

CHAPTER NO. 246.

SENATE BILL NO. 293

INTRODUCED BY THOMAS

IN THE SENATE

January 30, 1979	Introduced and referred to Committee on Judiciary.
February 10, 1979	Committee recommend bill do pass as amended. Report adopted.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Motion pass consideration.
February 15, 1979	Second reading, do pass.
February 16, 1979	Considered correctly engrossed.
February 17, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 19, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in.

IN THE SENATE

March 10, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 Senate BILL NO. 293
 2 INTRODUCED BY Thomas

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MONTANA
 5 YOUTH COURT ACT TO PROVIDE FOR RESTITUTION AS A PERMISSIBLE
 6 DISPOSITION OF A CASE; AMENDING SECTIONS 41-5-102, 41-5-103,
 7 41-5-403, 41-5-522, AND 41-5-523, MCA."

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

10 Section 1. Section 41-5-102, MCA, is amended to read:
 11 "41-5-102. Declaration of purpose. The Montana Youth
 12 Court Act shall be interpreted and construed to effectuate
 13 the following express legislative purposes:

14 (1) to preserve the unity and welfare of the family
 15 whenever possible and to provide for the care, protection,
 16 and wholesome mental and physical development of a youth
 17 coming within the provisions of the Montana Youth Court Act;

18 (2) to remove from youth committing violations of the
 19 law the element of retribution and to substitute therefor a
 20 program of supervision, care, and rehabilitation, and, in
 21 appropriate cases, restitution as ordered by the youth
 22 court;

23 (3) to achieve the purposes of (1) and (2) of this
 24 section in a family environment whenever possible,
 25 separating the youth from his parents only when necessary

1 for the welfare of the youth or for the safety and
 2 protection of the community;

3 (4) to provide judicial procedures in which the
 4 parties are assured a fair hearing and recognition and
 5 enforcement of their constitutional and statutory rights."

6 Section 2. Section 41-5-103, MCA, is amended to read:
 7 "41-5-103. Definitions. For the purposes of the
 8 Montana Youth Court Act, unless otherwise stated the
 9 following definitions apply:

10 (1) "Adult" means an individual who is 18 years of age
 11 or older.

12 (2) "Agency" means the department of institutions, the
 13 department of social and rehabilitation services, and any
 14 division or department of either.

15 (3) "Commit" means to transfer to legal custody.

16 (4) "Court", when used without further qualification,
 17 means the youth court of the district court.

18 (5) "Foster home" means a private residence approved
 19 by the court for placement of a youth.

20 (6) "Guardianship" means the status created and
 21 defined by law between a youth and an adult with the
 22 reciprocal rights, duties, and responsibilities.

23 (7) "Judge", when used without further qualification,
 24 means the judge of the youth court.

25 (8) (a) "Legal custody" means the legal status created

1 by order of a court of competent jurisdiction that gives a
2 person the right and duty to:

- 3 (i) have physical custody of the youth;
4 (ii) determine with whom the youth shall live and for
5 what period;
6 (iii) protect, train, and discipline the youth; and
7 (iv) provide the youth with food, shelter, education,
8 and ordinary medical care.

9 (b) An individual granted legal custody of a youth
10 shall personally exercise his rights and duties as guardian
11 unless otherwise authorized by the court entering the order.

12 (9) "Parent" means the natural or adoptive parent but
13 does not include a person whose parental rights have been
14 judicially terminated, nor does it include the putative
15 father of an illegitimate youth unless his paternity is
16 established by an adjudication or by other clear and
17 convincing proof.

18 (10) "Youth" means an individual who is less than 18
19 years of age without regard to sex or emancipation.

20 (11) "Youth court" means the court established pursuant
21 to this chapter to hear all proceedings in which a youth is
22 alleged to be a delinquent youth, a youth in need of
23 supervision, or a youth in need of care and includes the
24 youth court, the judge, and probation officers.

25 (12) "Delinquent youth" means a youth:

1 (a) who has committed an offense which, if committed
2 by an adult, would constitute a criminal offense;

3 (b) who, having been placed on probation as a
4 delinquent youth or a youth in need of supervision, violates
5 any condition of his probation.

6 (13) "Youth in need of supervision" means a youth who
7 commits an offense prohibited by law which, if committed by
8 an adult, would not constitute a criminal offense, including
9 but not limited to a youth who:

10 (a) violates any Montana municipal or state law
11 regarding use of alcoholic beverages by minors;

12 (b) habitually disobeys the reasonable and lawful
13 demands of his parents or guardian or is ungovernable and
14 beyond their control;

15 (c) being subject to compulsory school attendance, is
16 habitually truant from school; or

17 (d) has committed any of the acts of a delinquent
18 youth but whom the youth court in its discretion chooses to
19 regard as a youth in need of supervision.

20 (14) "Youth in need of care" means a youth as defined
21 in 41-3-102.

22 (15) "Custodian" means a person other than a parent or
23 guardian to whom legal custody of the youth has been given
24 but does not include a person who has only physical custody.

25 (16) "Necessary parties" include the youth, his

1 parents, guardian, custodian, or spouse.

2 (17) "State youth correctional facility" means a
3 residential facility for the rehabilitation of delinquent
4 youth such as Pine Hills school in Miles City, and Mountain
5 View school in Helena, and Swan River youth forest camp.

6 (18) "Shelter care" means the temporary care of youth
7 in physically unrestricting facilities.

8 (19) "Detention" means the temporary care of youth in
9 physically restricting facilities.

