

HOUSE BILL NO. 627

INTRODUCED BY STRIZICH, HALLIGAN, NISBET, BULGER, MILLER,
WALKER, HAFHEY, MANNING, QUILICI, HANSEN, PHILLIPS,
VAN VALKENBURG, JENKINS

IN THE HOUSE

FEBRUARY 5, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 11, 1987	ON MOTION BY CHIEF SPONSOR, SENATOR VAN VALKENBURG AND REPRESENTATIVES PHILLIPS AND JENKINS ADDED AS SPONSORS.
FEBRUARY 16, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1987	PRINTING REPORT.
FEBRUARY 18, 1987	SECOND READING, DO PASS AS AMENDED. ON MOTION, TAKEN FROM ENGROSSING AND REREFERRED TO COMMITTEE ON APPROPRIATIONS.
FEBRUARY 19, 1987	ENGROSSING REPORT.
MARCH 30, 1987	ON MOTION, TAKEN FROM COMMITTEE ON APPROPRIATIONS AND PLACED ON SECOND READING.
APRIL 1, 1987	SECOND READING, DO PASS. ENGROSSING REPORT. ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY. THIRD READING, PASSED. AYES, 71; NOES, 23. TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 9, 1987 ON MOTION, RULES SUSPENDED TO ALLOW
RECEIPT OF HB NO. 627.

APRIL 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE & SAFETY.

APRIL 17, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 20, 1987 SECOND READING, CONCURRED IN.

APRIL 21, 1987 THIRD READING, CONCURRED IN.
AYES, 44; NOES, 5.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 21, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

1
 2 INTRODUCTION BY *House* BILL NO. *627*
 3 *Miller* *Walker* *Richard* *Hanning* *Levine*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE

5 DEPARTMENT OF INSTITUTIONS TO ESTABLISH AND MAINTAIN TWO
 6 ADDITIONAL YOUTH EVALUATION PROGRAMS; PROHIBITING AN
 7 EVALUATION OF A YOUTH FROM BEING PERFORMED AT MOUNTAIN VIEW
 8 SCHOOL OR PINE HILLS SCHOOL EXCEPT UNDER CERTAIN
 9 CIRCUMSTANCES; AND AMENDING SECTION 41-5-523, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Department of institutions to
 13 establish two youth evaluation programs. (1) The department
 14 of institutions shall provide for two youth evaluation
 15 programs, in addition to the youth evaluation program in
 16 Great Falls, to conduct comprehensive evaluations of youths
 17 ordered by a youth court. The programs must be located in
 18 geographically strategic locations in the state to best
 19 serve the youths and families in need of these services.
 20 Each program must be capable of serving 10 to 15 youths at
 21 any one time.

22 (2) In addition to providing services to youths
 23 requiring evaluations, each program established under
 24 subsection (1) may provide detention services for up to five
 25 youths alleged to be delinquent youths. The county

1 determined by the youth court as the residence of a detained
 2 youth is responsible for the cost of detention, including
 3 medical expenses incurred during detention.

4 Section 2. Section 41-5-523, MCA, is amended to read:
 5 "41-5-523. Disposition of delinquent youth and youth
 6 in need of supervision. (1) If a youth is found to be
 7 delinquent or in need of supervision, the court may enter
 8 its judgment making the following disposition:

- 9 (a) place the youth on probation;
- 10 (b) place the youth for substitute care into a youth
 11 care facility as defined in 41-3-1102 or a home approved by
 12 the court;
- 13 (c) place the youth in a private agency responsible
 14 for the care and rehabilitation of such a youth;
- 15 (d) transfer legal custody to the department of
 16 institutions; provided, however, that in the case of a youth
 17 in need of supervision, such transfer of custody does not
 18 authorize the department of institutions to place the youth
 19 in a state youth correctional facility and such custody may
 20 not continue for a period of more than 6 months without a
 21 subsequent court order after notice and hearing;
- 22 (e) such further care and treatment or evaluation that
 23 the court considers beneficial to the youth; or
- 24 (f) order restitution by the youth.
- 25 (2) At any time after the youth has been taken into



1 custody, the court may, with the consent of the youth in the
 2 manner provided in 41-5-303 for consent by a youth to waiver
 3 of his constitutional rights or after the youth has been
 4 adjudicated delinquent or in need of supervision, order the
 5 youth to be evaluated by the department of institutions for
 6 a period not to exceed 45 days of evaluation at a reception
 7 and evaluation center for youths.

