

SENATE BILL NO. 324

INTRODUCED BY TOWE, REGAN, BLAYLOCK, CONOVER,  
FAGG, SANDS, WILLIAMS, HANNAH, WINSLOW, KEATING,  
BENGTSON, DRISCOLL, J. JENSEN, KITSELMAN, HAGER,  
CRIPPEN, SAUNDERS, ADDY, RAMIREZ, DOZIER

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE SENATE

January 31, 1983	Introduced and referred to Committee on State Administration.
February 1, 1983	Fiscal Note requested.
February 8, 1983	Fiscal Note returned.
February 10, 1983	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
February 11, 1983	Bill printed and placed on members' desks.
February 12, 1983	Second reading, do pass.
February 14, 1983	Correctly engrossed.
February 15, 1983	Third reading, passed. Ayes, 38; Noes, 11. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Human Services.
March 21, 1983	Committee recommend bill be concurred in. Report adopted.
March 22, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in.

IN THE SENATE

March 24, 1983

Returned to Senate. Sent to  
enrolling.

Reported correctly enrolled.

1 *Williams* *Senate* BILL NO. *324* *Sen*  
 2 INTRODUCED BY *Blaylock* *Conover* *Felt*  
 3 *Hamer* BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS *Beatty*  
 4 *Bengtson* *Unsell* *J. Jensen* *Kibelman* *Hoy* *Samuelson* *Appleby*  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MONTANA *Appleby*  
 6 *Ramsey* *DOB* YOUTH TREATMENT CENTER FOR THE CARE AND TREATMENT OF  
 7 MENTALLY ILL YOUTHS BETWEEN THE AGES OF 12 AND 18 YEARS;  
 8 AMENDING SECTIONS 41-5-207, 41-5-403, 41-5-523, 53-1-104,  
 9 53-1-202, 53-1-402, 53-21-112, 53-21-130, 53-21-164, AND  
 10 53-30-211, MCA; REPEALING SECTION 53-30-201, MCA; AND  
 11 PROVIDING AN APPLICABILITY SECTION."

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 NEW SECTION. Section 1. Location and function of  
 15 center. There is a Montana youth treatment center located at  
 16 Billings, Montana. The function of the center is the care  
 17 and treatment of persons between the ages of 12 and 18 years  
 18 who have been found to be seriously mentally ill and who  
 19 have been appropriately evaluated and committed to the  
 20 center.

21 NEW SECTION. Section 2. No voluntary admissions --  
 22 commitment provisions. (1) There may be no voluntary  
 23 admissions or commitments to the Montana youth treatment  
 24 center. All admissions to the center must be by appropriate  
 25 district court commitment, pursuant to the provisions of

1 53-21-114 through 53-21-127.

2 (2) The duration of the initial commitment to the  
 3 treatment center is 3 months, and the commitment may be  
 4 renewed or extended pursuant to the provisions of 53-21-128  
 5 for 6 months and then yearly thereafter.

6 (3) In addition to the determination by a district  
 7 court that the individual is seriously mentally ill, as  
 8 defined by 53-21-102, an individual may not be under 12  
 9 years of age or more than 18 years of age upon the date of  
 10 his admission to the center.

11 NEW SECTION. Section 3. No commitment to Warm  
 12 Springs. No one under 18 years of age may be voluntarily  
 13 admitted or committed by a court to Warm Springs state  
 14 hospital.

15 NEW SECTION. Section 4. Treatment of delinquent youth  
 16 and youth in need of supervision. (1) If the youth court,  
 17 pursuant to 41-5-523, makes the determination that a  
 18 delinquent youth or youth in need of supervision is in need  
 19 of treatment at the Montana youth treatment center, the  
 20 court must first determine, based on testimony of a mental  
 21 health professional, whether or not the youth is also  
 22 seriously mentally ill as defined in 53-21-102.

23 (2) Upon a finding of a serious mental illness, the  
 24 court may commit a delinquent youth to the department of  
 25 institutions until he is 21 years of age, unless sooner

1 discharged, and may further indicate that it is the court's  
 2 desire that the delinquent youth be placed at the Montana  
 3 youth treatment center. Upon release or discharge from the  
 4 facility, if the youth court order has not expired, the  
 5 youth must be appropriately placed under the department of  
 6 institutions for appropriate aftercare placement and  
 7 supervision until expiration of the youth court order.

8 NEW SECTION. Section 5. Rulemaking. The department  
 9 may adopt rules concerning the operation of the Montana  
 10 youth treatment center and concerning the admission,  
 11 treatment, and discharge of patients.

12 Section 6. Section 41-5-207, MCA, is amended to read:

13 "41-5-207. Court costs and expenses. (1) The following  
 14 expenses shall be a charge upon the funds of the court or  
 15 other appropriate agency when applicable, upon their  
 16 certification by the court:

17 ~~(1)(a)~~ the costs of medical and other examinations and  
 18 treatment of a youth ordered by the court;

19 ~~(2)(b)~~ reasonable compensation for services and  
 20 related expenses for counsel appointed by the court for a  
 21 party;

22 ~~(3)(c)~~ the expenses of service of summons, notices,  
 23 subpoenas, traveling expenses of witnesses, and other like  
 24 expenses incurred in any proceeding under the Montana Youth  
 25 Court Act as provided for by law;

1 ~~(4)(d)~~ reasonable compensation of a guardian ad litem  
 2 appointed by the court; and  
 3 ~~(5)(e)~~ cost of transcripts and printing briefs on  
 4 appeal.

5 ~~(2) If treatment pursuant to subsection (1)(a) is~~  
 6 ~~ordered to be given at the Montana youth treatment center,~~  
 7 ~~costs shall be subject to reimbursement pursuant to Title~~  
 8 ~~51, Chapter 1, part 4."~~

9 Section 7. Section 41-5-403, MCA, is amended to read:

10 "41-5-403. Disposition permitted under informal  
 11 adjustment. (1) The following dispositions may be imposed by  
 12 informal adjustment:

13 (a) probation;

14 (b) placement of the youth in a licensed foster home  
 15 or other home approved by the court;

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

19 (d) transfer of legal custody of the youth to the  
 20 department of institutions, provided that such commitment  
 21 does not authorize the department of institutions to place  
 22 the youth in a state youth correctional facility, and such  
 23 commitment may not exceed a period of 6 months without a  
 24 subsequent order of the court, after notice and hearing;

25 (e) restitution upon approval of the youth court

1 judge.

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

- 5 (a) age of the youth;
- 6 (b) ability of the youth to pay;
- 7 (c) ability of the parents or legal guardian to pay;
- 8 (d) amount of damage to the victim; and
- 9 (e) legal remedies of the victim, however the ability  
10 of the victim or his insurer to stand any loss may not be  
11 considered in any case.

12 (3) If custody is given to the department of  
13 institutions under subsection (1)(d), the youth may not be  
14 committed to the Montana youth treatment center unless the  
15 commitment provisions of [section 2] are followed."

16 Section 8. Section 41-5-523, MCA, is amended to read:

17 "41-5-523. Disposition of delinquent youth and youth  
18 in need of supervision. (1) If a youth is found to be  
19 delinquent or in need of supervision, the court may enter  
20 its judgment making the following disposition:

- 21 (a) place the youth on probation;
- 22 (b) place in a licensed foster home or a home approved  
23 by the court;
- 24 (c) place the youth in a private agency responsible  
25 for the care and rehabilitation of such a youth, including

1 but not limited to a district youth guidance home;

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

9 (e) such further care and treatment or evaluation that  
10 the court considers beneficial to the youth, consistent with  
11 subsection (1)(d) of this section;

12 (f) order restitution by the youth.

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

18 (a) order the youth to be evaluated by the department  
19 of institutions for a period not to exceed 45 days of  
20 evaluation at a reception and evaluation center for youths,  
21 except that if the evaluation is to be done at the Montana  
22 youth treatment center, the commitment provisions of  
23 [section 2] must be followed and no evaluation of a youth  
24 may be done at Warm Springs State hospital; or

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

1 older whom the court considers a suitable person for  
 2 placement 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 consider 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 may 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) Except as provided in [section 4], if the custody  
 13 of a youth is transferred to the department of institutions  
 14 under subsection (1), the youth may not be committed to the  
 15 Montana youth treatment center unless the commitment  
 16 provisions of [section 2] are followed.

