

HOUSE BILL NO. 878

2/19 Introduced
2/19 Referred to State Administration
2/19 Fiscal Note Requested
2/22 Hearing
2/22 Committee Report-Bill Do Pass
2/25 2nd Reading Do Not Pass
2/25 Fiscal Note Received
2/25 Bill Killed

1 HOUSE BILL NO. 878
2 INTRODUCED BY Mirvahan Kusan

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SALE OF THE
5 BUILDING BUILT TO HOUSE THE MONTANA YOUTH TREATMENT CENTER;
6 RESTORING OR DELETING LANGUAGE STRICKEN FROM OR ADDED TO
7 STATUTES AMENDED BY CHAPTER 363, LAWS OF 1983; AMENDING
8 SECTIONS 41-5-207, 41-5-403, 41-5-523, 53-1-104, 53-1-202,
9 53-1-402, 53-21-112, 53-21-164, AND 53-30-211, MCA."

10
11 WHEREAS, the building constructed to house the Montana
12 Youth Treatment Center has been located on a site in
13 Billings poorly suited for such a facility; and

14 WHEREAS, the building constructed to house the Montana
15 Youth Treatment Center is built more like a jail than a
16 treatment center; and

17 WHEREAS, the city of Billings and Yellowstone County
18 have been in critical need of additional jail space for
19 several years, and the building constructed for the Montana
20 Youth Treatment Center could be adapted to fill such a need.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 NEW SECTION. Section 1. Sale of building housing
24 youth treatment center. The director of the department of
25 administration shall sell the building constructed to house

1 the Montana youth treatment center in Billings, Montana,
2 before June 30, 1987.

3 NEW SECTION. Section 2. Juvenile reception and
4 evaluation center. The reception and evaluation center for
5 children at the Montana state hospital, as established by
6 law, is subject to the rules adopted by the department of
7 institutions and shall accept from the juvenile courts the
8 temporary custody of any child then being held on a charge
9 under which the child could be adjudged a delinquent. For
10 the period during which children are in the custody of the
11 reception and evaluation center, it shall provide for them a
12 residential program of care and study. The center may not in
13 any event detain or hold a child in custody for a period of
14 time greater than 45 days. To assist the juvenile courts in
15 making a decision regarding disposition of the child, the
16 center shall forward recommendations to the court, including
17 a psychiatric social summary, psychological evaluation,
18 medical report, diagnostic school report, and a psychiatric
19 report prepared by a consulting psychiatrist for those for
20 whom this kind of evaluation is considered necessary.
21 Transportation to and from the reception and evaluation
22 center must be provided by the county of such child's
23 residence.

24 Section 3. Section 41-5-207, MCA, is amended to read:
25 "41-5-207. Court costs and expenses. (1) The



-2- INTRODUCED BILL
HB 878

1 following expenses shall be a charge upon the funds of the
2 court or other appropriate agency when applicable, upon
3 their certification by the court:

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

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

9 (c)(3) the expenses of service of summons, notices,
10 subpoenas, traveling expenses of witnesses, and other like
11 expenses incurred in any proceeding under the Montana Youth
12 Court Act as provided for by law;

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

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

17 (2)--if-treatment--pursuant--to--subsection--(1)(a)--is
18 ordered--to--be-given-at-the-Montana-youth-treatment-center,
19 costs-shall-be-subject-to-reimbursement--pursuant--to--Title
20 537-chapter-17-part-4."

21 Section 4. Section 41-5-403, MCA, is amended to read:

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

25 (a) probation;

1 (b) placement of the youth for substitute care into a
2 youth care facility as defined in 41-3-1102 or into a home
3 approved by the court;

4 (c) placement of the youth in a private agency
5 responsible for the care and rehabilitation of such a youth;

6 (d) transfer of legal custody to the department of
7 institutions for a period of 6 months, which period may be
8 extended for 6 months upon further order of the court after
9 notice and hearing;

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

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

15 (a) age of the youth;

16 (b) ability of the youth to pay;

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

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

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

22 (3) If the youth violates his aftercare agreement as
23 provided for in 53-30-226, he must be returned to the court
24 for further disposition. No youth may be placed in a state
25 youth correctional facility under informal adjustment.

