

1 House BILL NO. 654  
2 INTRODUCED BY [Signature]

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
5 10-1222, R.C.M. 1947, TO PROHIBIT PLACEMENT OF YOUTHS IN  
6 NEED OF SUPERVISION AT DETENTION FACILITIES AND TO PROHIBIT  
7 EVALUATIONS AT DETENTION FACILITIES."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 10-1222, R.C.M. 1947, is amended to  
11 read as follows:

12 "10-1222. Disposition of delinquent youth and youth in  
13 need of supervision. (1) If a youth is found to be  
14 delinquent or in need of supervision the court may enter its  
15 judgment making the following disposition:

- 16 (a) place the youth on probation;
- 17 (b) place in a licensed foster home or a home approved  
18 by the court;
- 19 (c) place the youth in a private agency responsible  
20 for the care and rehabilitation of such a youth, including,  
21 but not limited to, a district youth guidance home;
- 22 (d) transfer legal custody to the department of  
23 institutions; provided, however, that in the case of a youth  
24 in need of supervision, such transfer of custody shall not  
25 authorize the department of institutions to place the youth

INTRODUCED BILL

1 in a detention facility and such custody shall not continue  
2 for a period of more than six (6) months without a  
3 subsequent court order after notice and hearing;

4 (e) such further care and treatment or evaluation that  
5 the court deems beneficial to the youth, consistent with  
6 subsection (d) of this section. The court may not place any  
7 youth in need of supervision in a detention facility.

8 (2) At any time after the youth has been taken into  
9 custody the court may, with the consent of the youth in the  
10 manner provided in section 10-1218 (1), R.C.M. 1947, for  
11 consent by a youth to waiver of his constitutional rights,  
12 or after the youth has been adjudicated delinquent or in  
13 need of supervision:

14 (a) order the youth to be evaluated for a period not  
15 to exceed forty-five (45) days of evaluation at a reception  
16 and evaluation center for youths except that a detention  
17 facility may not be used for this purpose; or

18 (b) in the case of a delinquent youth sixteen (16)  
19 years or older who the court deems a suitable person for  
20 placement at a youth forest camp, notify the director of the  
21 department of institutions of the finding. The director of  
22 the department of institutions shall then designate to the  
23 court the youth-detention evaluation facility to which the  
24 youth shall be delivered for evaluation. The court may then  
25 commit the youth to the department of institutions for a

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1 period not to exceed forty-five (45) days for the purpose of  
 2 evaluation as to the youth's suitability for placement, and  
 3 order the youth delivered for evaluation to the youth  
 4 facility designated by the director provided that a  
 5 detention facility may not be used for this purpose. If  
 6 after the evaluation, the department of institutions reports  
 7 to the court that such child is suitable for placement in a  
 8 youth forest camp, and if there is space available at a  
 9 camp, the court may then commit such child directly to the  
 10 youth forest camp under the terms of commitment of this act.  
 11 If the department of institutions reports and states the  
 12 reasons to the court why the youth is not suitable for  
 13 placement, the youth shall be returned to the court for such  
 14 further disposition as the court may deem advisable under  
 15 the provisions of this act. The costs of transporting the  
 16 youth to the designated youth facility for evaluation and  
 17 cost of returning the youth to the court shall be borne by  
 18 the county of residence of the youth.

19 (3) No youth shall be committed or transferred to a  
 20 penal institution or other facility used for the execution  
 21 of sentence of adult persons convicted of crimes except as  
 22 provided by subsection (2) (b) above.

23 (4) Any order of the court may be modified at any  
 24 time.

25 (5) Whenever the court vests legal custody in an

1 agency, institution or department, it must transmit with the  
 2 dispositional judgment copies of a medical report, and such  
 3 other clinical, predisposition or other reports and  
 4 information pertinent to the care and treatment of the  
 5 youth.

6 (6) The order of commitment to the department of  
 7 institutions shall read as follows:

ORDER OF COMMITMENT

8 State of Montana, County of ....., ss:  
 9 In the district court for the .... Judicial District.  
 10 On the .... day of ....., 19.., ....., a minor of this  
 11 county, .... years of age, was brought before me charged  
 12 with ....., Upon due proof I find that .... is a suitable  
 13 person to be committed to the department of institutions.

14 It is ordered that .... be committed to the department  
 15 of institutions until .....

16 The names, addresses and occupations of the parents  
 17 are:

18	19	20	21
Name	Address	Occupation	
.....	.....	.....	.....
.....	.....	.....	.....

22 The names and addresses of their nearest relatives are:  
 23 .....  
 24 .....

25 Witness my hand this .... day of .... A.D. 19...

LC 0974/01

1

2

.....

Judge\*

-End-

## STATE OF MONTANA

REQUEST NO. 601-77

## FISCAL NOTE

Form BD-15

In compliance with a written request received March 3, 19 77, there is hereby submitted a Fiscal Note for House Bill 654 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

An act to prohibit placement of youths in need of supervision at detention facilities and to prohibit evaluations at detention facilities.