17 ~~(6)(7)~~ The order of commitment to the department of  
 18 institutions shall read as follows:

19 ORDER OF COMMITMENT

20 State of Montana )

21 ) ss.

22 County of ..... )

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

24 On the .... day of ...., 19... .., a minor of this  
 25 county, .... years of age, was brought before me charged

1 with ..... Upon due proof I find that .... is a suitable  
2 person to be committed to the department of institutions.

3 It is ordered that .... be committed to the department  
4 of institutions until .....

5 The names, addresses, and occupations of the parents  
6 are:

7 Name	8 Address	9 Occupation
.....	.....	.....
.....	.....	.....

10 The names and addresses of their nearest relatives are:  
11 .....  
12 .....

13 Witness my hand this .... day of ....., A.D. 19...  
14 .....  
15 Judge"

16 Section 9. Section 53-1-104, MCA, is amended to read:  
17 "53-1-104. Release of arsonist -- notification of fire  
18 marshal bureau. (1) Each of the following institutions or  
19 facilities having the charge or custody of a person  
20 convicted of arson or of a person acquitted of arson on the  
21 ground of mental disease or defect shall give written  
22 notification to the fire marshal bureau of the department of  
23 justice whenever such a person is admitted or released by  
24 it:

25 (a) Warm Springs state hospital;

1 (b) State prison;  
2 (c) Mountain View school;  
3 (d) Pine Hills school;  
4 (e) Swan River youth forest camp;  
5 (f) Any county or city detention facility; or  
6 (g) Montana youth treatment center.  
7 (2) The notification shall disclose:  
8 (a) the name of the person;  
9 (b) where the person is or will be located; and  
10 (c) the type of fire the person was involved in."  
11 Section 10. Section 53-1-202, MCA, is amended to read:  
12 "53-1-202. Institutions in department. (1) The  
13 following institutions are in the department:  
14 (a) Galen state hospital;  
15 (b) Montana veterans' home;  
16 (c) State prison;  
17 (d) Mountain View school;  
18 (e) Pine Hills school;  
19 (f) Boulder River school and hospital;  
20 (g) Warm Springs state hospital;  
21 (h) Montana center for the aged;  
22 (i) Swan River youth forest camp;  
23 (j) Eastmont training center;  
24 (k) Montana youth treatment center; and  
25 ~~the~~ (l) Any other institution which provides care and

services for juvenile delinquents, including but not limited to youth forest camps and juvenile reception and evaluation centers.

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature."

Section 11. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents subject to per diem and ancillary charges. The department shall collect and process per diem and ancillary payments for the care of residents in the following institutions:

- (1) Warm Springs state hospital;
- (2) Boulder River school and hospital;
- (3) Galen state hospital;
- (4) Montana veterans' home;
- (5) Montana center for the aged; and
- (6) Eastmont training center; and
- (7) Montana youth treatment center."

Section 12. Section 53-21-112, MCA, is amended to read:

"53-21-112. Voluntary admission of minors. (1) Notwithstanding any other provision of law, a minor who is 16 years of age or older may consent to receive mental health services to be rendered by a facility that is not a state institution or a person licensed to practice medicine

or psychology in this state.

(2) Except as provided by this section, the provisions of 53-21-111 apply to the voluntary admission of a minor to a mental health facility ~~or the state hospital but not to the state hospital or the Montana youth treatment center.~~

(3) Except as provided by this subsection, voluntary admission of a minor to a mental health facility for an inpatient course of treatment shall be for the same period of time as that for an adult. A minor voluntarily admitted shall have the right to be released within 5 days of his request as provided in 53-21-111(3). The minor himself may make such request. Unless there has been a periodic review and a voluntary readmission consented to by the minor patient and his counsel, voluntary admission terminates at the expiration of 1 year. Counsel shall be appointed for the minor at the minor's request or at any time he is faced with potential legal proceedings.

(4) If, in any application for voluntary admission for any period of time to a mental health facility, a minor fails to join in the consent of his parents or guardian to the voluntary admission, then the application for admission shall be treated as a petition for involuntary commitment. Notice of the substance of this subsection and of the right to counsel shall be set forth in conspicuous type in a conspicuous location on any form or application used for the



1 voluntary admission of a minor to a mental health facility.  
2 The notice shall be explained to the minor."

3 Section 13. Section 53-21-130, MCA, is amended to  
4 read:

5 "53-21-130. Transfer or commitment to mental health  
6 facility from other institutions. ~~(1) Except as provided in~~  
7 ~~subsection (2),~~ No person who is in the custody of the  
8 department for any purpose other than treatment of severe  
9 mental illness may be transferred or committed to a mental  
10 health facility for more than 10 days unless the transfer or  
11 commitment is effected according to the procedures set out  
12 in this part. However, proceedings for involuntary  
13 commitment may be commenced in the county of the mental  
14 health facility where the person is, in the county of the  
15 institution from which the person was transferred to the  
16 mental health facility, or in the county of the person's  
17 residence. Notice of a transfer shall be given immediately  
18 to any assigned counsel at the mental health facility and to  
19 the parents of minors, guardians, friends of respondent, or  
20 conservators, as the case may be.

21 ~~(2) No youth may be committed to the Montana youth~~  
22 ~~treatment center unless the commitment provisions of~~  
23 ~~[section 2] are followed."~~

24 Section 14. Section 53-21-164, MCA, is amended to  
25 read:

1 "53-21-164. Treatment of children and young adults. In  
2 addition to complying with all the other standards herein, a  
3 ~~mental health facility in the Montana youth treatment center~~  
4 shall make special provisions for the treatment of patients  
5 who are children and young adults. These provisions shall  
6 include but are not limited to:

7 (1) opportunities for publicly supported education  
8 suitable to the educational needs of the patient. This  
9 program of education must, in the opinion of the attending  
10 professional person, be compatible with the patient's mental  
11 condition and his treatment program and otherwise be in the  
12 patient's best interest.

13 (2) a treatment plan which considers the  
14 chronological, maturational, and developmental level of the  
15 patient;

16 (3) sufficient professional persons, teachers, and  
17 staff members with specialized skills in the care and  
18 treatment of children and young adults;

19 (4) recreation and play opportunities, in the open air  
20 where possible, and appropriate residential facilities  
21 separate, wherever possible, from older patients;

22 (5) arrangements for contact between the facility and  
23 the family of the patient."

24 Section 15. Section 53-30-211, MCA, is amended to  
25 read:

1       "53-30-211. Transfer of child to other facility or  
2       institution -- notice. ~~{1}~~ The department of institutions  
3       upon recommendation of the superintendent of a facility may  
4       transfer a child resident in one of its juvenile facilities  
5       to any other facility or institution under the jurisdiction  
6       and control of the department. However, no youth may be  
7       transferred to the Montana youth treatment center without  
8       following the commitment procedures of [section 2].

9       ~~{2}--in--the--case--of--transfers--of--children--in--juvenile~~  
10      ~~facilities--to--Warm--Springs--state--hospital--or--Boulder--River~~  
11      ~~school--and--hospital--and--unless--medical--or--psychiatric~~  
12      ~~emergency--exists,--15--days--prior--to--the--transfer--the~~  
13      ~~department--shall--send--notice--of--the--proposed--transfer--to--the~~  
14      ~~parents--or--legal--guardian--of--the--child--and--to--the--district~~  
15      ~~court--who--committed--the--child--in--the--case--of--an--emergency~~  
16      ~~transfer,--the--department--shall--send--notice--within--72--hours~~  
17      ~~after--the--time--of--transfer."~~

18      NEW SECTION. Section 16. Repealer. Section 53-30-201,  
19      MCA, is repealed.

20      NEW SECTION. Section 17. Severability. If a part of  
21      this act is invalid, all valid parts that are severable from  
22      the invalid part remain in effect. If a part of this act is  
23      invalid in one or more of its applications, the part remains  
24      in effect in all valid applications that are severable from  
25      the invalid applications.