~~(4) 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 53-21-505 are followed.~~

Section 5. 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 the youth for substitute care into a youth care facility as defined in 41-3-1102 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;

(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; or

(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, 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 53-21-505 must be followed and no evaluation of a youth may be done at Montana state hospital.~~

(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.

(4) Any order of the court may be modified at any time. In the case of a youth committed to the department of institutions, an order pertaining to the youth may be modified only upon notice to the department and subsequent hearing.

(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

1 youth.
 2 ~~(6) Except as provided in 53-21-507, if the custody of~~
 3 ~~a youth is transferred to the department of institutions~~
 4 ~~under subsection (1), the youth may not be committed to the~~
 5 ~~Montana youth treatment center unless the commitment~~
 6 ~~provisions of 53-21-505 are followed:~~

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

9 ORDER OF COMMITMENT

10 State of Montana)
 11) ss.
 12 County of)

13 In the district court for the Judicial District.

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

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

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

22 Name	Address	Occupation
23		
24		

25 The names and addresses of their nearest relatives are:

1
 2
 3 Witness my hand this day of, A.D. 19...
 4
 5 Judge"

6 Section 6. Section 53-1-104, MCA, is amended to read:
 7 "53-1-104. Release of arsonist -- notification of fire
 8 marshal bureau. (1) Each of the following institutions or
 9 facilities having the charge or custody of a person
 10 convicted of arson or of a person acquitted of arson on the
 11 ground of mental disease or defect shall give written
 12 notification to the fire marshal bureau of the department of
 13 justice whenever such a person is admitted or released by
 14 it:

- 15 (a) Montana state hospital;
- 16 (b) State prison;
- 17 (c) Mountain View school;
- 18 (d) Pine Hills school;
- 19 (e) Swan River youth forest camp; or
- 20 (f) Any county or city detention facility; or
- 21 ~~(g) Montana youth treatment center.~~

22 (2) The notification shall disclose:
 23 (a) the name of the person;
 24 (b) where the person is or will be located; and
 25 (c) the type of fire the person was involved in."

1 Section 7. Section 53-1-202, MCA, is amended to read:
 2 "53-1-202. Institutions in department. (1) The
 3 following institutions are in the department:

- 4 (a) Montana state hospital;
 5 (b) Montana veterans' home;
 6 (c) State prison;
 7 (d) Mountain View school;
 8 (e) Pine Hills school;
 9 (f) Boulder River school and hospital;
 10 (g) Montana center for the aged;
 11 (h) Swan River youth forest camp;
 12 (i) Eastmont human services center; and
 13 ~~{j}--Montana-youth-treatment-center--and~~
 14 ~~{k}{j}~~ Any other institution which provides care and
 15 services for juvenile delinquents, including but not limited
 16 to youth forest camps and juvenile reception and evaluation
 17 centers.

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

21 Section 8. Section 53-1-402, MCA, is amended to read:
 22 "53-1-402. Residents subject to per diem and ancillary
 23 charges. The department shall collect and process per diem
 24 and ancillary payments for the care of residents in the
 25 following institutions:

- 1 (1) Montana state hospital;
 2 (2) Boulder River school and hospital;
 3 (3) Montana veterans' home;
 4 (4) Montana center for the aged; and
 5 (5) Eastmont human services center; and
 6 ~~{6}--Montana-youth-treatment-center--"~~

7 Section 9. Section 53-21-112, MCA, is amended to read:

8 "53-21-112. Voluntary admission of minors. (1)
 9 Notwithstanding any other provision of law, a minor who is
 10 16 years of age or older may consent to receive mental
 11 health services to be rendered by:
 12 ~~{a}~~ a facility ~~that-is-not-a-state-institution~~; or
 13 ~~{b}~~ a person licensed to practice medicine or
 14 psychology in this state.