10 (20) "District youth guidance home" means a
11 family-oriented residence established in a judicial district
12 of the state of Montana as an alternative to existing state
13 youth correctional facilities, the function of which is to
14 provide a home and guidance through adult supervision for
15 delinquent youths and youths in need of supervision.

16 (21) "Restitution" means payments in cash to the victim
17 or with services to the victim or the general community when
18 these payments are made under the jurisdiction of a youth
19 court proceeding."

20 Section 3. Section 41-5-403, MCA, is amended to read:

21 "41-5-403. Disposition permitted under informal
22 adjustment. (1) The following dispositions may be imposed by
23 informal adjustment:

24 (1)(a) probation;

25 (1)(b) placement of the youth in a licensed foster

1 home or other home approved by the court;

2 (1)(c) placement of the youth in a private agency
3 responsible for the care and rehabilitation of such a youth,
4 including but not limited to a district youth guidance home;

5 (1)(d) transfer of legal custody of the youth to the
6 department of institutions, provided that such commitment
7 does not authorize the department of institutions to place
8 the youth in a state youth correctional facility, and such
9 commitment may not exceed a period of 6 months without a
10 subsequent order of the court, after notice and hearing;

11 (e) restitution upon approval of the youth court
12 judge.

13 (2) In determining whether restitution is appropriate
14 in a particular case, the following factors may be
15 considered in addition to any other evidence:

16 (a) age of the youth;

17 (b) ability of the youth to pay;

18 (c) ability of the parents or legal guardian to pay;

19 (d) amount of damage to the victim; and

20 (e) legal remedies of the victim."

21 Section 4. Section 41-5-522, MCA, is amended to read:

22 "41-5-522. Dispositional hearing. (1) As soon as
23 practicable after a youth is found to be a delinquent youth
24 or a youth in need of supervision, the court shall conduct a
25 dispositional hearing.

1 (2) Before conducting the dispositional hearing, the
 2 court shall direct that a social summary or predisposition
 3 report be made in writing by a probation officer concerning
 4 the youth, his family, his environment, and other matters
 5 relevant to the need for care or rehabilitation or
 6 disposition of the case. The youth court may have the youth
 7 examined, and the results of the examination shall be made
 8 available to the court as part of the social summary or
 9 predisposition report. The court may order the examination
 10 of a parent or guardian who gives his consent and whose
 11 ability to care for or supervise a youth is at issue before
 12 the court. The results of such examination shall be included
 13 in the social summary or predisposition report. The youth,
 14 his parents, guardian, or counsel shall have the right to
 15 subpoena all persons who have prepared any portion of the
 16 social summary or predisposition report and shall have the
 17 right to cross-examine said parties at the dispositional
 18 hearing.

19 (3) Defense counsel shall be furnished with a copy of
 20 the social summary or predisposition report and
 21 psychological report prior to the dispositional hearing.

22 (4) The dispositional hearing shall be conducted in
 23 the manner set forth in subsections (3), (4), and (5) of
 24 41-5-521. The court shall hear all evidence relevant to a
 25 proper disposition of the case best serving the interests of

1 the youth and the public. Such evidence shall include, but
 2 not be limited to, the social summary and predisposition
 3 report provided for in subsection (2) of this section.

4 (5) If the court finds that it is in the best interest
 5 of the youth, the youth, his parents, or guardian may be
 6 temporarily excluded from the hearing during the taking of
 7 evidence on the issues of need for treatment and
 8 rehabilitation.

9 (6) In determining whether restitution, as authorized
 10 by 41-5-523(1)(f), is appropriate in a particular case, the
 11 following factors may be considered in addition to any other
 12 evidence:

13 (a) age of the youth;

14 (b) ability of the youth to pay;

15 (c) ability of the parents or legal guardian to pay;

16 (d) amount of damage to the victims; and

17 (e) legal remedies of the victims."

18 Section 5. Section 41-5-523, MCA, is amended to read:

19 "41-5-523. Disposition of delinquent youth and youth
 20 in need of supervision. (1) If a youth is found to be
 21 delinquent or in need of supervision, the court may enter
 22 its judgment making the following disposition:

23 (a) place the youth on probation;

24 (b) place in a licensed foster home or a home approved
 25 by the court;

1 (c) place the youth in a private agency responsible
2 for the care and rehabilitation of such a youth, including
3 but not limited to a district youth guidance home;

4 (d) transfer legal custody to the department of
5 institutions; provided, however, that in the case of a youth
6 in need of supervision, such transfer of custody shall not
7 authorize the department of institutions to place the youth
8 in a state youth correctional facility and such custody
9 shall not continue for a period of more than 6 months
10 without a subsequent court order after notice and hearing;

11 (e) such further care and treatment or evaluation that
12 the court deems beneficial to the youth, consistent with
13 subsection (d) of this section;

14 ~~(f) order restitution by the youth or by the parents~~
15 ~~or legal guardian of the youth in an amount not to exceed~~
16 ~~\$1500.~~

17 (2) At any time after the youth has been taken into
18 custody, the court may, with the consent of the youth in the
19 manner provided in 41-5-303 for consent by a youth to waiver
20 of his constitutional rights or after the youth has been
21 adjudicated delinquent or in need of supervision:

22 (a) order the youth to be evaluated for a period not
23 to exceed 45 days of evaluation at a reception and
24 evaluation center for youths; or

25 (b) in the case of a delinquent youth 16 years or

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

25 (3) No youth shall be committed or transferred to a

1 penal institution or other facility used for the execution
2 of sentence of adult persons convicted of crimes except as
3 provided by subsection (2)(b).