1       NEW SECTION. Section 18. Applicability. This act  
2       shall apply 30 days after the governor declares that the  
3       Montana youth treatment center is ready for occupancy.

-End-

## STATE OF MONTANA

292-83  
REQUEST NO. \_\_\_\_\_

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 1, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 324 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:

Senate Bill 324 creates a Montana Youth Treatment Center.

ASSUMPTIONS:

- 1) Present 30-bed facility at Warm Springs will close at the end of FY 84 and population will transfer to Billings unit.
- 2) Billings unit is 60-bed facility and it is projected to be filled by January 1, 1985, with corresponding increases to staff.

FISCAL IMPACT:

The closure of the Warm Springs Childrens' Unit will reduce expenses to that facility by \$954,156 in FY 85.

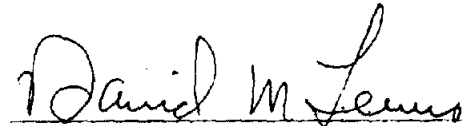
Total program cost will be \$149,113 in FY 84 and \$2,415,477 in FY 85.

The capital outlay for the building was \$2,626,000 appropriated in the 83 biennium.

Additional revenue to the general fund from federal medicaid match is \$621,589.

	<u>FY 84</u>	<u>FY 85</u>
<u>Expenditures:</u>		
Savings at Warm Springs	\$ -0-	\$ (954,156)
Cost of Operation of Billings	<u>149,113</u>	<u>2,415,477</u>
Increased Costs	<u>\$ 149,113</u>	<u>\$ 1,461,321</u>
<u>Revenue:</u>		
Increased Medicaid Match	<u>\$ -0-</u>	<u>\$ 621,589</u>
	<u>-0-</u>	<u>\$ 621,589</u>
Net General Fund Costs	<u>\$ 149,113</u>	<u>\$ 839,732</u>

FISCAL NOTE 10:CC/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-8-83

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 324

3  
4 An act to establish the Montana Youth Treatment Center,  
5 its location and functions, the creation of the necessary  
6 laws for commitment operation discharge to the Center,  
7 amending and repealing certain sections and providing an  
8 effective date.

9 Under Section 6 of the proposed bill, the Department of  
10 Institutions is granted appropriate rulemaking authority  
11 concerning the operation of the Montana Youth Treatment  
12 Center. A statement of intent is required for this bill  
13 because it grants rulemaking authority to the Department of  
14 Institutions for the purposes of admission, treatment, and  
15 discharge of youth committed to the Center. It is the intent  
16 of the legislature that the Department of Institutions under  
17 the Montana Administrative Procedures Act be given the  
18 authority to adopt rules setting the admission, treatment,  
19 transfer, and discharge requirements consistent with court  
20 commitment requirements to the new Children's Unit. It is  
21 contemplated that such rules, if adopted, will address the  
22 following:

23 a. The types and severity of psychiatric disturbance  
24 that may be appropriately treated at the Center;

25 b. The types and severity of behavioral problems that

1 may be appropriately treated at the Center;

2 c. Procedures for admission to the Center that are  
3 consistent with the due process protection of the Mental  
4 Health Act;

5 d. Establishment of standards for treatment and care  
6 that are consistent with the Mental Health Act and currently  
7 recognized professional principles of therapy;

8 e. Procedures for discharge, transfer, or conditional  
9 release from the Center that consider the treatment needs of  
10 the youth and are consistent with the Mental Health Act.

11 The department shall consult with mental health  
12 professionals generally and mental health professionals in  
13 Billings, Montana, in specific in formulating these rules  
14 and procedures.

Approved by Committee  
on State Administration

SENATE BILL NO. 324

INTRODUCED BY TOWE, REGAN, BLAYLOCK, CONOVER,  
FAGG, SANDS, WILLIAMS, HANNAH, WINSLOW, KEATING,  
BENGTSON, DRISCOLL, J. JENSEN, KITSELMAN, HAGER,  
CRIPPEN, SAUNDERS, ADDY, RAMIREZ, DOZIER  
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MONTANA  
YOUTH TREATMENT CENTER FOR THE CARE AND TREATMENT OF  
MENTALLY ILL YOUTHS BETWEEN THE AGES OF 12 AND 18 YEARS;  
AMENDING SECTIONS 41-5-207, 41-5-403, 41-5-523, 53-1-104,  
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53-30-211, MCA; REPEALING SECTION 53-30-201, MCA; AND  
PROVIDING AN APPLICABILITY SECTION."

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

~~NEW\_SECTION.~~ Section 1. Location and function of  
center. There is a Montana youth treatment center located at  
Billings, Montana. The function of the center is the care  
and treatment of persons between the ages of 12 and 18 years  
who have been found to be seriously mentally ill and who  
have been appropriately evaluated and committed to the  
center.

~~NEW\_SECTION.~~ Section 2. No voluntary admissions --  
commitment provisions. (1) There may be no voluntary

admissions or commitments to the Montana youth treatment  
center. All admissions to the center must be by appropriate  
district court commitment, pursuant to the provisions of  
53-21-114 through 53-21-127.

(2) The duration of the initial commitment to the  
treatment center is 3 months, and the commitment may be  
renewed or extended pursuant to the provisions of 53-21-128  
for 6 months and then yearly thereafter.

(3) In addition to the determination by a district  
court that the individual is seriously mentally ill, as  
defined by 53-21-102, an individual may not be under 12  
years of age or more than 18 years of age upon the date of  
his admission to the center.

~~NEW\_SECTION.~~ Section 3. No commitment to Warm  
Springs. No one under 18 years of age may be voluntarily  
admitted or committed by a court to Warm Springs state  
hospital.

~~NEW\_SECTION.~~ Section 4. Treatment of delinquent youth  
and youth in need of supervision. (1) If the youth court,  
pursuant to 41-5-523, makes the determination that a  
delinquent youth or youth in need of supervision is in need  
of treatment at the Montana youth treatment center, the  
court must first determine, based on testimony of a mental  
health professional, whether or not the youth is also  
seriously mentally ill as defined in 53-21-102.

(2) Upon a finding of a serious mental illness, the court may commit a delinquent youth to the department of institutions until he is 21 years of age, unless sooner discharged, and may further indicate that it is the court's desire that the delinquent youth be placed at the Montana youth treatment center. Upon release or discharge from the facility, if the youth court order has not expired, the youth must be appropriately placed under the department of institutions for appropriate aftercare placement and supervision until expiration of the youth court order.

**NEW SECTION.** Section 5. Rulemaking. The department may adopt rules concerning the operation of the Montana youth treatment center and concerning the admission, treatment, and discharge of patients.

Section 6. Section 41-5-207, MCA, is amended to read:

"41-5-207. Court costs and expenses. (1) The following expenses shall be a charge upon the funds of the court or other appropriate agency when applicable, upon their certification by the court:

(a) the costs of medical and other examinations and treatment of a youth ordered by the court;

(b) reasonable compensation for services and related expenses for counsel appointed by the court for a party;

(c) the expenses of service of summons, notices,

subpoenas, traveling expenses of witnesses, and other like expenses incurred in any proceeding under the Montana Youth Court Act as provided for by law;

(d) reasonable compensation of a guardian ad litem appointed by the court; and

(e) cost of transcripts and printing briefs on appeal.

~~(2) If treatment pursuant to subsection (1)(a) is ordered to be given at the Montana youth treatment center, costs shall be subject to reimbursement pursuant to Title 53, chapter 1, part 4.~~

Section 7. Section 41-5-403, MCA, is amended to read:

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

(a) probation;

(b) placement of the youth in a licensed foster home or other home approved by the court;

(c) placement of 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 of legal custody of the youth to the department of institutions, provided that such commitment does not authorize the department of institutions to place the youth in a state youth correctional facility, and such

commitment may not exceed a period of 6 months without a subsequent order of the court, after notice and hearing;

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

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

(a) age of the youth;

(b) ability of the youth to pay;

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

(d) amount of damage to the victim; and

(e) legal remedies of the victim, however the ability of the victim or his insurer to stand any loss may not be considered in any case.