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

19 (3) Except as provided by this subsection, voluntary
 20 admission of a minor to a mental health facility for an
 21 inpatient course of treatment shall be for the same period
 22 of time as that for an adult. A minor voluntarily admitted
 23 shall have the right to be released within 5 days of his
 24 request as provided in 53-21-111(3). The minor himself may
 25 make such request. Unless there has been a periodic review

1 and a voluntary readmission consented to by the minor
2 patient and his counsel, voluntary admission terminates at
3 the expiration of 1 year. Counsel shall be appointed for the
4 minor at the minor's request or at any time he is faced with
5 potential legal proceedings.

6 (4) If, in any application for voluntary admission for
7 any period of time to a mental health facility, a minor
8 fails to join in the consent of his parents or guardian to
9 the voluntary admission, then the application for admission
10 shall be treated as a petition for involuntary commitment.
11 Notice of the substance of this subsection and of the right
12 to counsel shall be set forth in conspicuous type in a
13 conspicuous location on any form or application used for the
14 voluntary admission of a minor to a mental health facility.
15 The notice shall be explained to the minor."

16 Section 10. Section 53-21-164, MCA, is amended to
17 read:

18 "53-21-164. Treatment of children and young adults. In
19 addition to complying with all the other standards herein,
20 ~~the--Montana-youth-treatment-center~~ a mental health facility
21 shall make special provisions for the treatment of patients
22 who are children and young adults. These provisions shall
23 include but are not limited to:

24 (1) opportunities for publicly supported education
25 suitable to the educational needs of the patient. This

1 program of education must, in the opinion of the attending
2 professional person, be compatible with the patient's mental
3 condition and his treatment program and otherwise be in the
4 patient's best interest.

5 (2) a treatment plan which considers the
6 chronological, maturational, and developmental level of the
7 patient;

8 (3) sufficient professional persons, teachers, and
9 staff members with specialized skills in the care and
10 treatment of children and young adults;

11 (4) recreation and play opportunities, in the open air
12 where possible, and appropriate residential facilities
13 separate, wherever possible, from older patients;

14 (5) arrangements for contact between the facility and
15 the family of the patient."

16 Section 11. Section 53-30-211, MCA, is amended to
17 read:

18 "53-30-211. Transfer of child to other facility or
19 institution -- notice. (1) The department of institutions
20 upon recommendation of the superintendent of a facility may
21 transfer a child resident in one of its juvenile facilities
22 to any other facility or institution under the jurisdiction
23 and control of the department. ~~However, except as provided~~
24 ~~for in 53-21-1307, no youth may be transferred to the Montana~~
25 ~~youth--treatment--center--without--following--the--commitment~~

1 ~~procedures-of-53-21-505-~~

2 (2) In the case of transfers of children in juvenile
3 facilities to the Montana state hospital or Boulder River
4 school and hospital and unless medical or psychiatric
5 emergency exists, 15 days prior to the transfer the
6 department shall send notice of the proposed transfer to the
7 parents or legal guardian of the child and to the district
8 court that committed the child. In the case of an emergency
9 transfer, the department shall send notice within 72 hours
10 after the time of transfer."

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 479-85

Form BD-15

In compliance with a written request received February 19, 19 85, there is hereby submitted a Fiscal Note for H.B. 878 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

House Bill 878 requires the sale of the building built to house the Montana Youth Treatment Center.

ASSUMPTIONS:

1. If the Youth Treatment Center is sold then the Childrens Unit at Montana State Hospital will be kept open during next biennium.
2. The Billings Treatment Unit will not be utilized during the next biennium.
3. The capacity to treat children in state will go from 60 beds at the Youth Treatment Center to only 30 beds at the Childrens Unit at Montana State Hospital.
4. Out of state placements of children will increase significantly over current expectations.
5. Federal Funds will not be available for the Childrens Unit at the Montana State Hospital.
6. Personnel hired for Billings Treatment Unit would be dismissed, fiscal impact unknown.
7. Proceeds of the facility sale would be deposited to the General Fund and would be sufficient to call remaining bonds sold to purchase the facility.

FISCAL IMPACT:

The proposed bill would decrease beds available for the treatment of children from 60 to 30 and cost \$2,238,861 less to operate. The net impact on funding sources would be a reduction of \$2,710,014 in Federal expenditures and an increase of \$448,596 in General Fund expenditures over the biennium.