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

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

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

14 ORDER OF COMMITMENT

15 State of Montana, County of ss:

16 In the district court for the judicial district.

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

21 It is ordered that be committed to the department
22 of institutions until

23 The names, addresses, and occupations of the parents
24 are:

25 Name Address Occupation

1

2

3 The names and addresses of their nearest relatives are:

4

5

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

7

8 Judge "

-End-

Approved by Committee
on Judiciary

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5 YOUTH COURT ACT TO PROVIDE FOR RESTITUTION AS A PERMISSIBLE
6 DISPOSITION OF A CASE; AMENDING SECTIONS 41-5-102, 41-5-103,
7 41-5-403, 41-5-522, AND 41-5-523, MCA."

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

10 Section 1. Section 41-5-102, MCA, is amended to read:

11 "41-5-102. Declaration of purpose. The Montana Youth
12 Court Act shall be interpreted and construed to effectuate
13 the following express legislative purposes:

14 (1) to preserve the unity and welfare of the family
15 whenever possible and to provide for the care, protection,
16 and wholesome mental and physical development of a youth
17 coming within the provisions of the Montana Youth Court Act;

18 (2) to remove from youth committing violations of the
19 law the element of retribution and to substitute therefor a
20 program of supervision, care, and rehabilitation, and, in
21 appropriate cases, restitution as ordered by the youth
22 court;

23 (3) to achieve the purposes of (1) and (2) of this
24 section in a family environment whenever possible,
25 separating the youth from his parents only when necessary

1 for the welfare of the youth or for the safety and
2 protection of the community;

3 (4) to provide judicial procedures in which the
4 parties are assured a fair hearing and recognition and
5 enforcement of their constitutional and statutory rights."

6 Section 2. Section 41-5-103, MCA, is amended to read:

7 "41-5-103. Definitions. For the purposes of the
8 Montana Youth Court Act, unless otherwise stated the
9 following definitions apply:

10 (1) "Adult" means an individual who is 18 years of age
11 or older.

12 (2) "Agency" means the department of institutions, the
13 department of social and rehabilitation services, and any
14 division or department of either.

15 (3) "Commit" means to transfer to legal custody.

16 (4) "Court", when used without further qualification,
17 means the youth court of the district court.

18 (5) "Foster home" means a private residence approved
19 by the court for placement of a youth.

20 (6) "Guardianship" means the status created and
21 defined by law between a youth and an adult with the
22 reciprocal rights, duties, and responsibilities.

23 (7) "Judge", when used without further qualification,
24 means the judge of the youth court.

25 (8) (a) "Legal custody" means the legal status created

1 by order of a court of competent jurisdiction that gives a
2 person the right and duty to:

- 3 (i) have physical custody of the youth;
4 (ii) determine with whom the youth shall live and for
5 what period;
6 (iii) protect, train, and discipline the youth; and
7 (iv) provide the youth with food, shelter, education,
8 and ordinary medical care.

9 (b) An individual granted legal custody of a youth
10 shall personally exercise his rights and duties as guardian
11 unless otherwise authorized by the court entering the order.

12 (9) "Parent" means the natural or adoptive parent but
13 does not include a person whose parental rights have been
14 judicially terminated, nor does it include the putative
15 father of an illegitimate youth unless his paternity is
16 established by an adjudication or by other clear and
17 convincing proof.

18 (10) "Youth" means an individual who is less than 18
19 years of age without regard to sex or emancipation.

20 (11) "Youth court" means the court established pursuant
21 to this chapter to hear all proceedings in which a youth is
22 alleged to be a delinquent youth, a youth in need of
23 supervision, or a youth in need of care and includes the
24 youth court, the judge, and probation officers.

25 (12) "Delinquent youth" means a youth:

1 (a) who has committed an offense which, if committed
2 by an adult, would constitute a criminal offense;

3 (b) who, having been placed on probation as a
4 delinquent youth or a youth in need of supervision, violates
5 any condition of his probation.

6 (13) "Youth in need of supervision" means a youth who
7 commits an offense prohibited by law which, if committed by
8 an adult, would not constitute a criminal offense, including
9 but not limited to a youth who:

10 (a) violates any Montana municipal or state law
11 regarding use of alcoholic beverages by minors;

12 (b) habitually disobeys the reasonable and lawful
13 demands of his parents or guardian or is ungovernable and
14 beyond their control;

15 (c) being subject to compulsory school attendance, is
16 habitually truant from school; or

17 (d) has committed any of the acts of a delinquent
18 youth but whom the youth court in its discretion chooses to
19 regard as a youth in need of supervision.

20 (14) "Youth in need of care" means a youth as defined
21 in 41-3-102.

22 (15) "Custodian" means a person other than a parent or
23 guardian to whom legal custody of the youth has been given
24 but does not include a person who has only physical custody.

25 (16) "Necessary parties" include the youth, his

1 parents, guardian, custodian, or spouse.

2 (17) "State youth correctional facility" means a
3 residential facility for the rehabilitation of delinquent
4 youth such as Pine Hills school in Miles City, and Mountain
5 View school in Helena, and Swan River youth forest camp.

6 (18) "Shelter care" means the temporary care of youth
7 in physically unrestricting facilities.

8 (19) "Detention" means the temporary care of youth in
9 physically restricting facilities.

10 (20) "District youth guidance home" means a
11 family-oriented residence established in a judicial district
12 of the state of Montana as an alternative to existing state
13 youth correctional facilities, the function of which is to
14 provide a home and guidance through adult supervision for
15 delinquent youths and youths in need of supervision.

