

SENATE BILL NO. 411

INTRODUCED BY TOWE, WALDRON, STEPHENS

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE SENATE

February 14, 1985	Introduced and referred to Committee on Judiciary.
February 22, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 23, 1985	Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass. Considered correctly engrossed.
February 27, 1985	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

March 7, 1985	Introduced and referred to Committee on Judiciary.
March 23, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1985	Second reading, concurred in as amended.
March 28, 1985	Third reading, concurred in. Returned to Senate with amendments.

IN THE SENATE

March 28, 1985	Received from House.
April 2, 1985	Second reading, amendments not concurred in. Ayes, 50; Noes, 0.
April 4, 1985	On motion, Conference Committee requested and appointed.
April 12, 1985	Conference Committee dissolved. On motion, Free Conference Committee requested and appointed. Free Conference Committee reported.
April 13, 1985	Free Conference Committee report adopted by House. Second reading, Free Conference Committee report adopted.
April 15, 1985	Third reading, Free Conference Committee report adopted. Ayes, 48; Noes, 1. Sent to enrolling. Reported correctly enrolled.

1 *Senate* BILL NO. *411*
 2 INTRODUCED BY *Dr. Walker STEPHEN*
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 LAWS RELATING TO THE ADMISSION AND EVALUATION OF YOUTHS AT
 7 THE MONTANA YOUTH TREATMENT CENTER AND MONTANA STATE
 8 HOSPITAL; AMENDING SECTIONS 41-5-523, 53-21-501, 53-21-505,
 9 AND 53-21-506, MCA; REPEALING SECTION 53-21-507, MCA; AND
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 41-5-523, MCA, is amended to read:
 14 "41-5-523. Disposition of delinquent youth and youth
 15 in need of supervision. (1) If a youth is found to be
 16 delinquent or in need of supervision, the court may enter
 17 its judgment making the following disposition:

- 18 (a) place the youth on probation;
- 19 (b) place the youth for substitute care into a youth
 20 care facility as defined in 41-3-1102 or a home approved by
 21 the court;
- 22 (c) place the youth in a private agency responsible
 23 for the care and rehabilitation of such a youth;
- 24 (d) transfer legal custody to the department of
 25 institutions; provided, however, that in the case of a youth

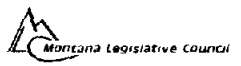
1 in need of supervision, such transfer of custody does not
 2 authorize the department of institutions to place the youth
 3 in a state youth correctional facility and such custody may
 4 not continue for a period of more than 6 months without a
 5 subsequent court order after notice and hearing;

6 (e) such further care and treatment or evaluation that
 7 the court considers beneficial to the youth; or

8 (f) order restitution by the youth.

9 (2) At any time after the youth has been taken into
 10 custody, the court may, with the consent of the youth in the
 11 manner provided in 41-5-303 for consent by a youth to waiver
 12 of his constitutional rights or after the youth has been
 13 adjudicated delinquent or in need of supervision, order the
 14 youth to be evaluated by the department of institutions for
 15 a period not to exceed 45 days of evaluation at a reception
 16 and evaluation center for youths; ~~except that if the~~
 17 ~~evaluation is to be done at the Montana youth treatment~~
 18 ~~center, the commitment provisions of 53-21-505 must be~~
 19 ~~followed and no evaluation of a youth may be done at Montana~~
 20 ~~state hospital.~~

21 (3) At any time after a youth has been taken into
 22 custody, the court may request that the youth be evaluated
 23 at the Montana youth treatment center, for a period not to
 24 exceed 60 days, for the sole purpose of advising the court
 25 as to whether the youth is seriously mentally ill, as



1 defined in 53-21-102, but the court must first find that
2 reasonable grounds exist to believe that the youth is
3 suffering from a mental disorder as defined in 53-21-102.

4 (4) No evaluation of a youth may be performed at the
5 Montana state hospital unless such youth is transferred to
6 the district court under 41-5-206.