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 25, 1985

HB 878

FISCAL IMPACT: (continued)

	Current Law	FY 1986 Proposed Law	Increase (Decrease)	Current Law	FY 1987 Proposed Law	Increase (Decrease)	Biennium Increase (Decrease)
Montana Childrens Treatment Unit (Executive 60 Beds)	\$2,559,210	\$ -0-	\$(2,559,210)	\$2,552,917	\$ -0-	\$(2,552,917)	\$(5,112,127)
Montana State Hospital (30 beds) Out of state Foster Care (Subcommittee)	-0-	1,061,464	1,061,464	-0-	1,061,464	1,061,464	2,122,928
	485,687	774,609	288,922	344,813	806,229	461,416	750,338
Total Expenditures	<u>3,044,897</u>	<u>1,836,073</u>	<u>(1,208,824)</u>	<u>2,897,730</u>	<u>1,867,693</u>	<u>(1,030,037)</u>	<u>(2,238,861)</u>
Funding							
General Fund	1,746,669	1,725,009	(21,660)	1,281,838	1,752,094	470,256	448,596
Federal Fund	1,283,629	87,780	(1,195,849)	1,605,526	91,361	(1,514,165)	(2,710,014)
County Funds	14,599	23,284	8,685	10,366	24,238	13,872	22,557
TOTAL	\$3,044,897	\$1,836,073	\$(1,208,824)	\$2,897,730	\$1,867,693	\$(1,030,037)	\$(2,238,861)

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Proposed law would increase county expenditures for out of state foster care.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The proposed law would continue the Childrens Unit at the Montana State Hospital which is totally general funded, no federal funds would be utilized.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 HOUSE BILL NO. 878
2 INTRODUCED BY Merrill Kavan

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SALE OF THE
5 BUILDING BUILT TO HOUSE THE MONTANA YOUTH TREATMENT CENTER;
6 RESTORING OR DELETING LANGUAGE STRICKEN FROM OR ADDED TO
7 STATUTES AMENDED BY CHAPTER 363, LAWS OF 1983; AMENDING
8 SECTIONS 41-5-207, 41-5-403, 41-5-523, 53-1-104, 53-1-202,
9 53-1-402, 53-21-112, 53-21-164, AND 53-30-211, MCA."

10
11 WHEREAS, the building constructed to house the Montana
12 Youth Treatment Center has been located on a site in
13 Billings poorly suited for such a facility; and

14 WHEREAS, the building constructed to house the Montana
15 Youth Treatment Center is built more like a jail than a
16 treatment center; and

17 WHEREAS, the city of Billings and Yellowstone County
18 have been in critical need of additional jail space for
19 several years, and the building constructed for the Montana
20 Youth Treatment Center could be adapted to fill such a need.

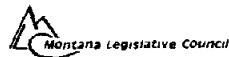
21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 NEW SECTION. Section 1. Sale of building housing
24 youth treatment center. The director of the department of
25 administration shall sell the building constructed to house

1 the Montana youth treatment center in Billings, Montana,
2 before June 30, 1987.

3 NEW SECTION. Section 2. Juvenile reception and
4 evaluation center. The reception and evaluation center for
5 children at the Montana state hospital, as established by
6 law, is subject to the rules adopted by the department of
7 institutions and shall accept from the juvenile courts the
8 temporary custody of any child then being held on a charge
9 under which the child could be adjudged a delinquent. For
10 the period during which children are in the custody of the
11 reception and evaluation center, it shall provide for them a
12 residential program of care and study. The center may not in
13 any event detain or hold a child in custody for a period of
14 time greater than 45 days. To assist the juvenile courts in
15 making a decision regarding disposition of the child, the
16 center shall forward recommendations to the court, including
17 a psychiatric social summary, psychological evaluation,
18 medical report, diagnostic school report, and a psychiatric
19 report prepared by a consulting psychiatrist for those for
20 whom this kind of evaluation is considered necessary.
21 Transportation to and from the reception and evaluation
22 center must be provided by the county of such child's
23 residence.