## ASSUMPTIONS:

1. Removing 45 day evaluations from Institutions would reduce the ADP by 8 at Pine Hills and 6 at Mountain View, assuming no increase in commitments.
2. There would be no reduction in staff at either institution. Savings would be in terms of food and other direct costs. Clothing is not normally furnished to youth on 45 day evaluations.
3. There would be approximately 300 evaluations; 240 of which would be youth in need of supervision, 60 of which would be juvenile delinquents.
4. 96 youth could be evaluated in existing community facilities at Great Falls at no additional cost; 50 youth could be evaluated by contracted services at other community facilities. The remaining 160 would require new services.
5. A community evaluation facility would be established to evaluate 100 youth in need of supervision. The 60 juvenile delinquents would be evaluated by contractual arrangement in secure facilities - most likely out-of-state.
6. The new community facility would be operational by April 1, 1978. Evaluations would continue at the institutions until then, other than the ones performed at the Great Falls facility.

## FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Additional cost for community evaluation facility (serving 100)		
Personal services (13 FTE)	\$ 47,151	\$137,655
Operating expenses	5,800	56,576
Equipment	<u>28,500</u>	<u>750</u>
Total additional cost for community evaluation facility	<u>81,451</u>	<u>194,981</u>
Additional cost for contracted services		
- 50 youth in need of supervision	29,887	111,450
- 60 juvenile delinquents	<u>33,425</u>	<u>133,700</u>
Total additional cost for contracted services	<u>63,312</u>	<u>245,150</u>
Savings at institutions (Assumes no increase in commitments)	<u>(2,100)</u>	<u>(8,400)</u>
Net additional cost of proposed legislation	<u>\$142,663</u>	<u>\$431,731</u>

*Richard L. Drayton*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-10-77

## STATE OF MONTANA

REQUEST NO. 601-77  
(Amended)

## FISCAL NOTE

Form BD-15

In compliance with a written request received March 28, 19 77, there is hereby submitted a Fiscal Note for House Bill 654, Amended pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

An act to prohibit placement of youths in need of supervision at detention facilities and to prohibit evaluations of youth in need of supervision at detention facilities.

## ASSUMPTIONS:

1. Removing 45 day evaluations of youth in need of supervision from Institutions would reduce the ADP by 4 at Pine Hills and 5 at Mountain View, assuming no increase in commitments.
2. There would be no reduction in staff at either institution. Savings would be in terms of food and other direct costs. Clothing is not normally furnished to youth on 45 day evaluations.
3. There would be approximately 300 evaluations; 240 of which would be youth in need of supervision, 60 of which would be juvenile delinquents who would continue to be evaluated at the institutions.
4. 96 youth could be evaluated in existing community facilities at Great Falls at no additional cost; 50 youth could be evaluated by contracted services at other community facilities. The remaining 94 to 100 would require new services.
5. A community evaluation facility would be established to evaluate 100 youth in need of supervision.
6. The new community facility would be operational by April 1, 1978. Evaluations would continue at the institutions until then, other than the ones performed at the Great Falls facility.

## FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Additional cost for community evaluation facility (serving 100)		
Personal services (13 FTE)	\$ 47,151	\$137,655
Operating expenses	5,800	56,576
Equipment	<u>28,500</u>	<u>750</u>
Total additional cost for community evaluation facility	<u>81,451</u>	<u>194,981</u>
Additional cost for contracted services -50 youth in need of supervision	<u>29,887</u>	<u>111,450</u>
Savings at institutions (Assumes no increase in commitments)	<u>(1,350)</u>	<u>(5,400)</u>
Net additional cost of proposed legislation	<u>\$109,988</u>	<u>\$301,031</u>

*Richard L. Tracy*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-31-77

Approved by Committee  
on Judiciary

HOUSE BILL NO. 654

INTRODUCED BY MELOY, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 10-1222, R.C.M. 1947, TO PROHIBIT PLACEMENT OF YOUTHS IN NEED OF SUPERVISION AT DETENTION FACILITIES AND TO PROHIBIT EVALUATIONS AT DETENTION FACILITIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-1222, R.C.M. 1947, is amended to read as follows:

"10-1222. Disposition of delinquent youth and youth in need of supervision. (1) If a youth is found to be delinquent or in need of supervision the court may enter its judgment making the following disposition:

- (a) place the youth on probation;
- (b) place in a licensed foster home or a home approved by the court;
- (c) place the youth in a private agency responsible for the care and rehabilitation of such a youth, including, but not limited to, a district youth guidance home;
- (d) transfer legal custody to the department of institutions; provided, however, that in the case of a youth in need of supervision, such transfer of custody shall not authorize the department of institutions to place the youth

in a detention facility and such custody shall not continue for a period of more than six (6) months without a subsequent court order after notice and hearing;

(e) such further care and treatment or evaluation that the court deems beneficial to the youth, consistent with subsection (d) of this section. The court may not place any youth in need of supervision in a STATE-OPERATED detention facility FOR DETENTION PURPOSES.