7 ~~(3)~~(5) No youth may be committed or transferred to a
8 penal institution or other facility used for the execution
9 of sentence of adult persons convicted of crimes.

10 ~~(4)~~(6) Any order of the court may be modified at any
11 time. In the case of a youth committed to the department of
12 institutions, an order pertaining to the youth may be
13 modified only upon notice to the department and subsequent
14 hearing.

15 ~~(5)~~(7) Whenever the court vests legal custody in an
16 agency, institution, or department, it must transmit with
17 the dispositional judgment copies of a medical report and
18 such other clinical, predisposition, or other reports and
19 information pertinent to the care and treatment of the
20 youth.

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

1 (8) If the court determines that a delinquent youth or
2 youth in need of supervision is in need of treatment at the
3 Montana youth treatment center, the court must first
4 determine, based on testimony of a professional person, as
5 defined in 53-21-102, that the youth is seriously mentally
6 ill as defined in 53-21-102. The youth is entitled to all
7 rights provided by 53-21-114 through 53-21-119.

8 (9) Upon a finding of serious mental illness, the
9 court may commit a delinquent youth to the department of
10 institutions and recommend that the youth be placed at the
11 Montana youth treatment center. Upon release or discharge
12 from the center, if the court order has not expired or if
13 the youth is less than 21 years of age, he must be retained
14 under the supervision of the department until the expiration
15 of the court order or until he attains the age of 21.

16 ~~(7)~~(10) The order of commitment to the department of
17 institutions shall read as follows:

ORDER OF COMMITMENT

19 State of Montana)

20) ss.

21 County of)

22 In the district court for the Judicial District.

23 On the day of, 19..,, a minor of this
24 county, years of age, was brought before me charged
25 with, Upon due proof I find that is a suitable

1 person to be committed to the department of institutions.

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

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

6 Name	Address	Occupation
7		
8		

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

12 Witness my hand this day of, A.D. 19...
13

14 Judge"

15 Section 2. Section 53-21-501, MCA, is amended to read:

16 "53-21-501. Location and function of center. There is
17 a Montana youth treatment center located at Billings,
18 Montana. The function of the center is the care, and
19 ~~treatment of persons between the ages of 12 and 18 years who~~
20 ~~have been found to be seriously mentally ill and who have~~
21 ~~been appropriately evaluated and committed to the center,~~
22 and evaluation of individuals 18 years of age and under who
23 are committed pursuant to 53-21-505 or 41-5-523."

24 Section 3. Section 53-21-505, MCA, is amended to read:

25 "53-21-505. No voluntary admissions -- commitment

1 provisions. (1) There may be no voluntary admissions or
2 commitments to the Montana youth treatment center. All
3 admissions to the center, other than those provided for in
4 41-5-523, must be by appropriate district court commitment,
5 pursuant to the provisions of 53-21-114 through 53-21-127.

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

10 (3) In addition to the ~~determination--by--a--district~~
11 ~~court--that--the--individual--is--seriously-mentally-ill,~~ as
12 defined--by--53-21-102 commitment procedures required in
13 subsection (1), an individual may-not-be-under-12-years-of
14 age-or-more-than must be less than 18 years of age upon the
15 date of his admission to the center. Individuals under the
16 age of 12 may be admitted only pursuant to the rules
17 promulgated by the department of institutions under the
18 provisions of 53-21-502."

19 Section 4. Section 53-21-506, MCA, is amended to read:

20 "53-21-506. No commitment to Montana state hospital.
21 ~~No one under 18 years of age may be voluntarily admitted or~~
22 ~~committed--by--a--court--to--Montana--state--hospital;~~ An
23 individual less than 18 years of age may not be voluntarily
24 admitted or committed by a court to the Montana state
25 hospital unless such individual is transferred to district

1 court pursuant to 41-5-206."