~~(3) If custody is given to the department of institutions under subsection (1)(d), the youth may not be committed to the Montana youth treatment center unless the commitment provisions of [section 2] are followed."~~

Section 8. Section 41-5-523, MCA, is amended to read:

"41-5-523. 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 does not authorize the department of institutions to place the youth in a state youth correctional facility and such custody may not continue for a period of more than 6 months without a subsequent court order after notice and hearing;

(e) such further care and treatment or evaluation that the court considers beneficial to the youth, consistent with subsection (1)(d) of this section;

(f) order restitution by the youth.

(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 41-5-303 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 by the department of institutions for a period not to exceed 45 days of evaluation at a reception and evaluation center for youths, ~~except that if the evaluation is to be done at the Montana youth treatment center, the commitment provisions of~~

1 ~~[section 2] must be followed and no evaluation of a youth~~  
 2 ~~may be done at Warm Springs state hospital; or~~

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

1 returning the youth to the court shall be borne by the  
 2 county of residence of the youth.

3 (3) No youth may be committed or transferred to a  
 4 penal institution or other facility used for the execution  
 5 of sentence of adult persons convicted of crimes except as  
 6 provided by subsection (2)(b).

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

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

15 ~~(6) Except as provided in [section 4], if the custody~~  
 16 ~~of a youth is transferred to the department of institutions~~  
 17 ~~under subsection 111, the youth may not be committed to the~~  
 18 ~~Montana youth treatment center unless the commitment~~  
 19 ~~provisions of [section 2] are followed.~~

20 (6)(7) The order of commitment to the department of  
 21 institutions shall read as follows:

22 ORDER OF COMMITMENT  
 23 State of Montana )  
 24 ) ss.  
 25 County of ..... )



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

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

6 It is ordered that .... be committed to the department  
7 of institutions until .....

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

10 Name	Address	Occupation
11 .....		
12 .....		

13 The names and addresses of their nearest relatives are:

14 .....

15 .....

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

17 .....

18 Judge"

19 Section 9. Section 53-1-104, MCA, is amended to read:

20 "53-1-104. Release of arsonist -- notification of fire  
21 marshal bureau. (1) Each of the following institutions or  
22 facilities having the charge or custody of a person  
23 convicted of arson or of a person acquitted of arson on the  
24 ground of mental disease or defect shall give written  
25 notification to the fire marshal bureau of the department of

1 justice whenever such a person is admitted or released by  
2 it:

- 3 (a) Warm Springs state hospital;
- 4 (b) State prison;
- 5 (c) Mountain View school;
- 6 (d) Pine Hills school;
- 7 (e) Swan River youth forest camp;
- 8 (f) Any county or city detention facility; or
- 9 (g) Montana youth treatment center.

10 (2) The notification shall disclose:

- 11 (a) the name of the person;
- 12 (b) where the person is or will be located; and
- 13 (c) the type of fire the person was involved in."

14 Section 10. Section 53-1-202, MCA, is amended to read:

15 "53-1-202. Institutions in department. (1) The  
16 following institutions are in the department:

- 17 (a) Galen state hospital;
- 18 (b) Montana veterans' home;
- 19 (c) State prison;
- 20 (d) Mountain View school;
- 21 (e) Pine Hills school;
- 22 (f) Boulder River school and hospital;
- 23 (g) Warm Springs state hospital;
- 24 (h) Montana center for the aged;
- 25 (i) Swan River youth forest camp;

(j) Eastmont training center;

~~(k) Montana youth treatment center; and~~

~~(k)(1)~~ Any other institution which provides care and services for juvenile delinquents, including but not limited to youth forest camps and juvenile reception and evaluation centers.

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature."

Section 11. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents subject to per diem and ancillary charges. The department shall collect and process per diem and ancillary payments for the care of residents in the following institutions:

(1) Warm Springs state hospital;

(2) Boulder River school and hospital;

(3) Galen state hospital;

(4) Montana veterans' home;

(5) Montana center for the aged; and

(6) Eastmont training center; and

~~(7) Montana youth treatment center."~~

Section 12. Section 53-21-112, MCA, is amended to read:

"53-21-112. Voluntary admission of minors. (1)

Notwithstanding any other provision of law, a minor who is

16 years of age or older may consent to receive mental health services to be rendered by a facility ~~that is not a state institution~~ or a person licensed to practice medicine or psychology in this state.

(2) Except as provided by this section, the provisions of 53-21-111 apply to the voluntary admission of a minor to a mental health facility ~~or the state hospital but not to the state hospital or the Montana youth treatment center.~~

(3) Except as provided by this subsection, voluntary admission of a minor to a mental health facility for an inpatient course of treatment shall be for the same period of time as that for an adult. A minor voluntarily admitted shall have the right to be released within 5 days of his request as provided in 53-21-111(3). The minor himself may make such request. Unless there has been a periodic review and a voluntary readmission consented to by the minor patient and his counsel, voluntary admission terminates at the expiration of 1 year. Counsel shall be appointed for the minor at the minor's request or at any time he is faced with potential legal proceedings.

(4) If, in any application for voluntary admission for any period of time to a mental health facility, a minor fails to join in the consent of his parents or guardian to the voluntary admission, then the application for admission shall be treated as a petition for involuntary commitment.

1 Notice of the substance of this subsection and of the right  
2 to counsel shall be set forth in conspicuous type in a  
3 conspicuous location on any form or application used for the  
4 voluntary admission of a minor to a mental health facility.  
5 The notice shall be explained to the minor."

6 ~~Section 13. Section 53-21-130, MCA, is amended to~~  
7 ~~read:~~

8 ~~"53-21-130. Transfer or commitment to mental health~~  
9 ~~facility from other institutions. (1) Except as provided in~~  
10 ~~subsection (2), no person who is in the custody of the~~  
11 ~~department for any purpose other than treatment of severe~~  
12 ~~mental illness may be transferred or committed to a mental~~  
13 ~~health facility for more than 10 days unless the transfer or~~  
14 ~~commitment is effected according to the procedures set out~~  
15 ~~in this part. However, proceedings for involuntary~~  
16 ~~commitment may be commenced in the county of the mental~~  
17 ~~health facility where the person is in the county of the~~  
18 ~~institution from which the person was transferred to the~~  
19 ~~mental health facility, or in the county of the person's~~  
20 ~~residence. Notice of a transfer shall be given immediately~~  
21 ~~to any assigned counsel at the mental health facility and to~~  
22 ~~the parents of minors, guardians, friends of respondents, or~~  
23 ~~conservators, as the case may be.~~

24 ~~(2) No youth may be committed to the Montana youth~~  
25 ~~treatment center unless the commitment provisions of~~

1 ~~[section 23 are followed]~~

2 Section 13. Section 53-21-164, MCA, is amended to  
3 read:

4 "53-21-164. Treatment of children and young adults. In  
5 addition to complying with all the other standards herein, a  
6 ~~mental health facility the Montana youth treatment center~~  
7 shall make special provisions for the treatment of patients  
8 who are children and young adults. These provisions shall  
9 include but are not limited to:

10 (1) opportunities for publicly supported education  
11 suitable to the educational needs of the patient. This  
12 program of education must, in the opinion of the attending  
13 professional person, be compatible with the patient's mental  
14 condition and his treatment program and otherwise be in the  
15 patient's best interest.

16 (2) a treatment plan which considers the  
17 chronological, maturational, and developmental level of the  
18 patient;

19 (3) sufficient professional persons, teachers, and  
20 staff members with specialized skills in the care and  
21 treatment of children and young adults;

22 (4) recreation and play opportunities, in the open air  
23 where possible, and appropriate residential facilities  
24 separate, wherever possible, from older patients;

25 (5) arrangements for contact between the facility and

the family of the patient."