16 (21) "Restitution" means payments in cash to the victim
17 or with services to the victim or the general community when
18 these payments are made under the jurisdiction of a youth
19 court proceeding."

20 Section 3. Section 41-5-403, MCA, is amended to read:

21 "41-5-403. Disposition permitted under informal
22 adjustment. (1) The following dispositions may be imposed by
23 informal adjustment:

24 (a) probation;

25 (b) placement of the youth in a licensed foster

1 home or other home approved by the court;

2 (c) placement of the youth in a private agency
3 responsible for the care and rehabilitation of such a youth,
4 including but not limited to a district youth guidance home;

5 (d) transfer of legal custody of the youth to the
6 department of institutions, provided that such commitment
7 does not authorize the department of institutions to place
8 the youth in a state youth correctional facility, and such
9 commitment may not exceed a period of 6 months without a
10 subsequent order of the court, after notice and hearing;

11 (e) restitution upon approval of the youth court
12 judge.

13 (2) In determining whether restitution is appropriate
14 in a particular case, the following factors may be
15 considered in addition to any other evidence:

16 (a) age of the youth;

17 (b) ability of the youth to pay;

18 (c) ability of the parents or legal guardian to pay;

19 (d) amount of damage to the victim; and

20 (e) legal remedies of the victim."

21 Section 4. Section 41-5-522, MCA, is amended to read:

22 "41-5-522. Dispositional hearing. (1) As soon as
23 practicable after a youth is found to be a delinquent youth
24 or a youth in need of supervision, the court shall conduct a
25 dispositional hearing.

1 (2) Before conducting the dispositional hearing, the
 2 court shall direct that a social summary or predisposition
 3 report be made in writing by a probation officer concerning
 4 the youth, his family, his environment, and other matters
 5 relevant to the need for care or rehabilitation or
 6 disposition of the case. The youth court may have the youth
 7 examined, and the results of the examination shall be made
 8 available to the court as part of the social summary or
 9 predisposition report. The court may order the examination
 10 of a parent or guardian who gives his consent and whose
 11 ability to care for or supervise a youth is at issue before
 12 the court. The results of such examination shall be included
 13 in the social summary or predisposition report. The youth,
 14 his parents, guardian, or counsel shall have the right to
 15 subpoena all persons who have prepared any portion of the
 16 social summary or predisposition report and shall have the
 17 right to cross-examine said parties at the dispositional
 18 hearing.

19 (3) Defense counsel shall be furnished with a copy of
 20 the social summary or predisposition report and
 21 psychological report prior to the dispositional hearing.

22 (4) The dispositional hearing shall be conducted in
 23 the manner set forth in subsections (3), (4), and (5) of
 24 41-5-521. The court shall hear all evidence relevant to a
 25 proper disposition of the case best serving the interests of

1 the youth and the public. Such evidence shall include, but
 2 not be limited to, the social summary and predisposition
 3 report provided for in subsection (2) of this section.

4 (5) If the court finds that it is in the best interest
 5 of the youth, the youth, his parents, or guardian may be
 6 temporarily excluded from the hearing during the taking of
 7 evidence on the issues of need for treatment and
 8 rehabilitation.

9 ~~(6) In determining whether restitution, as authorized~~
 10 ~~by 41-5-523(1)(f), is appropriate in a particular case, the~~
 11 ~~following factors may be considered in addition to any other~~
 12 ~~evidence:~~

- 13 ~~(a) age of the youth;~~
 14 ~~(b) ability of the youth to pay;~~
 15 ~~(c) ability of the parents or legal guardian to pay;~~
 16 ~~(d) amount of damage to the victim; and~~
 17 ~~(e) legal remedies of the victim."~~

18 Section 5. Section 41-5-523, MCA, is amended to read:

19 "41-5-523. Disposition of delinquent youth and youth
 20 in need of supervision. (1) If a youth is found to be
 21 delinquent or in need of supervision, the court may enter
 22 its judgment making the following disposition:

- 23 (a) place the youth on probation;
 24 (b) place in a licensed foster home or a home approved
 25 by the court;

1 (c) place the youth in a private agency responsible
2 for the care and rehabilitation of such a youth, including
3 but not limited to a district youth guidance home;

4 (d) transfer legal custody to the department of
5 institutions; provided, however, that in the case of a youth
6 in need of supervision, such transfer of custody shall not
7 authorize the department of institutions to place the youth
8 in a state youth correctional facility and such custody
9 shall not continue for a period of more than 6 months
10 without a subsequent court order after notice and hearing;

11 (e) such further care and treatment or evaluation that
12 the court deems beneficial to the youth, consistent with
13 subsection (d) of this section;

14 ~~[(f) order restitution by the youth or by the parents~~
15 ~~or legal guardian of the youth in an amount not to exceed~~
16 ~~\$1,500.~~

17 (2) At any time after the youth has been taken into
18 custody, the court may, with the consent of the youth in the
19 manner provided in 41-5-303 for consent by a youth to waiver
20 of his constitutional rights or after the youth has been
21 adjudicated delinquent or in need of supervision:

22 (a) order the youth to be evaluated for a period not
23 to exceed 45 days of evaluation at a reception and
24 evaluation center for youths; or

25 (b) in the case of a delinquent youth 16 years or

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

25 (3) No youth shall be committed or transferred to a

1 penal institution or other facility used for the execution
2 of sentence of adult persons convicted of crimes except as
3 provided by subsection (2)(b).