24 Section 3. Section 41-5-207, MCA, is amended to read:
25 "41-5-207. Court costs and expenses. (†) The



1 following expenses shall be a charge upon the funds of the
2 court or other appropriate agency when applicable, upon
3 their certification by the court:

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

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

9 (c)(3) the expenses of service of summons, notices,
10 subpoenas, traveling expenses of witnesses, and other like
11 expenses incurred in any proceeding under the Montana Youth
12 Court Act as provided for by law;

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

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

17 (2) ~~if treatment pursuant to subsection (1)(a) is~~
18 ~~ordered to be given at the Montana youth treatment center,~~
19 ~~costs shall be subject to reimbursement pursuant to Title~~
20 ~~53, chapter 17, part 4."~~

21 Section 4. Section 41-5-403, MCA, is amended to read:

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

25 (a) probation;

1 (b) placement of the youth for substitute care into a
2 youth care facility as defined in 41-3-1102 or into a home
3 approved by the court;

4 (c) placement of the youth in a private agency
5 responsible for the care and rehabilitation of such a youth;

6 (d) transfer of legal custody to the department of
7 institutions for a period of 6 months, which period may be
8 extended for 6 months upon further order of the court after
9 notice and hearing;

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

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

15 (a) age of the youth;

16 (b) ability of the youth to pay;

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

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

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

22 (3) If the youth violates his aftercare agreement as
23 provided for in 53-30-226, he must be returned to the court
24 for further disposition. No youth may be placed in a state
25 youth correctional facility under informal adjustment.

~~(4) 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 53-21-505 are followed.~~

Section 5. 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 the youth for substitute care into a youth care facility as defined in 41-3-1102 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;

(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; or

(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, 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 53-21-505 must be followed and no evaluation of a youth may be done at Montana state hospital.~~

(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.

(4) Any order of the court may be modified at any time. In the case of a youth committed to the department of institutions, an order pertaining to the youth may be modified only upon notice to the department and subsequent hearing.

(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

1 youth.
 2 ~~{6}~~ Except as provided in 53-21-507, if the custody of
 3 a youth is transferred to the department of institutions
 4 under subsection ~~{1}~~, the youth may not be committed to the
 5 Montana youth treatment center unless the commitment
 6 provisions of 53-21-505 are followed.

7 ~~{7}~~{6} The order of commitment to the department of
 8 institutions shall read as follows:

9 ORDER OF COMMITMENT

10 State of Montana)

11) ss.

12 County of)

13 In the district court for the Judicial District.

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

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

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

22 Name	Address	Occupation
23		
24		

25 The names and addresses of their nearest relatives are:

1
 2
 3 Witness my hand this day of, A.D. 19...
 4

5 Judge"

6 Section 6. Section 53-1-104, MCA, is amended to read:

7 "53-1-104. Release of arsonist -- notification of fire
 8 marshal bureau. (1) Each of the following institutions or
 9 facilities having the charge or custody of a person
 10 convicted of arson or of a person acquitted of arson on the
 11 ground of mental disease or defect shall give written
 12 notification to the fire marshal bureau of the department of
 13 justice whenever such a person is admitted or released by
 14 it:

- 15 (a) Montana state hospital;
- 16 (b) State prison;
- 17 (c) Mountain View school;
- 18 (d) Pine Hills school;
- 19 (e) Swan River youth forest camp; or
- 20 (f) Any county or city detention facility; ~~or~~
- 21 ~~{g}~~ Montana youth treatment center.

22 (2) The notification shall disclose:
 23 (a) the name of the person;
 24 (b) where the person is or will be located; and
 25 (c) the type of fire the person was involved in."

1 Section 7. Section 53-1-202, MCA, is amended to read:

2 "53-1-202. Institutions in department. (1) The
3 following institutions are in the department:

- 4 (a) Montana state hospital;
5 (b) Montana veterans' home;
6 (c) State prison;
7 (d) Mountain View school;
8 (e) Pine Hills school;
9 (f) Boulder River school and hospital;
10 (g) Montana center for the aged;
11 (h) Swan River youth forest camp;
12 (i) Eastmont human services center; and
13 ~~{j}--Montana-youth-treatment-center;-and~~

14 ~~{k}{j}~~ Any other institution which provides care and
15 services for juvenile delinquents, including but not limited
16 to youth forest camps and juvenile reception and evaluation
17 centers.