Section 14. Section 53-30-211, MCA, is amended to read:

"53-30-211. Transfer of child to other facility or institution -- notice. ~~{1}~~ The department of institutions upon recommendation of the superintendent of a facility may transfer a child resident in one of its juvenile facilities to any other facility or institution under the jurisdiction and control of the department. However, EXCEPT AS PROVIDED FOR IN 53-21-130, no youth may be transferred to the Montana youth treatment center without following the commitment procedures of [section 2].

~~{2}--in--the--case--of--transfers--of--children--in--juvenile facilities--to--Warm--Springs--state--hospital--or--Boulder--River school--and--hospital--and--unless--medical--or--psychiatric emergency--exists--15--days--prior--to--the--transfer--the department--shall--send--notice--of--the--proposed--transfer--to--the parents--or--legal--guardian--of--the--child--and--to--the--district court--who--committed--the--child--in--the--case--of--an--emergency transfer--the--department--shall--send--notice--within--72--hours after--the--time--of--transfer--"~~

NEW SECTION. Section 15. Repealer. Section 53-30-201, MCA, is repealed.

NEW SECTION. Section 16. Severability. If a part of this act is invalid, all valid parts that are severable from

the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 17. Applicability. This act shall apply 30 days after the governor declares that the Montana youth treatment center is ready for occupancy.

-End-

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 324

3  
4 An act to establish the Montana Youth Treatment Center,  
5 its location and functions, the creation of the necessary  
6 laws for commitment operation discharge to the Center,  
7 amending and repealing certain sections and providing an  
8 effective date.

9 Under Section 6 of the proposed bill, the Department of  
10 Institutions is granted appropriate rulemaking authority  
11 concerning the operation of the Montana Youth Treatment  
12 Center. A statement of intent is required for this bill  
13 because it grants rulemaking authority to the Department of  
14 Institutions for the purposes of admission, treatment, and  
15 discharge of youth committed to the Center. It is the intent  
16 of the legislature that the Department of Institutions under  
17 the Montana Administrative Procedures Act be given the  
18 authority to adopt rules setting the admission, treatment,  
19 transfer, and discharge requirements consistent with court  
20 commitment requirements to the new Children's Unit. It is  
21 contemplated that such rules, if adopted, will address the  
22 following:

23 a. The types and severity of psychiatric disturbance  
24 that may be appropriately treated at the Center;

25 b. The types and severity of behavioral problems that

1 may be appropriately treated at the Center;

2 c. Procedures for admission to the Center that are  
3 consistent with the due process protection of the Mental  
4 Health Act;

5 d. Establishment of standards for treatment and care  
6 that are consistent with the Mental Health Act and currently  
7 recognized professional principles of therapy;

8 e. Procedures for discharge, transfer, or conditional  
9 release from the Center that consider the treatment needs of  
10 the youth and are consistent with the Mental Health Act.

11 The department shall consult with mental health  
12 professionals generally and mental health professionals in  
13 Billings, Montana, in specific in formulating these rules  
14 and procedures.

## 1 SENATE BILL NO. 324

2 INTRODUCED BY TOWE, REGAN, BLAYLOCK, CONOVER,  
3 FAGG, SANDS, WILLIAMS, HANNAH, WINSLOW, KEATING,  
4 BENGTSON, DRISCOLL, J. JENSEN, KITSELMAN, HAGER,  
5 CRIPPEN, SAUNDERS, ADDY, RAMIREZ, DOZIER  
6 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS  
7

8 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MONTANA  
9 YOUTH TREATMENT CENTER FOR THE CARE AND TREATMENT OF  
10 MENTALLY ILL YOUTHS BETWEEN THE AGES OF 12 AND 18 YEARS;  
11 AMENDING SECTIONS 41-5-207, 41-5-403, 41-5-523, 53-1-104,  
12 53-1-202, 53-1-402, 53-21-112, ~~53-21-130~~, 53-21-164, AND  
13 53-30-211, MCA; REPEALING SECTION 53-30-201, MCA; AND  
14 PROVIDING AN APPLICABILITY SECTION."

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 NEW\_SECTION. Section 1. Location and function of  
18 center. There is a Montana youth treatment center located at  
19 Billings, Montana. The function of the center is the care  
20 and treatment of persons between the ages of 12 and 18 years  
21 who have been found to be seriously mentally ill and who  
22 have been appropriately evaluated and committed to the  
23 center.

24 NEW\_SECTION. Section 2. No voluntary admissions --  
25 commitment provisions. (1) There may be no voluntary

1 admissions or commitments to the Montana youth treatment  
2 center. All admissions to the center must be by appropriate  
3 district court commitment, pursuant to the provisions of  
4 53-21-114 through 53-21-127.

5 (2) The duration of the initial commitment to the  
6 treatment center is 3 months, and the commitment may be  
7 renewed or extended pursuant to the provisions of 53-21-128  
8 for 6 months and then yearly thereafter.

9 (3) In addition to the determination by a district  
10 court that the individual is seriously mentally ill, as  
11 defined by 53-21-102, an individual may not be under 12  
12 years of age or more than 18 years of age upon the date of  
13 his admission to the center.

14 NEW\_SECTION. Section 3. No commitment to Warm  
15 Springs. No one under 18 years of age may be voluntarily  
16 admitted or committed by a court to Warm Springs state  
17 hospital.

18 NEW\_SECTION. Section 4. Treatment of delinquent youth  
19 and youth in need of supervision. (1) If the youth court,  
20 pursuant to 41-5-523, makes the determination that a  
21 delinquent youth or youth in need of supervision is in need  
22 of treatment at the Montana youth treatment center, the  
23 court must first determine, based on testimony of a mental  
24 health professional, whether or not the youth is also  
25 seriously mentally ill as defined in 53-21-102.

(2) Upon a finding of a serious mental illness, the court may commit a delinquent youth to the department of institutions until he is 21 years of age, unless sooner discharged, and may further indicate that it is the court's desire that the delinquent youth be placed at the Montana youth treatment center. Upon release or discharge from the facility, if the youth court order has not expired, the youth must be appropriately placed under the department of institutions for appropriate aftercare placement and supervision until expiration of the youth court order.

**NEW SECTION.** Section 5. Rulemaking. The department may adopt rules concerning the operation of the Montana youth treatment center and concerning the admission, treatment, and discharge of patients.

Section 6. Section 41-5-207, MCA, is amended to read:

"41-5-207. Court costs and expenses. (1) The following expenses shall be a charge upon the funds of the court or other appropriate agency when applicable, upon their certification by the court:

(1)(a) the costs of medical and other examinations and treatment of a youth ordered by the court;

(2)(b) reasonable compensation for services and related expenses for counsel appointed by the court for a party;

(3)(c) the expenses of service of summons, notices,

subpoenas, traveling expenses of witnesses, and other like expenses incurred in any proceeding under the Montana Youth Court Act as provided for by law;

(4)(d) reasonable compensation of a guardian ad litem appointed by the court; and

(5)(e) cost of transcripts and printing briefs on appeal.

~~(2) If treatment pursuant to subsection (1)(a) is ordered to be given at the Montana youth treatment center, costs shall be subject to reimbursement pursuant to Title 53, chapter 1, part 4.~~

Section 7. Section 41-5-403, MCA, is amended to read:

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

(a) probation;

(b) placement of the youth in a licensed foster home or other home approved by the court;

(c) placement of 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 of legal custody of the youth to the department of institutions, provided that such commitment does not authorize the department of institutions to place the youth in a state youth correctional facility, and such

1 commitment may not exceed a period of 6 months without a  
2 subsequent order of the court, after notice and hearing;

3 (e) restitution upon approval of the youth court  
4 judge.

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

8 (a) age of the youth;

9 (b) ability of the youth to pay;

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

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

12 (e) legal remedies of the victim, however the ability  
13 of the victim or his insurer to stand any loss may not be  
14 considered in any case.

15 ~~(3) If custody is given to the department of~~  
16 ~~institutions under subsection (1)(d), the youth may not be~~  
17 ~~committed to the Montana youth treatment center unless the~~  
18 ~~commitment provisions of [section 2] are followed."~~

19 Section 8. Section 41-5-523, MCA, is amended to read:

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

24 (a) place the youth on probation;

25 (b) place in a licensed foster home or a home approved

1 by the court;

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

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

12 (e) such further care and treatment or evaluation that  
13 the court considers beneficial to the youth, consistent with  
14 subsection (1)(d) of this section;

15 (f) order restitution by the youth.