2 NEW SECTION. Section 5. Repealer. Section 53-21-507,
3 MCA, is repealed.

4 NEW SECTION. Section 6. Severability. If a part of
5 this act is invalid, all valid parts that are severable from
6 the invalid part remain in effect. If a part of this act is
7 invalid in one or more of its applications, the part remains
8 in effect in all valid applications that are severable from
9 the invalid applications.

10 NEW SECTION. Section 7. Extension of authority. Any
11 existing authority of the department of social and
12 rehabilitation services or the department of institutions to
13 make rules on the subject of the provisions of this act is
14 extended to the provisions of this act.

15 NEW SECTION. Section 8. Effective date. This act is
16 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

1 STATEMENT OF INTENT
2 SENATE BILL 411
3 Senate Judiciary Committee
4

5 A statement of intent is needed for this bill because
6 section 3 grants rulemaking authority to the department of
7 institutions.

8 The rules should address the following:

9 (1) the need of the child for intensive inpatient
10 mental health treatment in a psychiatric hospital setting;

11 (2) the ability of the center to provide the needed
12 treatment;

13 (3) the ability of the center to provide for the
14 child's safety and security;

15 (4) the unavailability of other treatment options; and

16 (5) whenever proper and in the best interests of the
17 child, segregation of persons under the age of 12 from
18 remaining patients should be considered.

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10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 41-5-523, MCA, is amended to read:

14 "41-5-523. Disposition of delinquent youth and youth
15 in need of supervision. (1) If a youth is found to be
16 delinquent or in need of supervision, the court may enter
17 its judgment making the following disposition:

18 (a) place the youth on probation;

19 (b) place the youth for substitute care into a youth
20 care facility as defined in 41-3-1102 or a home approved by
21 the court;

22 (c) place the youth in a private agency responsible
23 for the care and rehabilitation of such a youth;

24 (d) transfer legal custody to the department of
25 institutions; provided, however, that in the case of a youth

1 in need of supervision, such transfer of custody does not
2 authorize the department of institutions to place the youth
3 in a state youth correctional facility and such custody may
4 not continue for a period of more than 6 months without a
5 subsequent court order after notice and hearing;

6 (e) such further care and treatment or evaluation that
7 the court considers beneficial to the youth; or

8 (f) order restitution by the youth.

9 (2) At any time after the youth has been taken into
10 custody, the court may, with the consent of the youth in the
11 manner provided in 41-5-303 for consent by a youth to waiver
12 of his constitutional rights or after the youth has been
13 adjudicated delinquent or in need of supervision, order the
14 youth to be evaluated by the department of institutions for
15 a period not to exceed 45 days of evaluation at a reception
16 and evaluation center for youths;--except--that--if--the
17 evaluation-is-to-be-done--at--the--Montana--youth--treatment
18 center;--the--commitment--provisions--of--53-21-505--must-be
19 followed-and-no-evaluation-of-a-youth-may-be-done-at-Montana
20 state-hospital.

21 (3) At any time after a youth has been taken into
22 custody, the court may request that the youth be evaluated
23 at the Montana youth treatment center, for a period not to
24 exceed 60 days, for the sole purpose of advising the court
25 as to whether the youth is seriously mentally ill, as

1 defined in 53-21-102, but the court must first find that
2 reasonable grounds exist to believe that the youth is
3 suffering from a mental disorder as defined in 53-21-102.

4 (4) No evaluation of a youth may be performed at the
5 Montana state hospital unless such youth is transferred to
6 the district court under 41-5-206.

7 (3)(5) No youth may be committed or transferred to a
8 penal institution or other facility used for the execution
9 of sentence of adult persons convicted of crimes.

10 (4)(6) Any order of the court may be modified at any
11 time. In the case of a youth committed to the department of
12 institutions, an order pertaining to the youth may be
13 modified only upon notice to the department and subsequent
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15 (5)(7) Whenever the court vests legal custody in an
16 agency, institution, or department, it must transmit with
17 the dispositional judgment copies of a medical report and
18 such other clinical, predisposition, or other reports and
19 information pertinent to the care and treatment of the
20 youth.