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

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

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

14 ORDER OF COMMITMENT

15 State of Montana, County of, ss:

16 In the district court for the judicial district.

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

21 It is ordered that be committed to the department
22 of institutions until

23 The names, addresses, and occupations of the parents
24 are:

25 Name Address Occupation

1
2

3 The names and addresses of their nearest relatives are:

4
5

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

7
8 Judge "M

-End-

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2 INTRODUCED BY THOMAS

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12 Court Act shall be interpreted and construed to effectuate
13 the following express legislative purposes:

14 (1) to preserve the unity and welfare of the family
15 whenever possible and to provide for the care, protection,
16 and wholesome mental and physical development of a youth
17 coming within the provisions of the Montana Youth Court Act;

18 (2) to remove from youth committing violations of the
19 law the element of retribution and to substitute therefor a
20 program of supervision, care, and rehabilitations, and, in
21 appropriate cases, restitution as ordered by the youth
22 court;

23 (3) to achieve the purposes of (1) and (2) of this
24 section in a family environment whenever possible,
25 separating the youth from his parents only when necessary

1 for the welfare of the youth or for the safety and
2 protection of the community;

3 (4) to provide judicial procedures in which the
4 parties are assured a fair hearing and recognition and
5 enforcement of their constitutional and statutory rights."

6 Section 2. Section 41-5-103, MCA, is amended to read:

7 "41-5-103. Definitions. For the purposes of the
8 Montana Youth Court Act, unless otherwise stated the
9 following definitions apply:

10 (1) "Adult" means an individual who is 18 years of age
11 or older.

12 (2) "Agency" means the department of institutions, the
13 department of social and rehabilitation services, and any
14 division or department of either.

15 (3) "Commit" means to transfer to legal custody.

16 (4) "Court", when used without further qualification,
17 means the youth court of the district court.

18 (5) "Foster home" means a private residence approved
19 by the court for placement of a youth.

20 (6) "Guardianship" means the status created and
21 defined by law between a youth and an adult with the
22 reciprocal rights, duties, and responsibilities.

23 (7) "Judge", when used without further qualification,
24 means the judge of the youth court.

25 (8) (a) "Legal custody" means the legal status created

1 by order of a court of competent jurisdiction that gives a
2 person the right and duty to:

- 3 (i) have physical custody of the youth;
- 4 (ii) determine with whom the youth shall live and for
5 what period;
- 6 (iii) protect, train, and discipline the youth; and
- 7 (iv) provide the youth with food, shelter, education,
8 and ordinary medical care.

9 (b) An individual granted legal custody of a youth
10 shall personally exercise his rights and duties as guardian
11 unless otherwise authorized by the court entering the order.

12 (9) "Parent" means the natural or adoptive parent but
13 does not include a person whose parental rights have been
14 judicially terminated, nor does it include the putative
15 father of an illegitimate youth unless his paternity is
16 established by an adjudication or by other clear and
17 convincing proof.

18 (10) "Youth" means an individual who is less than 18
19 years of age without regard to sex or emancipation.

20 (11) "Youth court" means the court established pursuant
21 to this chapter to hear all proceedings in which a youth is
22 alleged to be a delinquent youth, a youth in need of
23 supervision, or a youth in need of care and includes the
24 youth court, the judge, and probation officers.

25 (12) "Delinquent youth" means a youth:

1 (a) who has committed an offense which, if committed
2 by an adult, would constitute a criminal offense;

3 (b) who, having been placed on probation as a
4 delinquent youth or a youth in need of supervision, violates
5 any condition of his probation.

6 (13) "Youth in need of supervision" means a youth who
7 commits an offense prohibited by law which, if committed by
8 an adult, would not constitute a criminal offense, including
9 but not limited to a youth who:

10 (a) violates any Montana municipal or state law
11 regarding use of alcoholic beverages by minors;

12 (b) habitually disobeys the reasonable and lawful
13 demands of his parents or guardian or is ungovernable and
14 beyond their control;

15 (c) being subject to compulsory school attendance, is
16 habitually truant from school; or

17 (d) has committed any of the acts of a delinquent
18 youth but whom the youth court in its discretion chooses to
19 regard as a youth in need of supervision.

20 (14) "Youth in need of care" means a youth as defined
21 in 41-3-102.

22 (15) "Custodian" means a person other than a parent or
23 guardian to whom legal custody of the youth has been given
24 but does not include a person who has only physical custody.

25 (16) "Necessary parties" include the youth, his

1 parents, guardian, custodian, or spouse.

2 (17) "State youth correctional facility" means a
3 residential facility for the rehabilitation of delinquent
4 youth such as Pine Hills school in Miles City, and Mountain
5 View school in Helena, and Swan River youth forest camp.

6 (18) "Shelter care" means the temporary care of youth
7 in physically unrestricting facilities.

8 (19) "Detention" means the temporary care of youth in
9 physically restricting facilities.

10 (20) "District youth guidance home" means a
11 family-oriented residence established in a judicial district
12 of the state of Montana as an alternative to existing state
13 youth correctional facilities, the function of which is to
14 provide a home and guidance through adult supervision for
15 delinquent youths and youths in need of supervision.