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

21 (a) order the youth to be evaluated by the department  
22 of institutions for a period not to exceed 45 days of  
23 evaluation at a reception and evaluation center for youths,  
24 ~~except that if the evaluation is to be done at the Montana~~  
25 ~~youth treatment center, the commitment provisions of~~



~~[section 2] must be followed and no evaluation of a youth may be done at Warm Springs state hospital; or~~

(b) in the case of a delinquent youth 16 years or older whom the court considers 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 facility to which the youth shall be delivered for evaluation. The court may then commit the youth to the department of institutions for a period not to exceed 45 days for the purpose of evaluation as to the youth's suitability for placement and order the youth delivered for evaluation to the youth facility designated by the director. If after the evaluation the department of institutions reports to the court that such child is suitable for placement in a youth forest camp and if there is space available at a camp, the court may then commit such child directly to the youth forest camp under the terms of commitment of this chapter. If the department of institutions reports and states the reasons to the court why the youth is not suitable for placement, the youth shall be returned to the court for such further disposition as the court may consider advisable under the provisions of this chapter. The costs of transporting the youth to the designated youth facility for evaluation and cost of

returning the youth to the court shall be borne by the county of residence of the youth.

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

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

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

~~(6) Except as provided in [section 4], if the custody of a youth is transferred to the department of institutions under subsection (1), the youth may not be committed to the Montana youth treatment center unless the commitment provisions of [section 2] are followed.~~

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

#### ORDER OF COMMITMENT

State of Montana )

) ss.

County of ..... )

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

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

6 It is ordered that .... be committed to the department  
7 of Institutions until .....

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

10 Name	Address	Occupation
11 .....		
12 .....		

13 The names and addresses of their nearest relatives are:  
14 .....  
15 .....

16 Witness my hand this .... day of ....., A.D. 19...  
17 .....  
18 Judge"

19 Section 9. Section 53-1-104, MCA, is amended to read:  
20 "53-1-104. Release of arsonist -- notification of fire  
21 marshal bureau. (1) Each of the following institutions or  
22 facilities having the charge or custody of a person  
23 convicted of arson or of a person acquitted of arson on the  
24 ground of mental disease or defect shall give written  
25 notification to the fire marshal bureau of the department of

1 justice whenever such a person is admitted or released by  
2 it:

- 3 (a) Warm Springs state hospital;
- 4 (b) State prison;
- 5 (c) Mountain View school;
- 6 (d) Pine Hills school;
- 7 (e) Swan River youth forest camp;
- 8 (f) Any county or city detention facility; or

9 (g) ~~Montana youth treatment center.~~

10 (2) The notification shall disclose:

- 11 (a) the name of the person;
- 12 (b) where the person is or will be located; and
- 13 (c) the type of fire the person was involved in."

14 Section 10. Section 53-1-202, MCA, is amended to read:  
15 "53-1-202. Institutions in department. (1) The  
16 following institutions are in the department:

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- 18 (b) Montana veterans' home;
- 19 (c) State prison;
- 20 (d) Mountain View school;
- 21 (e) Pine Hills school;
- 22 (f) Boulder River school and hospital;
- 23 (g) Warm Springs state hospital;
- 24 (h) Montana center for the aged;
- 25 (i) Swan River youth forest camp;

(j) Eastmont training center;

~~(k) Montana youth treatment center; and~~

~~(k)(1)~~ Any other institution which provides care and services for juvenile delinquents, including but not limited to youth forest camps and juvenile reception and evaluation centers.

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature."

Section 11. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents subject to per diem and ancillary charges. The department shall collect and process per diem and ancillary payments for the care of residents in the following institutions:

- (1) Warm Springs state hospital;
- (2) Boulder River school and hospital;
- (3) Galen state hospital;
- (4) Montana veterans' home;
- (5) Montana center for the aged; and
- (6) Eastmont training center; ~~and~~
- ~~(1) Montana youth treatment center."~~

Section 12. Section 53-21-112, MCA, is amended to read:

"53-21-112. Voluntary admission of minors. (1) Notwithstanding any other provision of law, a minor who is

16 years of age or older may consent to receive mental health services to be rendered by a facility that is not a state institution or a person licensed to practice medicine or psychology in this state.

(2) Except as provided by this section, the provisions of 53-21-111 apply to the voluntary admission of a minor to a mental health facility ~~or the state hospital but not to the state hospital or the Montana youth treatment center.~~

(3) Except as provided by this subsection, voluntary admission of a minor to a mental health facility for an inpatient course of treatment shall be for the same period of time as that for an adult. A minor voluntarily admitted shall have the right to be released within 5 days of his request as provided in 53-21-111(3). The minor himself may make such request. Unless there has been a periodic review and a voluntary readmission consented to by the minor patient and his counsel, voluntary admission terminates at the expiration of 1 year. Counsel shall be appointed for the minor at the minor's request or at any time he is faced with potential legal proceedings.

(4) If, in any application for voluntary admission for any period of time to a mental health facility, a minor fails to join in the consent of his parents or guardian to the voluntary admission, then the application for admission shall be treated as a petition for involuntary commitment.

1 Notice of the substance of this subsection and of the right  
2 to counsel shall be set forth in conspicuous type in a  
3 conspicuous location on any form or application used for the  
4 voluntary admission of a minor to a mental health facility.  
5 The notice shall be explained to the minor."

6 ~~Section 13. Section 53-21-130, MCA, is amended to~~  
7 ~~read:~~

8 ~~"53-21-130. Transfer or commitment to mental health~~  
9 ~~facility from other institutions: (1) Except as provided in~~  
10 ~~subsection (2), no person who is in the custody of the~~  
11 ~~department for any purpose other than treatment of severe~~  
12 ~~mental illness may be transferred or committed to a mental~~  
13 ~~health facility for more than 18 days unless the transfer or~~  
14 ~~commitment is effected according to the procedures set out~~  
15 ~~in this part. However, proceedings for involuntary~~  
16 ~~commitment may be commenced in the county of the mental~~  
17 ~~health facility where the person is in the county of the~~  
18 ~~institution from which the person was transferred to the~~  
19 ~~mental health facility or in the county of the person's~~  
20 ~~residence. Notice of a transfer shall be given immediately~~  
21 ~~to any assigned counsel at the mental health facility and to~~  
22 ~~the parents of minors, guardians, friends of respondent, or~~  
23 ~~conservators, as the case may be.~~

24 ~~(2) No youth may be committed to the Montana youth~~  
25 ~~treatment center unless the commitment provisions of~~

1 ~~{section 23} are followed"~~

2 Section 13. Section 53-21-164, MCA, is amended to  
3 read:

4 "53-21-164. Treatment of children and young adults. In  
5 addition to complying with all the other standards herein, a  
6 ~~mental health facility the Montana youth treatment center~~  
7 shall make special provisions for the treatment of patients  
8 who are children and young adults. These provisions shall  
9 include but are not limited to:

10 (1) opportunities for publicly supported education  
11 suitable to the educational needs of the patient. This  
12 program of education must, in the opinion of the attending  
13 professional person, be compatible with the patient's mental  
14 condition and his treatment program and otherwise be in the  
15 patient's best interest.

16 (2) a treatment plan which considers the  
17 chronological, maturational, and developmental level of the  
18 patient;

19 (3) sufficient professional persons, teachers, and  
20 staff members with specialized skills in the care and  
21 treatment of children and young adults;

22 (4) recreation and play opportunities, in the open air  
23 where possible, and appropriate residential facilities  
24 separate, wherever possible, from older patients;

25 (5) arrangements for contact between the facility and

1 the family of the patient."