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

1 (8) If the court determines that a delinquent youth or
2 youth in need of supervision is in need of treatment at the
3 Montana youth treatment center, the court must first
4 determine, based on testimony of a professional person, as
5 defined in 53-21-102, that the youth is seriously mentally
6 ill as defined in 53-21-102. The youth is entitled to all
7 rights provided by 53-21-114 through 53-21-119.

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15 of the court order or until he attains the age of 21.

16 (7)(10) The order of commitment to the department of
17 institutions shall read as follows:

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24 county, years of age, was brought before me charged
25 with, Upon due proof I find that is a suitable

1 person to be committed to the department of institutions.

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17 a Montana youth treatment center located at Billings,
18 Montana. The function of the center is the care, and
19 treatment of persons between the ages of 12 and 18 years who
20 have been found to be seriously mentally ill and who have
21 been appropriately evaluated and committed to the center,
22 and evaluation of individuals 18 years of age and under who
23 are committed pursuant to 53-21-505 or 41-5-523. THE CENTER
24 IS A MENTAL HEALTH FACILITY AS DEFINED IN 53-21-102(6)."

25 Section 3. Section 53-21-505, MCA, is amended to read:

1 "53-21-505. No voluntary admissions -- commitment
2 provisions. (1) There may be no voluntary admissions or
3 commitments to the Montana youth treatment center. All
4 admissions to the center, other than those provided for in
5 41-5-523, must be by appropriate district court commitment,
6 pursuant to the provisions of 53-21-114 through 53-21-127.

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

11 (3) In addition to the ~~determination by a district~~
12 ~~court that the individual is seriously mentally ill, as~~
13 ~~defined by 53-21-102~~ commitment procedures required in
14 subsection (1), an individual ~~may not be under 12 years of~~
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16 date of his admission to the center. Individuals under the
17 age of 12 may be admitted only pursuant to the rules
18 promulgated by the department of institutions under the
19 provisions of 53-21-502."

20 Section 4. Section 53-21-506, MCA, is amended to read:
21 "53-21-506. No commitment to Montana state hospital.
22 ~~No one under 18 years of age may be voluntarily admitted or~~
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24 individual less than 18 years of age may not be voluntarily
25 admitted or committed by a court to the Montana state

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4 MCA, is repealed.

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13 rehabilitation services or the department of institutions to
14 make rules on the subject of the provisions of this act is
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16 NEW SECTION. Section 8. Effective date. This act is
17 effective on passage and approval.

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14 child's safety and security;

15 (4) the unavailability of other treatment options; and

16 (5) whenever proper and in the best interests of the
17 child, segregation of persons under the age of 12 from
18 remaining patients should be considered.

THIRD READING

SB 411

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3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

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10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

13 Section 1. Section 41-5-523, MCA, is amended to read:

14 "41-5-523. Disposition of delinquent youth and youth
15 in need of supervision. (1) If a youth is found to be
16 delinquent or in need of supervision, the court may enter
17 its judgment making the following disposition:

18 (a) place the youth on probation;

19 (b) place the youth for substitute care into a youth
20 care facility as defined in 41-3-1102 or a home approved by
21 the court;

22 (c) place the youth in a private agency responsible
23 for the care and rehabilitation of such a youth;

24 (d) transfer legal custody to the department of
25 institutions; provided, however, that in the case of a youth

1 in need of supervision, such transfer of custody does not
2 authorize the department of institutions to place the youth
3 in a state youth correctional facility and such custody may
4 not continue for a period of more than 6 months without a
5 subsequent court order after notice and hearing;

6 (e) such further care and treatment or evaluation that
7 the court considers beneficial to the youth; or

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10 custody, the court may, with the consent of the youth in the
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18 center--the--commitment--provisions--of--53-21-505--must-be
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1 defined in 53-21-102, but the court must first find that
2 reasonable grounds exist to believe that the youth is
3 suffering from a mental disorder as defined in 53-21-102.