16 ~~(21) "Restitution" means payments in cash to the victim
17 or with services to the victim or the general community when
18 these payments are made under the jurisdiction of a youth
19 court proceeding."~~

20 Section 3. Section 41-5-403, MCA, is amended to read:

21 "41-5-403. Disposition permitted under informal
22 adjustment. (1) The following dispositions may be imposed by
23 informal adjustment:

24 ~~(a)~~ (a) probation;

25 ~~(b)~~ (b) placement of the youth in a licensed foster

1 home or other home approved by the court;

2 ~~(c)~~ (c) placement of the youth in a private agency
3 responsible for the care and rehabilitation of such a youth,
4 including but not limited to a district youth guidance home;

5 ~~(d)~~ (d) transfer of legal custody of the youth to the
6 department of institutions, provided that such commitment
7 does not authorize the department of institutions to place
8 the youth in a state youth correctional facility, and such
9 commitment may not exceed a period of 6 months without a
10 subsequent order of the court, after notice and hearing;

11 ~~(e) restitution upon approval of the youth court
12 judge.~~

13 ~~(2) In determining whether restitution is appropriate
14 in a particular case, the following factors may be
15 considered in addition to any other evidence:~~

16 ~~(a) age of the youth;~~

17 ~~(b) ability of the youth to pay;~~

18 ~~(c) ability of the parents or legal guardian to pay;~~

19 ~~(d) amount of damage to the victim; and~~

20 ~~(e) legal remedies of the victim."~~

21 Section 4. Section 41-5-522, MCA, is amended to read:

22 "41-5-522. Dispositional hearing. (1) As soon as
23 practicable after a youth is found to be a delinquent youth
24 or a youth in need of supervision, the court shall conduct a
25 dispositional hearing.

1 (2) Before conducting the dispositional hearing, the
 2 court shall direct that a social summary or predisposition
 3 report be made in writing by a probation officer concerning
 4 the youth, his family, his environment, and other matters
 5 relevant to the need for care or rehabilitation or
 6 disposition of the case. The youth court may have the youth
 7 examined, and the results of the examination shall be made
 8 available to the court as part of the social summary or
 9 predisposition report. The court may order the examination
 10 of a parent or guardian who gives his consent and whose
 11 ability to care for or supervise a youth is at issue before
 12 the court. The results of such examination shall be included
 13 in the social summary or predisposition report. The youth,
 14 his parents, guardian, or counsel shall have the right to
 15 subpoena all persons who have prepared any portion of the
 16 social summary or predisposition report and shall have the
 17 right to cross-examine said parties at the dispositional
 18 hearing.

19 (3) Defense counsel shall be furnished with a copy of
 20 the social summary or predisposition report and
 21 psychological report prior to the dispositional hearing.

22 (4) The dispositional hearing shall be conducted in
 23 the manner set forth in subsections (3), (4), and (5) of
 24 41-5-521. The court shall hear all evidence relevant to a
 25 proper disposition of the case best serving the interests of

1 the youth and the public. Such evidence shall include, but
 2 not be limited to, the social summary and predisposition
 3 report provided for in subsection (2) of this section.

4 (5) If the court finds that it is in the best interest
 5 of the youth, the youth, his parents, or guardian may be
 6 temporarily excluded from the hearing during the taking of
 7 evidence on the issues of need for treatment and
 8 rehabilitation.

9 ~~(6) In determining whether restitution, as authorized~~
 10 ~~by 41-5-523(1)(f), is appropriate in a particular case, the~~
 11 ~~following factors may be considered in addition to any other~~
 12 ~~evidence:~~

- 13 ~~(a) age of the youth;~~
 14 ~~(b) ability of the youth to pay;~~
 15 ~~(c) ability of the parents or legal guardian to pay;~~
 16 ~~(d) amount of damage to the victim; and~~
 17 ~~(e) legal remedies of the victim."~~

18 Section 5. Section 41-5-523, MCA, is amended to read:
 19 "41-5-523. Disposition of delinquent youth and youth
 20 in need of supervision. (1) If a youth is found to be
 21 delinquent or in need of supervision, the court may enter
 22 its judgment making the following disposition:

- 23 (a) place the youth on probation;
 24 (b) place in a licensed foster home or a home approved
 25 by the court;

1 (c) place the youth in a private agency responsible
2 for the care and rehabilitation of such a youth, including
3 but not limited to a district youth guidance home;

4 (d) transfer legal custody to the department of
5 institutions; provided, however, that in the case of a youth
6 in need of supervision, such transfer of custody shall not
7 authorize the department of institutions to place the youth
8 in a state youth correctional facility and such custody
9 shall not continue for a period of more than 6 months
10 without a subsequent court order after notice and hearing;

11 (e) such further care and treatment or evaluation that
12 the court deems beneficial to the youth, consistent with
13 subsection (d) of this section;

14 ~~(f) order restitution by the youth or by the parents~~
15 ~~or legal guardian of the youth in an amount not to exceed~~
16 ~~\$12500.~~

17 (2) At any time after the youth has been taken into
18 custody, the court may, with the consent of the youth in the
19 manner provided in 41-5-303 for consent by a youth to waiver
20 of his constitutional rights or after the youth has been
21 adjudicated delinquent or in need of supervision:

22 (a) order the youth to be evaluated for a period not
23 to exceed 45 days of evaluation at a reception and
24 evaluation center for youths; or

25 (b) in the case of a delinquent youth 16 years or

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

25 (3) No youth shall be committed or transferred to a

1 penal institution or other facility used for the execution
2 of sentence of adult persons convicted of crimes except as
3 provided by subsection (2)(b).