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

21 Section 8. Section 53-1-402, MCA, is amended to read:

22 "53-1-402. Residents subject to per diem and ancillary
23 charges. The department shall collect and process per diem
24 and ancillary payments for the care of residents in the
25 following institutions:

- 1 (1) Montana state hospital;
2 (2) Boulder River school and hospital;
3 (3) Montana veterans' home;
4 (4) Montana center for the aged; and
5 (5) Eastmont human services center; and
6 ~~{6}--Montana-youth-treatment-center;--~~

7 Section 9. Section 53-21-112, MCA, is amended to read:

8 "53-21-112. Voluntary admission of minors. (1)
9 Notwithstanding any other provision of law, a minor who is
10 16 years of age or older may consent to receive mental
11 health services to be rendered by:

- 12 ~~{a}~~ a facility ~~that-is-not-a-state-institution;~~ or
13 ~~{b}~~ a person licensed to practice medicine or
14 psychology in this state.

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

19 (3) Except as provided by this subsection, voluntary
20 admission of a minor to a mental health facility for an
21 inpatient course of treatment shall be for the same period
22 of time as that for an adult. A minor voluntarily admitted
23 shall have the right to be released within 5 days of his
24 request as provided in 53-21-111(3). The minor himself may
25 make such request. Unless there has been a periodic review

1 and a voluntary readmission consented to by the minor
2 patient and his counsel, voluntary admission terminates at
3 the expiration of 1 year. Counsel shall be appointed for the
4 minor at the minor's request or at any time he is faced with
5 potential legal proceedings.

6 (4) If, in any application for voluntary admission for
7 any period of time to a mental health facility, a minor
8 fails to join in the consent of his parents or guardian to
9 the voluntary admission, then the application for admission
10 shall be treated as a petition for involuntary commitment.
11 Notice of the substance of this subsection and of the right
12 to counsel shall be set forth in conspicuous type in a
13 conspicuous location on any form or application used for the
14 voluntary admission of a minor to a mental health facility.
15 The notice shall be explained to the minor."

16 Section 10. Section 53-21-164, MCA, is amended to
17 read:

18 "53-21-164. Treatment of children and young adults. In
19 addition to complying with all the other standards herein,
20 ~~the--Montana-youth-treatment-center~~ a mental health facility
21 shall make special provisions for the treatment of patients
22 who are children and young adults. These provisions shall
23 include but are not limited to:

24 (1) opportunities for publicly supported education
25 suitable to the educational needs of the patient. This

1 program of education must, in the opinion of the attending
2 professional person, be compatible with the patient's mental
3 condition and his treatment program and otherwise be in the
4 patient's best interest.

5 (2) a treatment plan which considers the
6 chronological, maturational, and developmental level of the
7 patient;

8 (3) sufficient professional persons, teachers, and
9 staff members with specialized skills in the care and
10 treatment of children and young adults;

11 (4) recreation and play opportunities, in the open air
12 where possible, and appropriate residential facilities
13 separate, wherever possible, from older patients;

14 (5) arrangements for contact between the facility and
15 the family of the patient."

16 Section 11. Section 53-30-211, MCA, is amended to
17 read:

18 "53-30-211. Transfer of child to other facility or
19 institution -- notice. (1) The department of institutions
20 upon recommendation of the superintendent of a facility may
21 transfer a child resident in one of its juvenile facilities
22 to any other facility or institution under the jurisdiction
23 and control of the department. ~~However,--except-as--provided~~
24 ~~for-in-53-21-130, no youth may be transferred to the Montana~~
25 ~~youth--treatment--center--without--following--the-commitment~~

1 ~~procedures-of-53-21-505-~~

2 (2) In the case of transfers of children in juvenile
3 facilities to the Montana state hospital or Boulder River
4 school and hospital and unless medical or psychiatric
5 emergency exists, 15 days prior to the transfer the
6 department shall send notice of the proposed transfer to the
7 parents or legal guardian of the child and to the district
8 court that committed the child. In the case of an emergency
9 transfer, the department shall send notice within 72 hours
10 after the time of transfer."

-End-