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5 Montana state hospital unless such youth is transferred to
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2 youth in need of supervision is in need of treatment at the
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5 are:

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9 The names and addresses of their nearest relatives are:
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12 Witness my hand this day of, A.D. 19...

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14 Judge"

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24 IS A MENTAL HEALTH FACILITY AS DEFINED IN 53-21-102(6)."

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8 treatment center is 3 months, and the commitment may be
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16 date of his admission to the center. Individuals under the
17 age of 12 may be admitted only pursuant to the rules
18 promulgated by the department of institutions under the
19 provisions of 53-21-502."

20 Section 4. Section 53-21-506, MCA, is amended to read:

21 "53-21-506. No commitment to Montana state hospital.
22 ~~No one under 18 years of age may be voluntarily admitted or~~
23 ~~committed by a court to Montana state hospital. An~~
24 individual less than 18 years of age may not be voluntarily
25 admitted or committed by a court to the Montana state

1 hospital unless such individual is transferred to district
2 court pursuant to 41-5-206."

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9 in effect in all valid applications that are severable from
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13 rehabilitation services or the department of institutions to
14 make rules on the subject of the provisions of this act is
15 extended to the provisions of this act.

16 NEW SECTION. Section 8. Effective date. This act is
17 effective on passage and approval.

-End-

STANDING COMMITTEE REPORT

HOUSE

March 22 19 85

MR. Speaker:

We, your committee on Judiciary

having had under consideration Senate Bill No. 411

Third reading copy (Blue)
color

ADMISSION AND TREATMENT OF YOUTHS TO STATE TREATMENT CENTER AND HOSPITAL

Respectfully report as follows: That Senate Bill No. 411

be amended as follows:

1. Strike: statement of intent in its entirety.
2. Page 5, line 22.
Following: "individuals"
Strike: "18 years of age and under"
Insert: "who are 12 years of age or older and under 19 years of age"
3. Page 6, line 15.
Following: "than"
Strike: "must be less than"
Insert: "may not be under 12 years of age or more than"
4. Page 6, line 16.
Following: "center."
Strike: "Individuals" through "53-21-502." on line 19.

~~XXXXXX~~ 7/22

AND AS AMENDED,
BE CONCURRED IN

Tom Hannah
REP. TOM HANNAH Chairman.

COMMITTEE OF THE WHOLE AMENDMENT

3261600b.cw

HOUSE

3-26-85
DATE

4:00
TIME

MR. CHAIRMAN: I MOVE TO AMEND Senate Bill No. 411

3rd reading copy (blue) as follows:
Color

- 1. Page 6, line 10.
- Strike: "then yearly thereafter"
- Insert: "further extensions may be obtained under the same procedures as 53-21-128(2)"

ADOPT

REJECT

1 STATEMENT OF INTENT

2 SENATE BILL 411

3 Senate Judiciary Committee

4
5 ~~A statement of intent is needed for this bill because~~
6 ~~section 3 grants rulemaking authority to the department of~~
7 ~~institutions.~~

8 ~~The rules should address the following:~~

9 ~~(1) the need of the child for intensive inpatient~~
10 ~~mental health treatment in a psychiatric hospital setting;~~

11 ~~(2) the ability of the center to provide the needed~~
12 ~~treatment;~~

13 ~~(3) the ability of the center to provide for the~~
14 ~~child's safety and security;~~

15 ~~(4) the unavailability of other treatment options; and~~

16 ~~(5) whenever proper and in the best interests of the~~
17 ~~child, segregation of persons under the age of 12 from~~
18 ~~remaining patients should be considered.~~

SENATE BILL NO. 411

INTRODUCED BY TOWE, WALDRON, STEPHENS

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE ADMISSION AND EVALUATION OF YOUTHS AT THE MONTANA YOUTH TREATMENT CENTER AND MONTANA STATE HOSPITAL; AMENDING SECTIONS 41-5-523, 53-21-501, 53-21-505, AND 53-21-506, MCA; REPEALING SECTION 53-21-507, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. 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) At any time after a youth has been taken into custody, the court may request that the youth be evaluated at the Montana youth treatment center, for a period not to exceed 60 days, for the sole purpose of advising the court as to whether the youth is seriously mentally ill, as

1 defined in 53-21-102, but the court must first find that
2 reasonable grounds exist to believe that the youth is
3 suffering from a mental disorder as defined in 53-21-102.