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

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

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

14 ORDER OF COMMITMENT

15 State of Montana, County of, ss:

16 In the district court for the judicial district.

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

21 It is ordered that be committed to the department
22 of institutions until

23 The names, addresses, and occupations of the parents
24 are:

25 Name Address Occupation

1
2

3 The names and addresses of their nearest relatives are:

4
5

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

7
8 Judge "

-End-

1 SENATE BILL NO. 293

2 INTRODUCED BY THOMAS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MONTANA
5 YOUTH COURT ACT TO PROVIDE FOR RESTITUTION AS A PERMISSIBLE
6 DISPOSITION OF A CASE; AMENDING SECTIONS 41-5-102, 41-5-103,
7 41-5-403, 41-5-522, AND 41-5-523, MCA."

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

10 Section 1. Section 41-5-102, MCA, is amended to read:

11 "41-5-102. Declaration of purpose. The Montana Youth
12 Court Act shall be interpreted and construed to effectuate
13 the following express legislative purposes:

14 (1) to preserve the unity and welfare of the family
15 whenever possible and to provide for the care, protection,
16 and wholesome mental and physical development of a youth
17 coming within the provisions of the Montana Youth Court Act;

18 (2) to remove from youth committing violations of the
19 law the element of retribution and to substitute therefor a
20 program of supervision, care, and rehabilitation, and in
21 appropriate cases, restitution as ordered by the youth
22 court;

23 (3) to achieve the purposes of (1) and (2) of this
24 section in a family environment whenever possible,
25 separating the youth from his parents only when necessary

1 for the welfare of the youth or for the safety and
2 protection of the community;

3 (4) to provide judicial procedures in which the
4 parties are assured a fair hearing and recognition and
5 enforcement of their constitutional and statutory rights."

6 Section 2. Section 41-5-103, MCA, is amended to read:

7 "41-5-103. Definitions. For the purposes of the
8 Montana Youth Court Act, unless otherwise stated the
9 following definitions apply:

10 (1) "Adult" means an individual who is 18 years of age
11 or older.

12 (2) "Agency" means the department of institutions, the
13 department of social and rehabilitation services, and any
14 division or department of either.

15 (3) "Commit" means to transfer to legal custody.

16 (4) "Court", when used without further qualification,
17 means the youth court of the district court.

18 (5) "Foster home" means a private residence approved
19 by the court for placement of a youth.

20 (6) "Guardianship" means the status created and
21 defined by law between a youth and an adult with the
22 reciprocal rights, duties, and responsibilities.

23 (7) "Judge", when used without further qualification,
24 means the judge of the youth court.

25 (8) (a) "Legal custody" means the legal status created

1 by order of a court of competent jurisdiction that gives a
2 person the right and duty to:

- 3 (i) have physical custody of the youth;
4 (ii) determine with whom the youth shall live and for
5 what period;
6 (iii) protect, train, and discipline the youth; and
7 (iv) provide the youth with food, shelter, education,
8 and ordinary medical care.

9 (b) An individual granted legal custody of a youth
10 shall personally exercise his rights and duties as guardian
11 unless otherwise authorized by the court entering the order.

12 (9) "Parent" means the natural or adoptive parent but
13 does not include a person whose parental rights have been
14 judicially terminated, nor does it include the putative
15 father of an illegitimate youth unless his paternity is
16 established by an adjudication or by other clear and
17 convincing proof.

18 (10) "Youth" means an individual who is less than 18
19 years of age without regard to sex or emancipation.

20 (11) "Youth court" means the court established pursuant
21 to this chapter to hear all proceedings in which a youth is
22 alleged to be a delinquent youth, a youth in need of
23 supervision, or a youth in need of care and includes the
24 youth court, the judge, and probation officers.

25 (12) "Delinquent youth" means a youth:

1 (a) who has committed an offense which, if committed
2 by an adult, would constitute a criminal offense;

3 (b) who, having been placed on probation as a
4 delinquent youth or a youth in need of supervision, violates
5 any condition of his probation.

6 (13) "Youth in need of supervision" means a youth who
7 commits an offense prohibited by law which, if committed by
8 an adult, would not constitute a criminal offense, including
9 but not limited to a youth who:

10 (a) violates any Montana municipal or state law
11 regarding use of alcoholic beverages by minors;

12 (b) habitually disobeys the reasonable and lawful
13 demands of his parents or guardian or is ungovernable and
14 beyond their control;

15 (c) being subject to compulsory school attendance, is
16 habitually truant from school; or

17 (d) has committed any of the acts of a delinquent
18 youth but whom the youth court in its discretion chooses to
19 regard as a youth in need of supervision.

20 (14) "Youth in need of care" means a youth as defined
21 in 41-3-102.

22 (15) "Custodian" means a person other than a parent or
23 guardian to whom legal custody of the youth has been given
24 but does not include a person who has only physical custody.

25 (16) "Necessary parties" include the youth, and

1 parents, guardian, custodian, or spouse.

2 (17) "State youth correctional facility" means a
3 residential facility for the rehabilitation of delinquent
4 youth such as Pine Hills school in Miles City, and Mountain
5 View school in Helena, and Swan River youth forest camp.

6 (18) "Shelter care" means the temporary care of youth
7 in physically unrestricting facilities.

8 (19) "Detention" means the temporary care of youth in
9 physically restricting facilities.

10 (20) "District youth guidance home" means a
11 family-oriented residence established in a judicial district
12 of the state of Montana as an alternative to existing state
13 youth correctional facilities, the function of which is to
14 provide a home and guidance through adult supervision for
15 delinquent youths and youths in need of supervision.

16 (21) "Restitution" means payments in cash to the victim
17 or with services to the victim or the general community when
18 these payments are made under the jurisdiction of a youth
19 court proceeding."