8 (3) No evaluation of a youth may be performed at the
 9 Montana state hospital, mountain view school, or pine hills
 10 school unless such youth is transferred to the district
 11 court under 41-5-206.

12 (4) If the court finds that placement in a youth care
 13 facility other than a youth group home or youth foster home
 14 is necessary and in the best interests of the youth and the
 15 community, the court shall determine if the youth can
 16 receive appropriate treatment in a youth care facility
 17 located in Montana as follows:

18 (a) If the court finds the youth can receive
 19 appropriate treatment in a youth care facility located in
 20 Montana that will accept the youth, the court may not place
 21 the youth in a youth care facility located outside this
 22 state unless an out-of-state facility can provide
 23 appropriate treatment that:

24 (i) can be obtained at a cost less than that offered
 25 by any available facility in this state; and

1 (ii) is available in closer proximity to the youth's
 2 place of residence than any facility located in this state.

3 (b) When the department of social and rehabilitation
 4 services is ordered to pay the costs of caring for the child
 5 in a youth care facility other than a youth foster home or
 6 youth group home, the court shall provide the department at
 7 least 5 days' written notice and opportunity to be heard
 8 before ordering the placement of the youth.

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

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

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

23 (8) The order of commitment to the department of
 24 institutions shall read as follows:

25 ORDER OF COMMITMENT

1 State of Montana)
2) ss.
3 County of)

4 In the district court for the Judicial District.
5 On the day of, 19..,, a minor of this
6 county, years of age, was brought before me charged
7 with, Upon due proof I find that is a suitable
8 person to be committed to the department of institutions.

9 It is ordered that be committed to the department
10 of institutions until

11 The names, addresses, and occupations of the parents
12 are:

13 Name	Address	Occupation
14
15

16 The names and addresses of their nearest relatives are:
17
18

19 Witness my hand this day of, A.D. 19...
20

21 Judge"

22 NEW SECTION. Section 3. Extension of authority. Any
23 existing authority of the department of institutions to make
24 rules on the subject of the provisions of this act is
25 extended to the provisions of this act.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB627, third reading copy.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the Department of Institutions to establish and maintain two additional youth evaluation programs; prohibiting an evaluation of a youth from being performed at Mountain View School or Pine Hills School except under certain circumstances; and amending Section 41-5-523, MCA.

ASSUMPTIONS:

1. Open an additional youth evaluation program with a capacity of 15 residents.
2. A staff of 13.00 FTE will be required.
3. The staffing pattern assumes 24 hour coverage at the facility.
4. Decrease Mountain View School ADP by five.
5. Decrease Pine Hills School ADP by five.
6. Any possible renovation costs associated with the new facility would be determined by the Architecture and Engineering Division of the Department of Administration.
7. Youth transferred to district courts would still be committed to Pine Hills School or Mountain View School for evaluation.

FISCAL IMPACT:

Expenditures (for one new facility):

	<u>FY88</u>	<u>FY89</u>
Personal Services	\$232,380	\$232,494
Operational Costs	98,516	98,516
Equipment Costs	50,000	1,000
Operational Savings for Less ADP		
Mountain View School	(10,658)	(10,658)
Pine Hills School	(10,147)	(10,147)
TOTAL	<u>\$360,091</u>	<u>\$311,205</u>

Funding:

General Fund*	\$360,091	\$311,205
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*These costs do not include any renovation costs, see assumption #6.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The costs for Personal Services and Operations will continue each biennium the facility remains in operation.

David L. Hunter DATE 2/23/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

B. Strizich DATE 2-24-87
 BILL STRIZICH, PRIMARY SPONSOR

Fiscal Note for HB627, third reading copy.