4 (4) No evaluation of a youth may be performed at the
5 Montana state hospital unless such youth is transferred to
6 the district court under 41-5-206.

7 (5) No youth may be committed or transferred to a
8 penal institution or other facility used for the execution
9 of sentence of adult persons convicted of crimes.

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

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

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

1 (8) If the court determines that a delinquent youth or
2 youth in need of supervision is in need of treatment at the
3 Montana youth treatment center, the court must first
4 determine, based on testimony of a professional person, as
5 defined in 53-21-102, that the youth is seriously mentally
6 ill as defined in 53-21-102. The youth is entitled to all
7 rights provided by 53-21-114 through 53-21-119.

8 (9) Upon a finding of serious mental illness, the
9 court may commit a delinquent youth to the department of
10 institutions and recommend that the youth be placed at the
11 Montana youth treatment center. Upon release or discharge
12 from the center, if the court order has not expired or if
13 the youth is less than 21 years of age, he must be retained
14 under the supervision of the department until the expiration
15 of the court order or until he attains the age of 21.

16 (10) The order of commitment to the department of
17 institutions shall read as follows:

18 ORDER OF COMMITMENT
19 State of Montana)
20) ss.
21 County of)

22 In the district court for the Judicial District.
23 On the day of, 19...,, a minor of this
24 county, years of age, was brought before me charged
25 with, Upon due proof I find that is a suitable

1 person to be committed to the department of institutions.

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

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

Name	Address	Occupation
.....
.....

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

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

15 Section 2. Section 53-21-501, MCA, is amended to read:
16 "53-21-501. Location and function of center. There is
17 a Montana youth treatment center located at Billings,
18 Montana. The function of the center is the care, and
19 treatment of persons between the ages of 12 and 18 years who
20 have been found to be seriously mentally ill and who have
21 been appropriately evaluated and committed to the center,
22 and evaluation of individuals 18 years of age and under WHO
23 ARE 12 YEARS OF AGE OR OLDER AND UNDER 19 YEARS OF AGE who
24 are committed pursuant to 53-21-505 or 41-5-523. THE CENTER
25 IS A MENTAL HEALTH FACILITY AS DEFINED IN 53-21-102(6)."

1 Section 3. Section 53-21-505, MCA, is amended to read:

2 "53-21-505. No voluntary admissions -- commitment
3 provisions. (1) There may be no voluntary admissions or
4 commitments to the Montana youth treatment center. All
5 admissions to the center, other than those provided for in
6 41-5-523, must be by appropriate district court commitment,
7 pursuant to the provisions of 53-21-114 through 53-21-127.

8 (2) The duration of the initial commitment to the
9 treatment center is 3 months, and the commitment may be
10 renewed or extended pursuant to the provisions of 53-21-128
11 for 6 months, and then yearly thereafter FURTHER EXTENSIONS
12 MAY BE OBTAINED UNDER THE SAME PROCEDURES AS 53-21-128(2).

13 (3) In addition to the determination by a district
14 court that the individual is seriously mentally ill, as
15 defined by 53-21-102 commitment procedures required in
16 subsection (1), an individual may not be under 12 years of
17 age or more than must be less than MAY NOT BE UNDER 12 YEARS
18 OF AGE OR MORE THAN 18 years of age upon the date of his
19 admission to the center. Individuals under the age of 12 may
20 be admitted only pursuant to the rules promulgated by the
21 department of institutions under the provisions of
22 53-21-502."

