

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### CONFERENCE COMMITTEE ON SENATE BILL 283

Call to Order: By CHAIRMAN RIC HOLDEN, on April 16, 1997, at  
5:00 P.M., in ROOM 331.

#### ROLL CALL

##### Members Present:

Sen. Ric Holden (R)  
Sen. James H. "Jim" Burnett (R)  
Sen. Sue Bartlett (D)  
Rep. Larry Hal Grinde (R)  
Rep. Marian W. Hanson (R)  
Rep. Deb Kottel (D)

Members Excused: None

Members Absent: Rep. Larry Hal Grinde (R)

Staff Present: Valencia Lane, Legislative Services Division  
Mary Gay Wells, Committee Secretary

{Tape: 1; Side: A; Approx. Time Count: 5:04 PM; Comments: N/A.}

#### HEARING ON SB 283

##### Discussion and Questions From Committee Members and Responses:

CHAIRMAN RIC HOLDEN opened the Conference Committee on SB 283. There are some amendments that are to be submitted (EXHIBIT 1) 820807CC.STS. He asked SEN. JIM BURNETT to give an explanation of the amendments.

SEN. BURNETT said that what he had tried to do in the original bill was to require that before the Dept. of Public Health and Human Services could pull a TIA, Temporary Investigative Authority, the parents or guardians would be able to have an input and discussion with the Dept. if at all possible. Some might not want to talk with them, but generally when the children are pulled from a family, the parents will talk. He wants the family to have that right. Before this, parents have asked him to go along. The case worker makes their presentation but no one else has any input. He wants the parents to have an input. And this is what it does.

CHAIRMAN HOLDEN asked Hank Hudson, DPHHS, for his input on the amendments.

**HANK HUDSON, Department of Public Health & Human Services.** When **SEN. BURNETT** first raised this issue, he stated that he wanted to make sure that parents of children who were being moved or subject to abuse and neglect investigation had an opportunity to make their statement to the judge either in person or in a written statement. The bill, as originally drafted, set out their right to present their position and to insure that no case could go forward beyond the initial stages unless their point of view had been heard. The Dept. agrees with that in that the parents should have an opportunity to present their case. We felt that in almost all cases parents did have that opportunity, but if in those cases where it had not happened, we agreed that it needed to be remedied. We had concerns in the way the bill had been written. Cases could not go forward unless parents made statements. If a child were abandoned, and there are cases like that, or if a parent thought the Department would not go forward if they didn't make a statement, then the Dept. would have been stymied. So we did work with **SEN. BURNETT** and Senate Judiciary to find amendments that would say in effect that if parents are available, they must be given this opportunity. If they avail themselves of that opportunity, their statement must be part of the record and be considered by the court. So the bill emerged from the Senate in that manner. When the bill reached the House, they reverted it back to the original language which then left the Dept. unable to support the bill as it came out of the House. **SEN. BURNETT** agreed to let a Conference Committee work on the bill. We all have arrived at an agreement and feel that the amendments as presented will allow us to do our job but also provides what **SEN. BURNETT** has been working for and that is an assurance that parents won't be locked out of the proceedings.

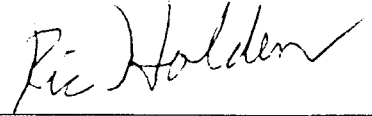
**SEN. BURNETT MOVED THE AMENDMENTS BE ACCEPTED. THE MOTION CARRIED UNANIMOUSLY: 5-0 REP. HAL GRINDE WAS NOT IN ATTENDANCE.**

**SEN. BURNETT MOVED SB 283 DO PASS AS AMENDED. THE MOTION CARRIED UNANIMOUSLY: 5-0 REP. HAL GRINDE WAS NOT IN ATTENDANCE.**

**Ann Gilkey, Department of Public Health and Human Services** assured the committee that the amendments only addressed the substance of the original amendments and not the body of the bill.

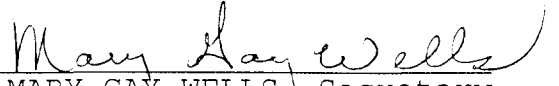
ADJOURNMENT

Adjournment: 5:11 P.M.



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SEN. RIC HOLDEN, Chairman



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MARY GAY WELLS, Secretary

RH/MGW