports no application from Steven James.

**Nov. 22, 1991** — Steven James says the application was submitted, but apparently misplaced by center. He is filling out a second application.

**Dec. 9, 1991** — The Center for the Aged receives the application, but it is filled out incorrectly.

**Jan. 2, 1992** — A social worker asks Steven James to get help in filling out application correctly.

**Jan. 10, 1992** — Mrs. James is found dead in her home.

EX-101  
12-17-93  
SJR 2  
HUMAN  
SERVICES +  
AGING