23 Section 4. Section 53-21-506, MCA, is amended to read:

24 "53-21-506. No commitment to Montana state hospital.
25 No one under 18 years of age may be voluntarily admitted or

1 ~~committed---by---a---court---to---Montana---state---hospital.~~ An
2 individual less than 18 years of age may not be voluntarily
3 admitted or committed by a court to the Montana state
4 hospital unless such individual is transferred to district
5 court pursuant to 41-5-206."

6 NEW SECTION. Section 5. Repealer. Section 53-21-507,
7 MCA, is repealed.

8 NEW SECTION. Section 6. Severability. If a part of
9 this act is invalid, all valid parts that are severable from
10 the invalid part remain in effect. If a part of this act is
11 invalid in one or more of its applications, the part remains
12 in effect in all valid applications that are severable from
13 the invalid applications.

14 NEW SECTION. Section 7. Extension of authority. Any
15 existing authority of the department of social and
16 rehabilitation services or the department of institutions to
17 make rules on the subject of the provisions of this act is
18 extended to the provisions of this act.

19 NEW SECTION. Section 8. Effective date. This act is
20 effective on passage and approval.

-End-

CONFERENCE COMMITTEE REPORT

Report No. 1

APR 12, 1985

MR. SPEAKER

We, your FREE Conference Committee on

SENATE BILL NO. 411, reference copy,

met and considered , on April 12, 1985, Senate Bill No. 411 in its
entirety.

We recommend as follows:

That SENATE BILL NO. 411, reference copy, be amended as follows:

1. Page 6, line 16.
Following: "individual"
Insert: "must be at least 12 years of age, but less than"
2. Page 6, lines 17 and 18.
Following: "than"
Strike: "MAY NOT BE UNDER 12 YEARS OF AGE OR MORE THAN"

FCCSB411

And that this Conference Committee report be adopted.

FOR THE SENATE

Thomas E. Towe
TOWE

William P. Yellowtail, Jr.
YELLOWTAIL

Jack C. Galt
GALT

FOR THE HOUSE

Dorothy Bradley
BRADLEY

John Cobb
COBB

Ralph Eudaily
EUDAILY

James Keenan

1 STATEMENT OF INTENT

2 SENATE BILL 411

3 Senate Judiciary Committee

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5 A statement of intent is needed for this bill because
6 section 3 grants rulemaking authority to the department of
7 institutions.

8 The rules should address the following:

9 (1) the need of the child for intensive inpatient
10 mental health treatment in a psychiatric hospital setting;

11 (2) the ability of the center to provide the needed
12 treatment;

13 (3) the ability of the center to provide for the
14 child's safety and security;

15 (4) the unavailability of other treatment options; and

16 (5) whenever proper and in the best interests of the
17 child, segregation of persons under the age of 12 from
18 remaining patients should be considered.

SB 411
REFERENCE BILL: Includes Fr
Conference Committee Report
Dated 4-12-85

1 SENATE BILL NO. 411
 2 INTRODUCED BY TOWE, WALDRON, STEPHENS
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 LAWS RELATING TO THE ADMISSION AND EVALUATION OF YOUTHS AT
 7 THE MONTANA YOUTH TREATMENT CENTER AND MONTANA STATE
 8 HOSPITAL; AMENDING SECTIONS 41-5-523, 53-21-501, 53-21-505,
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 15 in need of supervision. (1) If a youth is found to be
 16 delinquent or in need of supervision, the court may enter
 17 its judgment making the following disposition:

- 18 (a) place the youth on probation;
- 19 (b) place the youth for substitute care into a youth
 20 care facility as defined in 41-3-1102 or a home approved by
 21 the court;
- 22 (c) place the youth in a private agency responsible
 23 for the care and rehabilitation of such a youth;
- 24 (d) transfer legal custody to the department of
 25 institutions; provided, however, that in the case of a youth

1 in need of supervision, such transfer of custody does not
 2 authorize the department of institutions to place the youth
 3 in a state youth correctional facility and such custody may
 4 not continue for a period of more than 6 months without a
 5 subsequent court order after notice and hearing;

6 (e) such further care and treatment or evaluation that
 7 the court considers beneficial to the youth; or

8 (f) order restitution by the youth.