2 Section 14. Section 53-30-211, MCA, is amended to  
3 read:

4 "53-30-211. Transfer of child to other facility or  
5 institution -- notice. (1) The department of Institutions  
6 upon recommendation of the superintendent of a facility may  
7 transfer a child resident in one of its juvenile facilities  
8 to any other facility or institution under the jurisdiction  
9 and control of the department. However, EXCEPT AS PROVIDED  
10 FOR IN 53-21-130, no youth may be transferred to the Montana  
11 youth treatment center without following the commitment  
12 procedures of (section 2).

13 ~~(2) In the case of transfers of children in juvenile~~  
14 ~~facilities to Warm Springs state hospital or Boulder River~~  
15 ~~school and hospital and unless medical or psychiatric~~  
16 ~~emergency exists 15 days prior to the transfer the~~  
17 ~~department shall send notice of the proposed transfer to the~~  
18 ~~parents or legal guardian of the child and to the district~~  
19 ~~court who committed the child in the case of an emergency~~  
20 ~~transfer the department shall send notice within 72 hours~~  
21 ~~after the time of transfer."~~

22 NEW SECTION. Section 15. Repealer. Section 53-30-201,  
23 MCA, is repealed.

24 NEW SECTION. Section 16. Severability. If a part of  
25 this act is invalid, all valid parts that are severable from

1 the invalid part remain in effect. If a part of this act is  
2 invalid in one or more of its applications, the part remains  
3 in effect in all valid applications that are severable from  
4 the invalid applications.

5 NEW SECTION. Section 17. Applicability. This act  
6 shall apply 30 days after the governor declares that the  
7 Montana youth treatment center is ready for occupancy.

-End-

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 324

3  
4 An act to establish the Montana Youth Treatment Center,  
5 its location and functions, the creation of the necessary  
6 laws for commitment operation discharge to the Center,  
7 amending and repealing certain sections and providing an  
8 effective date.

9 Under Section 6 of the proposed bill, the Department of  
10 Institutions is granted appropriate rulemaking authority  
11 concerning the operation of the Montana Youth Treatment  
12 Center. A statement of intent is required for this bill  
13 because it grants rulemaking authority to the Department of  
14 Institutions for the purposes of admission, treatment, and  
15 discharge of youth committed to the Center. It is the intent  
16 of the legislature that the Department of Institutions under  
17 the Montana Administrative Procedures Act be given the  
18 authority to adopt rules setting the admission, treatment,  
19 transfer, and discharge requirements consistent with court  
20 commitment requirements to the new Children's Unit. It is  
21 contemplated that such rules, if adopted, will address the  
22 following:

23 a. The types and severity of psychiatric disturbance  
24 that may be appropriately treated at the Center;

25 b. The types and severity of behavioral problems that

1 may be appropriately treated at the Center;

2 c. Procedures for admission to the Center that are  
3 consistent with the due process protection of the Mental  
4 Health Act;

5 d. Establishment of standards for treatment and care  
6 that are consistent with the Mental Health Act and currently  
7 recognized professional principles of therapy;

8 e. Procedures for discharge, transfer, or conditional  
9 release from the Center that consider the treatment needs of  
10 the youth and are consistent with the Mental Health Act.

11 The department shall consult with mental health  
12 professionals generally and mental health professionals in  
13 Billings, Montana, in specific in formulating these rules  
14 and procedures.

## SENATE BILL NO. 324

INTRODUCED BY TOWE, REGAN, BLAYLOCK, CONOVER,  
FAGG, SANDS, WILLIAMS, HANNAH, WINSLOW, KEATING,  
BENGTSON, DRISCOLL, J. JENSEN, KITSELMAN, HAGER,  
CRIPPEN, SAUNDERS, ADDY, RAMIREZ, DOZIER  
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MONTANA  
YOUTH TREATMENT CENTER FOR THE CARE AND TREATMENT OF  
MENTALLY ILL YOUTHS BETWEEN THE AGES OF 12 AND 18 YEARS;  
AMENDING SECTIONS 41-5-207, 41-5-403, 41-5-523, 53-1-104,  
53-1-202, 53-1-402, 53-21-112, ~~53-21-130~~, 53-21-164, AND  
53-30-211, MCA; REPEALING SECTION 53-30-201, MCA; AND  
PROVIDING AN APPLICABILITY SECTION."

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

NEW SECTION. Section 1. Location and function of  
center. There is a Montana youth treatment center located at  
Billings, Montana. The function of the center is the care  
and treatment of persons between the ages of 12 and 18 years  
who have been found to be seriously mentally ill and who  
have been appropriately evaluated and committed to the  
center.

NEW SECTION. Section 2. No voluntary admissions --  
commitment provisions. (1) There may be no voluntary

admissions or commitments to the Montana youth treatment  
center. All admissions to the center must be by appropriate  
district court commitment, pursuant to the provisions of  
53-21-114 through 53-21-127.

(2) The duration of the initial commitment to the  
treatment center is 3 months, and the commitment may be  
renewed or extended pursuant to the provisions of 53-21-128  
for 6 months and then yearly thereafter.

(3) In addition to the determination by a district  
court that the individual is seriously mentally ill, as  
defined by 53-21-102, an individual may not be under 12  
years of age or more than 18 years of age upon the date of  
his admission to the center.

NEW SECTION. Section 3. No commitment to Warm  
Springs. No one under 18 years of age may be voluntarily  
admitted or committed by a court to Warm Springs state  
hospital.

NEW SECTION. Section 4. Treatment of delinquent youth  
and youth in need of supervision. (1) If the youth court,  
pursuant to 41-5-523, makes the determination that a  
delinquent youth or youth in need of supervision is in need  
of treatment at the Montana youth treatment center, the  
court must first determine, based on testimony of a mental  
health professional, whether or not the youth is also  
seriously mentally ill as defined in 53-21-102.

(2) Upon a finding of a serious mental illness, the court may commit a delinquent youth to the department of institutions until he is 21 years of age, unless sooner discharged, and may further indicate that it is the court's desire that the delinquent youth be placed at the Montana youth treatment center. Upon release or discharge from the facility, if the youth court order has not expired, the youth must be appropriately placed under the department of institutions for appropriate aftercare placement and supervision until expiration of the youth court order.

**NEW SECTION.** Section 5. Rulemaking. The department may adopt rules concerning the operation of the Montana youth treatment center and concerning the admission, treatment, and discharge of patients.

Section 6. Section 41-5-207, MCA, is amended to read:

"41-5-207. Court costs and expenses. (1) The following expenses shall be a charge upon the funds of the court or other appropriate agency when applicable, upon their certification by the court:

(1)(a) the costs of medical and other examinations and treatment of a youth ordered by the court;

(2)(b) reasonable compensation for services and related expenses for counsel appointed by the court for a party;

(3)(c) the expenses of service of summons, notices,

subpoenas, traveling expenses of witnesses, and other like expenses incurred in any proceeding under the Montana Youth Court Act as provided for by law;

(4)(d) reasonable compensation of a guardian ad litem appointed by the court; and

(5)(e) cost of transcripts and printing briefs on appeal.

~~(2) If treatment pursuant to subsection (1)(a) is ordered to be given at the Montana youth treatment center, costs shall be subject to reimbursement pursuant to Title 53, chapter 1, part 4.~~

Section 7. Section 41-5-403, MCA, is amended to read:

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

(a) probation;

(b) placement of the youth in a licensed foster home or other home approved by the court;

(c) placement of 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 of legal custody of the youth to the department of institutions, provided that such commitment does not authorize the department of institutions to place the youth in a state youth correctional facility, and such



1 commitment may not exceed a period of 6 months without a  
2 subsequent order of the court, after notice and hearing;

3 (e) restitution upon approval of the youth court  
4 judge.

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

8 (a) age of the youth;

9 (b) ability of the youth to pay;

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

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

12 (e) legal remedies of the victim, however the ability  
13 of the victim or his insurer to stand any loss may not be  
14 considered in any case.