HB 627

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

1 HOUSE BILL NO. 627
 2 INTRODUCED BY STRIZICH, HALLIGAN, NISBET, BULGER, MILLER,
 3 WALKER, HAFPEY, MANNING, QUILICI, HANSEN, PHILLIPS,
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 9 AT STATE INSTITUTIONS, PROHIBITING AN EVALUATION OF A YOUTH
 10 FROM BEING PERFORMED AT MOUNTAIN VIEW SCHOOLS OR PINE HILLS
 11 SCHOOLS EXCEPT UNDER CERTAIN CIRCUMSTANCES; AND AMENDING
 12 SECTION 41-5-523, MCA."
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 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 NEW SECTION: Section 1. Department of institutions to
 16 establish two ADDITIONAL youth evaluation programs. (1) The
 17 SUBJECT TO THE AVAILABILITY OF FUNDING, THE department of
 18 institutions shall provide for two youth evaluation
 19 programs, in addition to the youth evaluation program in
 20 Great Falls, to conduct comprehensive evaluations of youths
 21 ordered by a youth court TO REPLACE SIMILAR PROGRAMS
 22 PERFORMED AT STATE INSTITUTIONS. The programs must be
 23 located in geographically strategic locations in the state
 24 to best serve the youths and families in need of these
 25 services. Each program must be capable of serving 10 to 15

1 youths at any one time.
 2 (2) In addition to providing services to youths
 3 requiring evaluations, each program established under
 4 subsection (1) may provide detention services for up to five
 5 youths alleged to be delinquent youths. The county
 6 determined by the youth court as the residence of a detained
 7 youth is responsible for the cost of detention, including
 8 medical expenses incurred during detention.
 9 Section 2, Section 41-5-523, MCA, is amended to read:
 10 "41-5-523. Disposition of delinquent youth and youth
 11 in need of supervision. (1) If a youth is found to be
 12 delinquent or in need of supervision, the court may enter
 13 its judgment making the following disposition:
 14 (a) place the youth on probation;
 15 (b) place the youth for substitute care into a youth
 16 care facility as defined in 41-3-1102 or a home approved by
 17 the court;
 18 (c) place the youth in a private agency responsible
 19 for the care and rehabilitation of such a youth;
 20 (d) transfer legal custody to the department of
 21 institutions, provided, however, that in the case of a youth
 22 in need of supervision, such transfer of custody does not
 23 authorize the department of institutions to place the youth
 24 in a state youth correctional facility and such custody may
 25 not continue for a period of more than 6 months without a



1 subsequent court order after notice and hearing;

2 (e) such further care and treatment or evaluation that

3 the court considers beneficial to the youth; or

4 (f) order restitution by the youth;

5 (2) At any time after the youth has been taken into

6 custody, the court may, with the consent of the youth in the

7 manner provided in 41-5-303 for consent by a youth to waiver

8 of his constitutional rights or after the youth has been

9 adjudicated delinquent or in need of supervision, order the

10 youth to be evaluated by the department of institutions for

11 a period not to exceed 45 days of evaluation at a reception

12 and evaluation center for youths;

13 (3) No evaluation of a youth may be performed at the

14 Montana state hospital, mountain view school, or pine hills

15 school unless such youth is transferred to the district

16 court under 41-5-206;

17 (4) If the court finds that placement in a youth care

18 facility other than a youth group home or youth foster home

19 is necessary and in the best interests of the youth and the

20 community, the court shall determine if the youth can

21 receive appropriate treatment in a youth care facility

22 located in Montana as follows:

23 (a) If the court finds the youth can receive

24 appropriate treatment in a youth care facility located in

25 Montana that will accept the youth, the court may not place

1 the youth in a youth care facility located outside this

2 state unless an out-of-state facility can provide

3 appropriate treatment that:

4 (i) can be obtained at a cost less than that offered

5 by any available facility in this state; and

6 (ii) is available in closer proximity to the youth's

7 place of residence than any facility located in this state;