9 (2) At any time after the youth has been taken into
 10 custody, the court may, with the consent of the youth in the
 11 manner provided in 41-5-303 for consent by a youth to waiver
 12 of his constitutional rights or after the youth has been
 13 adjudicated delinquent or in need of supervision, order the
 14 youth to be evaluated by the department of institutions for
 15 a period not to exceed 45 days of evaluation at a reception
 16 and evaluation center for youths, ~~except that if the~~
 17 ~~evaluation is to be done at the Montana youth treatment~~
 18 ~~center, the commitment provisions of 53-21-505 must be~~
 19 ~~followed and no evaluation of a youth may be done at Montana~~
 20 ~~state hospital.~~

21 (3) At any time after a youth has been taken into
 22 custody, the court may request that the youth be evaluated
 23 at the Montana youth treatment center, for a period not to
 24 exceed 60 days, for the sole purpose of advising the court
 25 as to whether the youth is seriously mentally ill, as

1 defined in 53-21-102, but the court must first find that
2 reasonable grounds exist to believe that the youth is
3 suffering from a mental disorder as defined in 53-21-102.

4 (4) No evaluation of a youth may be performed at the
5 Montana state hospital unless such youth is transferred to
6 the district court under 41-5-206.

7 (3)(5) No youth may be committed or transferred to a
8 penal institution or other facility used for the execution
9 of sentence of adult persons convicted of crimes.

10 (4)(6) Any order of the court may be modified at any
11 time. In the case of a youth committed to the department of
12 institutions, an order pertaining to the youth may be
13 modified only upon notice to the department and subsequent
14 hearing.

15 (5)(7) Whenever the court vests legal custody in an
16 agency, institution, or department, it must transmit with
17 the dispositional judgment copies of a medical report and
18 such other clinical, predisposition, or other reports and
19 information pertinent to the care and treatment of the
20 youth.

21 ~~(6) Except as provided in 53-21-507, if the custody of~~
22 ~~a youth is transferred to the department of institutions~~
23 ~~under subsection (1), the youth may not be committed to the~~
24 ~~Montana youth treatment center unless the commitment~~
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2 youth in need of supervision is in need of treatment at the
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16 (7)(10) The order of commitment to the department of
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18 State of Montana)

19) ss.

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21 In the district court for the Judicial District.

22 On the day of, 19..,, a minor of this
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1 person to be committed to the department of institutions.
2 It is ordered that be committed to the department
3 of institutions until

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

6 Name	7 Address	8 Occupation
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12 The names and addresses of their nearest relatives are:
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14 Witness my hand this day of, A.D. 19...
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16 Judge"

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19 a Montana youth treatment center located at Billings,
20 Montana. The function of the center is the care, and
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22 have been found to be seriously mentally ill and who have
23 been appropriately evaluated and committed to the center,
24 and evaluation of individuals 18 years of age and under WHO
25 ARE 12 YEARS OF AGE OR OLDER AND UNDER 19 YEARS OF AGE who
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18 OF-AGE-OR-MORE-THAN MUST BE AT LEAST 12 YEARS OF AGE BUT
19 LESS THAN 18 years of age upon the date of his admission to
20 the center. Individuals-under-the-age-of-12-may-be--admitted
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22 institutions-under-the-provisions-of-53-21-502."

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3 admitted or committed by a court to the Montana state
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11 invalid in one or more of its applications, the part remains
12 in effect in all valid applications that are severable from
13 the invalid applications.

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15 existing authority of the department of social and
16 rehabilitation services or the department of institutions to
17 make rules on the subject of the provisions of this act is
18 extended to the provisions of this act.

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20 effective on passage and approval.

-End-