

1 House BILL NO. 691
 2 INTRODUCED BY Menchau
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT PLACEMENT
 6 OF YOUTHS ALLEGED TO BE DELINQUENT OR IN NEED OF SUPERVISION
 7 AT PINE HILLS SCHOOL OR MOUNTAIN VIEW SCHOOL; PRECLUDING
 8 PLACEMENT OF CHILDREN AT THE MONTANA CHILDREN'S CENTER; AND
 9 CLARIFYING RULEMAKING AUTHORITY CONCERNING YOUTH GUIDANCE
 10 HOMES; AMENDING SECTIONS 10-1214, 10-1251, AND 10-1314,
 11 R.C.M. 1947."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 10-1214, R.C.M. 1947, is amended to
 15 read as follows:

16 "10-1214. Place of detention. (1) A youth alleged to
 17 be a delinquent youth or youth in need of supervision may be
 18 detained only in:

19 (a) a licensed foster home or a home approved by the
 20 court;

21 (b) a facility operated by a licensed child welfare
 22 agency;

23 (c) a ~~district-youth-guidance-home-or-other~~ youth
 24 facility or center which is under the direction or
 25 supervision of the court, other public authority or of a

1 private agency approved by the court; or
 2 (d) a detention facility other than Pine Hills school
 3 or Mountain View school;

4 (e) any other suitable place or facility, designated
 5 or operated by the court. The youth may be detained in a
 6 jail or other facility for the detention of adults only if:
 7 the facilities in subsection (c) or (d) ~~is~~ are not
 8 available; the detention is in an area separate and removed
 9 from those of adults; it appears to the satisfaction of the
 10 court that public safety and protection reasonably require
 11 detention; the facilities specified in subsection (a) or (b)
 12 are not sufficient; and the court so orders.

13 (2) The official in charge of a jail or other facility
 14 for the detention of adult offenders or persons charged with
 15 crime shall inform the court immediately if a person who is
 16 or appears to be under the age of eighteen (18) years is
 17 received at the facility. Such official shall bring the
 18 person before the court upon request or deliver him to a
 19 detention facility designated by the court.

20 (3) A youth alleged to be in need of care shall be
 21 placed only in the facilities stated in subsections (a) and
 22 (b) of subsection (1) of this section and shall not be
 23 detained in a jail or other facility intended or used for
 24 the detention of adults charged with criminal offenses or of
 25 youths alleged to be delinquents or in need of supervision

1 by virtue of violations of the law."

2 Section 2. Section 10-1251, R.C.M. 1947, is amended to
3 read as follows:

4 "10-1251. Rules ~~and regulations~~. The ~~director--of--the~~
5 department of institutions shall have power to adopt
6 reasonable ~~rules--regulations~~ and standards to carry out the
7 administration and purposes of ~~this--act 10-1242 through~~
8 ~~10-1252.~~"

9 Section 3. Section 10-1314, R.C.M. 1947, is amended to
10 read as follows:

11 "10-1314. Judgment. (1) If a youth is found to be
12 abused, neglected, or dependent, the court may enter its
13 judgment making any of the following dispositions to protect
14 the welfare of the youth:

15 (a) permit the youth to remain with his parents or
16 guardian subject to those conditions and limitations the
17 court may prescribe;

18 (b) transfer legal custody to any of the following:

19 (i) department of social and rehabilitation services;

20 (ii) a child-placing agency willing and able to assume
21 responsibility for the education, care and maintenance of
22 the youth and which is licensed or otherwise authorized by
23 law to receive and provide care of the youth; or

24 (iii) a relative or other individual who, after study
25 by a social service agency designated by the court, is found

1 by the court to be qualified to receive and care for the
2 youth;

3 (c) order any party to the action to do what is
4 necessary to give effect to the final disposition, including
5 undertaking medical and psychological evaluations, treatment
6 and counseling;

7 (d) order such further care and treatment as the court
8 may deem in the best interest of the youth.

9 (2) Whenever the court vests legal custody in any
10 agency, institution or department it shall transmit with the
11 dispositional judgment copies of any medical report, and
12 such other clinical, predisposition or other reports and
13 information as may be pertinent to the care and treatment of
14 the youth.

15 (3) ~~Any In the case of a~~ youth found to be abused,
16 neglected or dependent, ~~may--be--committed--to--the--Montana~~
17 ~~children's--center,--and--if--the--center--is--unable--to--receive~~
18 ~~the--child,--or--if--for--any--other--reason,--it--appears--to--be--in~~
19 ~~the--best--interest--of--the--child,~~ the court may make such
20 other disposition of the child as the court deems best for
21 his social and physical welfare. ~~The form of commitment~~
22 ~~shall be as follows:~~

23 ORDER OF COMMITMENT

24 State of Montana, County of ~~_____~~ ss:

25 In the District Court for the ~~_____~~ Judicial District.

1 to this section."

-End-

1 On the ~~www~~ day of ~~www~~ 19~~www~~ ~~www~~ minor of this
 2 county was charged on the petition of ~~www~~ of county
 3 attorney of ~~www~~ county with being an abused or neglected
 4 or dependent child. Upon due proof I find that it is for the
 5 best interests of the child that he be taken from the
 6 custody of his parents, guardian or other person having
 7 custody of him.

8 The names, addresses and occupations of the parents
 9 are:

10	Name-----	Address-----	Occupation
11	-----	-----	-----
12	-----	-----	-----

13 The child's guardian is -----
 14 The child is in the custody of -----
 15 it is ordered that ~~www~~ be committed to ~~www~~ until
 16 discharged as provided by law.

17 Witness my hand this ~~www~~ day of ~~www~~ A.D. 19~~www~~
 18 ~~www~~ (Judge)

19 (4) Transfer of legal custody of a child shall include
 20 guardianship of any assets or estate of the child, unless
 21 otherwise specified by the court.

22 (5) Except in cases in which the court permanently
 23 terminates all parental rights or rights of the guardian of
 24 the youth, the court shall retain jurisdiction over the case
 25 and may subsequently modify any disposition ordered pursuant

STATE OF MONTANA

REQUEST NO. 613-77

FISCAL NOTE

Form BD 15

In compliance with a written request received March 4, 19 77, there is hereby submitted a Fiscal Note for House Bill 691 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 alleged to be delinquent or in need of supervision at Pine Hills School or Mountain View School; precluding placement of children at the Montana Children's Center; and clarifying rulemaking authority concerning youth guidance homes .

FINAL IMPACT:

None.

Richard A. Drayton
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-10-77