8 (b) When the department of social and rehabilitation

9 services is ordered to pay the costs of caring for the child

10 in a youth care facility other than a youth foster home or

11 youth group home, the court shall provide the department at

12 least 5 days' written notice and opportunity to be heard

13 before ordering the placement of the youth;

14 (5) No youth may be committed or transferred to a

15 penal institution or other facility used for the execution

16 of sentence of adult persons convicted of crimes;

17 (6) Any order of the court may be modified at any

18 time. In the case of a youth committed to the department of

19 institutions, an order pertaining to the youth may be

20 modified only upon notice to the department and subsequent

21 hearing;

22 (7) Whenever the court vests legal custody in an

23 agency, institution, or department, it must transmit with

24 the dispositional judgment copies of a medical report and

25 such other clinical, predisposition, or other reports and

1 information--pertinent--to--the--care--and--treatment-of-the
2 youth:

3 {B}--The order--of--commitment--to--the--department--of
4 institutions--shall--read--as--follows:

5 ORDER-OF-COMMITMENT

6 State-of-Montana } -

7 - } ss:

8 County-of- } -

9 In--the--district-court-for-the--Judicial-District:

10 On-the--day-of--19--a--minor--of--this
11 county,--years--of--age,--was--brought--before--me--charged
12 with--Upon--due--proof--I--find--that--is--a--suitable
13 person--to--be--committed--to--the--department--of--institutions:

14 It--is--ordered--that--be--committed--to--the--department
15 of--institutions--until--

16 The--names,--addresses,--and--occupations--of--the--parents
17 are:

18 Name-----Address-----Occupation-----
19
20

21 The--names--and--addresses--of--their--nearest--relatives--are:
22
23

24 Witness--my--hand--this--day--of--A-B--19
25

1 Judge"
2 NEW-SECTION: Section 2. Extension of authority. Any
3 existing authority of the department of institutions to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

-End-

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9 AT STATE INSTITUTIONS, ~~PROHIBITING AN EVALUATION OF A YOUTH~~
10 ~~FROM BEING PERFORMED AT MOUNTAIN VIEW SCHOOL OR PINE HILLS~~
11 ~~SCHOOL EXCEPT UNDER CERTAIN CIRCUMSTANCES, AND AMENDING~~
12 ~~SECTION 41-5-523, MCA."~~

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21 of youths ordered by a youth court TO REPLACE SIMILAR
22 PROGRAMS PERFORMED AT STATE INSTITUTIONS. The programs must
23 be located in geographically strategic locations in the
24 state to best serve the youths and families in need of these
25 services. Each program must be capable of serving 10 to 15

1 youths at any one time.

2 (2) In addition to providing services to youths
3 requiring evaluations, each program established under
4 subsection (1) may provide detention services for up to five
5 youths alleged to be delinquent youths. The county
6 determined by the youth court as the residence of a detained
7 youth is responsible for the cost of detention, including
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9 Section 2. ~~Section 41-5-523, MCA, is amended to read:~~

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13 ~~its judgment making the following disposition:~~

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18 ~~(c) place the youth in a private agency responsible~~
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18 Name-----Address-----Occupation-----
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21 The--names--and--addresses--of--their--nearest--relatives--are:
22
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24 Witness--my--hand--this--day--of--A.D. 19
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Judge

NEW-SECTION: Section 2. Extension of authority. Any
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11 county,{}--years--of--age,{}--was--brought--before--me--charged
12 with,{}--Upon--due--proof--I--find--that--{}--is--a--suitable
13 person--to--be--committed--to--the--department--of--institutions:

14 It--is--ordered--that--{}--be--committed--to--the--department
15 of--institutions--until--{}:

16 The--names,{}--addresses,{}--and--occupations--of--the--parents
17 are:

18 Name-----Address-----Occupation-----
19 {}
20 {}

21 The--names--and--addresses--of--their--nearest--relatives--are:
22 {}
23 {}

24 Witness--my--hand--this--{}--day--of--{}--A.D.--19{}
25 {}

1

Judge^a

2 NEW-SECTION: Section 2. Extension of authority. Any
3 existing authority of the department of institutions to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

-End-