15 ~~(3) If custody is given to the department of~~  
16 ~~institutions under subsection (1)(d), the youth may not be~~  
17 ~~committed to the Montana youth treatment center unless the~~  
18 ~~commitment provisions of [section 2] are followed."~~

19 Section 8. Section 41-5-523, MCA, is amended to read:

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

24 (a) place the youth on probation;

25 (b) place in a licensed foster home or a home approved

1 by the court;

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

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

12 (e) such further care and treatment or evaluation that  
13 the court considers beneficial to the youth, consistent with  
14 subsection (1)(d) of this section;

15 (f) order restitution by the youth.

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

21 (a) order the youth to be evaluated by the department  
22 of institutions for a period not to exceed 45 days of  
23 evaluation at a reception and evaluation center for youths,  
24 ~~except that if the evaluation is to be done at the Montana~~  
25 ~~youth treatment center, the commitment provisions of~~

1 ~~[section 2] must be followed and no evaluation of a youth~~  
 2 ~~may be done at Warm Springs state hospital; or~~

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

1 returning the youth to the court shall be borne by the  
 2 county of residence of the youth.

3 (3) No youth may be committed or transferred to a  
 4 penal institution or other facility used for the execution  
 5 of sentence of adult persons convicted of crimes except as  
 6 provided by subsection (2)(b).

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

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

15 ~~(6) Except as provided in [section 4], if the custody~~  
 16 ~~of a youth is transferred to the department of institutions~~  
 17 ~~under subsection (1), the youth may not be committed to the~~  
 18 ~~Montana youth treatment center unless the commitment~~  
 19 ~~provisions of [section 2] are followed.~~

20 (6)(1) The order of commitment to the department of  
 21 institutions shall read as follows:

22 ORDER OF COMMITMENT  
 23 State of Montana )  
 24 ) ss.  
 25 County of ..... )

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

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

6 It is ordered that .... be committed to the department  
7 of institutions until .....

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

10 Name	Address	Occupation
11 .....		
12 .....		

13 The names and addresses of their nearest relatives are:

14 .....  
15 .....

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

17 .....  
18 Judge"

19 Section 9. Section 53-1-104, MCA, is amended to read:

20 "53-1-104. Release of arsonist -- notification of fire  
21 marshal bureau. (1) Each of the following institutions or  
22 facilities having the charge or custody of a person  
23 convicted of arson or of a person acquitted of arson on the  
24 ground of mental disease or defect shall give written  
25 notification to the fire marshal bureau of the department of

1 justice whenever such a person is admitted or released by  
2 it:

- 3 (a) Warm Springs state hospital;
- 4 (b) State prison;
- 5 (c) Mountain View school;
- 6 (d) Pine Hills school;
- 7 (e) Swan River youth forest camp;
- 8 (f) Any county or city detention facility; or
- 9 (g) Montana youth treatment center.

10 (2) The notification shall disclose:

- 11 (a) the name of the person;
- 12 (b) where the person is or will be located; and
- 13 (c) the type of fire the person was involved in."

14 Section 10. Section 53-1-202, MCA, is amended to read:

15 "53-1-202. Institutions in department. (1) The  
16 following institutions are in the department:

- 17 (a) Galen state hospital;
- 18 (b) Montana veterans' home;
- 19 (c) State prison;
- 20 (d) Mountain View school;
- 21 (e) Pine Hills school;
- 22 (f) Boulder River school and hospital;
- 23 (g) Warm Springs state hospital;
- 24 (h) Montana center for the aged;
- 25 (i) Swan River youth forest camp;

(j) Eastmont training center;

~~(k) Montana youth treatment center; and~~

~~(l) Any other institution which provides care and services for juvenile delinquents, including but not limited to youth forest camps and juvenile reception and evaluation centers.~~

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature."

Section 11. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents subject to per diem and ancillary charges. The department shall collect and process per diem and ancillary payments for the care of residents in the following institutions:

(1) Warm Springs state hospital;

(2) Boulder River school and hospital;

(3) Galen state hospital;

(4) Montana veterans' home;

(5) Montana center for the aged; and

(6) Eastmont training center; and

~~(7) Montana youth treatment center."~~

Section 12. Section 53-21-112, MCA, is amended to read:

"53-21-112. Voluntary admission of minors. (1) Notwithstanding any other provision of law, a minor who is

16 years of age or older may consent to receive mental health services to be rendered by a facility ~~that is not a state institution~~ or a person licensed to practice medicine or psychology in this state.

(2) Except as provided by this section, the provisions of 53-21-111 apply to the voluntary admission of a minor to a mental health facility ~~or the state hospital but not to the state hospital or the Montana youth treatment center.~~

(3) Except as provided by this subsection, voluntary admission of a minor to a mental health facility for an inpatient course of treatment shall be for the same period of time as that for an adult. A minor voluntarily admitted shall have the right to be released within 5 days of his request as provided in 53-21-111(3). The minor himself may make such request. Unless there has been a periodic review and a voluntary readmission consented to by the minor patient and his counsel, voluntary admission terminates at the expiration of 1 year. Counsel shall be appointed for the minor at the minor's request or at any time he is faced with potential legal proceedings.

(4) If, in any application for voluntary admission for any period of time to a mental health facility, a minor fails to join in the consent of his parents or guardian to the voluntary admission, then the application for admission shall be treated as a petition for involuntary commitment.

1 Notice of the substance of this subsection and of the right  
2 to counsel shall be set forth in conspicuous type in a  
3 conspicuous location on any form or application used for the  
4 voluntary admission of a minor to a mental health facility.  
5 The notice shall be explained to the minor."

6 ~~Section 13. Section 53-21-130, MCA, is amended to~~  
7 ~~read:~~

8 ~~"53-21-130. Transfer or commitment to mental health~~  
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22 ~~the parents of minors, guardians, friends of respondents, or~~  
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24 ~~(2) No youth may be committed to the Montana youth~~  
25 ~~treatment center unless the commitments provisions of~~

1 ~~[Section 23 is followed]~~

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5 addition to complying with all the other standards herein, a  
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8 who are children and young adults. These provisions shall  
9 include but are not limited to:

10 (1) opportunities for publicly supported education  
11 suitable to the educational needs of the patient. This  
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13 professional person, be compatible with the patient's mental  
14 condition and his treatment program and otherwise be in the  
15 patient's best interest.

16 (2) a treatment plan which considers the  
17 chronological, maturational, and developmental level of the  
18 patient;

19 (3) sufficient professional persons, teachers, and  
20 staff members with specialized skills in the care and  
21 treatment of children and young adults;

22 (4) recreation and play opportunities, in the open air  
23 where possible, and appropriate residential facilities  
24 separate, wherever possible, from older patients;

25 (5) arrangements for contact between the facility and

1 the family of the patient."

2 Section 14. Section 53-30-211, MCA, is amended to  
3 read:

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6 upon recommendation of the superintendent of a facility may  
7 transfer a child resident in one of its juvenile facilities  
8 to any other facility or institution under the jurisdiction  
9 and control of the department. ~~However, EXCEPT AS PROVIDED~~  
10 ~~FOR IN 53-21-130, no youth may be transferred to the Montana~~  
11 ~~youth treatment center without following the commitment~~  
12 ~~procedures of [section 2].~~

13 ~~{2}--in--the--case--of--transfers--of--children--in--juvenile~~  
14 ~~facilities--to--Warm--Springs--state--hospital--or--Boulder--River~~  
15 ~~school--and--hospital--and--unless--medical--or--psychiatric~~  
16 ~~emergency--exists--15--days--prior--to--the--transfer--the~~  
17 ~~department--shall--send--notice--of--the--proposed--transfer--to--the~~  
18 ~~parents--or--legal--guardian--of--the--child--and--to--the--district~~  
19 ~~court--who--committed--the--child--in--the--case--of--an--emergency~~  
20 ~~transfer--the--department--shall--send--notice--within--72--hours~~  
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23 ~~MCA, is repealed.~~

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25 ~~this act is invalid, all valid parts that are severable from~~

1 the invalid part remain in effect. If a part of this act is  
2 invalid in one or more of its applications, the part remains  
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5 ~~NEW\_SECTION. Section 17. Applicability. This act~~  
6 ~~shall apply 30 days after the governor declares that the~~  
7 ~~Montana youth treatment center is ready for occupancy.~~

-End-