(2) At any time after the youth has been taken into custody the court may, with the consent of the youth in the manner provided in section 10-1218 (1), R.C.M. 1947, for consent by a youth to waiver of his constitutional rights, or after the youth has been adjudicated delinquent or in need of supervision:

(a) order the youth to be evaluated for a period not to exceed forty-five (45) days of evaluation at a reception and evaluation center for youths except that a STATE-OPERATED detention facility may not be used for this purpose AFTER JULY 1, 1978; or

(b) in the case of a delinquent youth sixteen (16) years or older who the court deems a suitable person for placement at a youth forest camp, notify the director of the department of institutions of the finding. The director of the department of institutions shall then designate to the court the youth-detention evaluation facility to which the

1 youth shall be delivered for evaluation. The court may then  
 2 commit the youth to the department of institutions for a  
 3 period not to exceed forty-five (45) days for the purpose of  
 4 evaluation as to the youth's suitability for placement, and  
 5 order the youth delivered for evaluation to the youth  
 6 facility designated by the director provided that a  
 7 detention facility may not be used for this purpose. If  
 8 after the evaluation, the department of institutions reports  
 9 to the court that such child is suitable for placement in a  
 10 youth forest camp, and if there is space available at a  
 11 camp, the court may then commit such child directly to the  
 12 youth forest camp under the terms of commitment of this act.  
 13 If the department of institutions reports and states the  
 14 reasons to the court why the youth is not suitable for  
 15 placement, the youth shall be returned to the court for such  
 16 further disposition as the court may deem advisable under  
 17 the provisions of this act. The costs of transporting the  
 18 youth to the designated youth facility for evaluation and  
 19 cost of returning the youth to the court shall be borne by  
 20 the county of residence of the youth.

21 (3) No youth shall be committed or transferred to a  
 22 penal institution or other facility used for the execution  
 23 of sentence of adult persons convicted of crimes except as  
 24 provided by subsection (2) (b) above.

25 (4) Any order of the court may be modified at any

1 time.

2 (5) Whenever the court vests legal custody in an  
 3 agency, institution or department, it must transmit with the  
 4 dispositional judgment copies of a medical report, and such  
 5 other clinical, predisposition or other reports and  
 6 information pertinent to the care and treatment of the  
 7 youth.

8 (6) The order of commitment to the department of  
 9 institutions shall read as follows:

10 ORDER OF COMMITMENT

11 State of Montana, County of ....., ss:

12 In the district court for the .... Judicial District.

13 On the .... day of ....., 19.., ....., a minor of this  
 14 county, .... years of age, was brought before me charged  
 15 with ....., Upon due proof I find that .... is a suitable  
 16 person to be committed to the department of institutions.

17 It is ordered that .... be committed to the department  
 18 of institutions until .....

19 The names, addresses and occupations of the parents  
 20 are:

21	Name	Address	Occupation
22	.....	.....	.....
23	.....	.....	.....

24 The names and addresses of their nearest relatives are:  
 25 .....

1 .....

2 Witness my hand this .... day of .... A.D. 19...

3 .....

4 Judge"

5 SECTION 2. ALTERNATIVE EVALUATION PROGRAMS. BY JULY  
6 1, 1978, THE DEPARTMENT SHALL HAVE DEVELOPED PROGRAMS FOR  
7 EVALUATIONS, INCLUDING USE OF ALTERNATIVE FACILITIES AND  
8 COMMUNITY-BASED CONTRACTED SERVICES IN LIEU OF THE  
9 EVALUATIONS PRESENTLY PERFORMED IN STATE-OPERATED DETENTION  
10 FACILITIES.

-End-



HOUSE BILL NO. 654

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(c) place the youth in a private agency responsible for the care and rehabilitation of such a youth, including, but not limited to, a district youth guidance home;
(d) transfer legal custody to the department of institutions; provided, however, that in the case of a youth in need of supervision, such transfer of custody shall not authorize the department of institutions to place the youth

in a detention facility and such custody shall not continue for a period of more than six (6) months without a subsequent court order after notice and hearing;

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(a) order the youth to be evaluated for a period not to exceed forty-five (45) days of evaluation at a reception and evaluation center for youths except that a STATE-OPERATED detention facility may not be used for this purpose AFTER JULY 1, 1978; or

(b) in the case of a delinquent youth sixteen (16) years or older who the court deems a suitable person for placement at a youth forest camp, notify the director of the department of institutions of the finding. The director of the department of institutions shall then designate to the court the youth-detention evaluation facility to which the

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 16 person to be committed to the department of institutions.

17 It is ordered that .... be committed to the department  
 18 of institutions until .....

19 The names, addresses and occupations of the parents  
 20 are:

21	Name	Address	Occupation
22	.....	.....	.....
23	.....	.....	.....

24 The names and addresses of their nearest relatives are:  
 25 .....

1 .....  
2

Witness my hand this .... day of .... A.D. 19...

3 .....  
4

Judge"

5 SECTION 2. ALTERNATIVE EVALUATION PROGRAMS. BY JULY  
6 1, 1978, THE DEPARTMENT SHALL HAVE DEVELOPED PROGRAMS FOR  
7 EVALUATIONS, INCLUDING USE OF ALTERNATIVE FACILITIES AND  
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-End-