20 Section 3. Section 41-5-403, MCA, is amended to read:

21 "41-5-403. Disposition permitted under informal
22 adjustment. (1) The following dispositions may be imposed by
23 informal adjustment:

24 (1)(a) probation;

25 (2)(b) placement of the youth in a licensed foster

1 home or other home approved by the court;

2 (3)(c) placement of the youth in a private agency
3 responsible for the care and rehabilitation of such a youth,
4 including but not limited to a district youth guidance home;

5 (4)(d) transfer of legal custody of the youth to the
6 department of institutions, provided that such commitment
7 does not authorize the department of institutions to place
8 the youth in a state youth correctional facility, and such
9 commitment may not exceed a period of 6 months without a
10 subsequent order of the court, after notice and hearing;

11 (e) restitution upon approval of the youth court
12 judge.

13 (2) In determining whether restitution is appropriate
14 in a particular case, the following factors may be
15 considered in addition to any other evidence:

16 (a) age of the youth;

17 (b) ability of the youth to pay;

18 (c) ability of the parents or legal guardian to pay;

19 (d) amount of damage to the victim; and

20 (e) legal remedies of the victim."

21 Section 4. Section 41-5-522, MCA, is amended to read:

22 "41-5-522. Dispositional hearing. (1) As soon as
23 practicable after a youth is found to be a delinquent youth
24 or a youth in need of supervision, the court shall conduct a
25 dispositional hearing.

1 (2) Before conducting the dispositional hearing, the
 2 court shall direct that a social summary or predisposition
 3 report be made in writing by a probation officer concerning
 4 the youth, his family, his environment, and other matters
 5 relevant to the need for care or rehabilitation or
 6 disposition of the case. The youth court may have the youth
 7 examined, and the results of the examination shall be made
 8 available to the court as part of the social summary or
 9 predisposition report. The court may order the examination
 10 of a parent or guardian who gives his consent and whose
 11 ability to care for or supervise a youth is at issue before
 12 the court. The results of such examination shall be included
 13 in the social summary or predisposition report. The youth,
 14 his parents, guardian, or counsel shall have the right to
 15 subpoena all persons who have prepared any portion of the
 16 social summary or predisposition report and shall have the
 17 right to cross-examine said parties at the dispositional
 18 hearing.

19 (3) Defense counsel shall be furnished with a copy of
 20 the social summary or predisposition report and
 21 psychological report prior to the dispositional hearing.

22 (4) The dispositional hearing shall be conducted in
 23 the manner set forth in subsections (3), (4), and (5) of
 24 41-5-521. The court shall hear all evidence relevant to a
 25 proper disposition of the case best serving the interests of

1 the youth and the public. Such evidence shall include, but
 2 not be limited to, the social summary and predisposition
 3 report provided for in subsection (2) of this section.

4 (5) If the court finds that it is in the best interest
 5 of the youth, the youth, his parents, or guardian may be
 6 temporarily excluded from the hearing during the taking of
 7 evidence on the issues of need for treatment and
 8 rehabilitation.

9 ~~(6) In determining whether restitution, as authorized~~
 10 ~~by 41-5-523(f)(1), is appropriate in a particular case, the~~
 11 ~~following factors may be considered in addition to any other~~
 12 ~~evidence:~~

13 ~~(a) age of the youth;~~

14 ~~(b) ability of the youth to pay;~~

15 ~~(c) ability of the parents or legal guardian to pay;~~

16 ~~(d) amount of damage to the victim; and~~

17 ~~(e) legal remedies of the victim."~~

18 Section 5. Section 41-5-523, MCA, is amended to read:

19 "41-5-523. Disposition of delinquent youth and youth
 20 in need of supervision. (1) If a youth is found to be
 21 delinquent or in need of supervision, the court may enter
 22 its judgment making the following disposition:

23 (a) place the youth on probation;

24 (b) place in a licensed foster home or a home approved
 25 by the court;

1 (c) place the youth in a private agency responsible
2 for the care and rehabilitation of such a youth, including
3 but not limited to a district youth guidance home;

4 (d) transfer legal custody to the department of
5 institutions; provided, however, that in the case of a youth
6 in need of supervision, such transfer of custody shall not
7 authorize the department of institutions to place the youth
8 in a state youth correctional facility and such custody
9 shall not continue for a period of more than 6 months
10 without a subsequent court order after notice and hearing;

11 (e) such further care and treatment or evaluation that
12 the court deems beneficial to the youth, consistent with
13 subsection (d) of this section;

14 ~~if order restitution by the youth or by the parents~~
15 ~~or legal guardian of the youth in an amount not to exceed~~
16 ~~\$1,500.~~

17 (2) At any time after the youth has been taken into
18 custody, the court may, with the consent of the youth in the
19 manner provided in 41-5-303 for consent by a youth to waiver
20 of his constitutional rights or after the youth has been
21 adjudicated delinquent or in need of supervision:

22 (a) order the youth to be evaluated for a period not
23 to exceed 45 days of evaluation at a reception and
24 evaluation center for youths; or

25 (b) in the case of a delinquent youth 16 years or

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

25 (3) No youth shall be committed or transferred to a

1 penal institution or other facility used for the execution
2 of sentence of adult persons convicted of crimes except as
3 provided by subsection (2)(b).

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

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

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

14 ORDER OF COMMITMENT

15 State of Montana, County of, ss:

16 In the district court for the judicial district.

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

21 It is ordered that be committed to the department
22 of institutions until

23 The names, addresses, and occupations of the parents
24 are:

25 Name Address Occupation

1

2

3 The names and addresses of their nearest relatives are:

4

5

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

7

8 Judge "

-End-