

SENATE BILL NO. 361

INTRODUCED BY HALLIGAN

BY REQUEST OF THE BOARD OF CRIME CONTROL

IN THE SENATE

FEBRUARY 18, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 20, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

STATEMENT OF INTENT ADOPTED.

FEBRUARY 21, 1987 PRINTING REPORT.

FEBRUARY 23, 1987 SECOND READING, DO PASS.

FEBRUARY 24, 1987 ENGROSSING REPORT.

FEBRUARY 25, 1987 THIRD READING, PASSED.
AYES, 48; NOES, 2.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 3, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 23, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 98; NOES, 0.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 3, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. *361*
 2 INTRODUCED BY *[Signature]*
 3 BY REQUEST OF THE BOARD OF CRIME CONTROL
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA
 6 YOUTH COURT ACT; CREATING A CATEGORY OF "EMOTIONALLY
 7 DISTURBED YOUTH" AND SUBSTITUTING THE CATEGORY OF "YOUTH IN
 8 NEED OF SERVICES" FOR "YOUTH IN NEED OF SUPERVISION" FOR
 9 PURPOSES OF THE YOUTH COURT ACT; AUTHORIZING YOUTH COURT
 10 JUDGES TO APPOINT ASSESSMENT AND SERVICE PLANNING COMMITTEES
 11 WITH AUTHORITY TO DETERMINE ELIGIBILITY OF YOUTH FOR
 12 SERVICES AND TO ESTABLISH CASE PLANS FOR YOUTH IN NEED OF
 13 SERVICES; AND AMENDING SECTION 41-5-103, MCA."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Youth assessment committee --
 17 rules. (1) In each judicial district, the youth court judge
 18 shall appoint a youth assessment committee. The members of
 19 the committee must be willing to work without compensation
 20 and shall include:

- 21 (a) a psychologist, psychiatrist, or licensed social
 22 worker;
- 23 (b) a person employed by a school district within the
 24 judicial district and who is trained in special education;
 25 and

1 (c) a caseworker who is a representative of the agency
 2 that referred the youth for consideration and who is
 3 responsible for presenting the case to the committee for
 4 eligibility review.

5 (2) When a youth appears to be inadequately served by
 6 any single agency, the youth assessment committee will be
 7 convened to review the case to determine if the youth meets
 8 the definitions of an emotionally disturbed youth and a
 9 youth in need of services. If the committee determines that
 10 a youth meets the definitions of an emotionally disturbed
 11 youth and a youth in need of services, the committee shall
 12 refer the case to a service planning committee as defined in
 13 [section 2].

14 (3) A parent or parent representative must be invited
 15 to attend any meeting where the eligibility of his child
 16 will be discussed.

17 (4) The department shall adopt rules necessary to
 18 carry out the purposes of this section.

19 (5) Because of the individual privacy involved,
 20 meetings and reports of the committee and information on an
 21 individual's case that is shared by committee members is
 22 confidential and subject to the confidentiality requirements
 23 of the department.

24 (6) The procedures established by this section must be
 25 used only in those cases in which state, local, and private



-2- INTRODUCED BILL
 SB-361

1 agencies are unable to provide satisfactory services through
2 informal agreements.

3 NEW SECTION. Section 2. Service planning committee --
4 rules. (1) In each judicial district, the youth court judge
5 shall appoint a service planning committee. The members of
6 the committee must be willing to work without compensation.
7 The committee must be composed of not less than five
8 members, including but not limited to:

- 9 (a) an appointed representative of the youth court;
- 10 (b) an appointed representative of the department;
- 11 (c) a psychologist, psychiatrist, or licensed social
12 worker who is an appointed representative of a regional
13 mental health center that serves a community within the
14 judicial district;
- 15 (d) an appointed representative of the school district
16 in which the youth's residence is located; and
- 17 (e) a parent or representative of the parent, if
18 available and willing to participate.

19 (2) The youth court judge shall appoint a chairman of
20 the committee from the persons listed in subsection (1)(a),
21 (1)(b), or (1)(c).

22 (3) A representative from any other agency may be
23 invited to attend any meeting at the discretion of the
24 committee.

25 (4) If a youth has been determined, either by the

1 youth assessment committee or the youth court judge, to be a
2 youth in need of services, the service planning committee
3 shall develop a case plan and assign case management
4 responsibilities.

5 (5) The committee and the case manager must review
6 each case at least every 6 months until the committee
7 determines that the youth no longer meets the definitions of
8 an emotionally disturbed youth and a youth in need of
9 services.

10 (6) The department shall adopt rules necessary to
11 carry out the purposes of this section.

12 (7) Because of the individual privacy involved,
13 meetings and reports of the committee and information on an
14 individual's case that is shared by committee members are
15 confidential and subject to the confidentiality requirements
16 of the department.

17 NEW SECTION. Section 3. Agencies to cooperate. The
18 department of institutions, the department of social and
19 rehabilitation services, and the office of the
20 superintendent of public instruction shall cooperate on all
21 aspects of each agency's respective programs for emotionally
22 disturbed youth.

23 Section 4. Section 41-5-103, MCA, is amended to read:
24 "41-5-103. Definitions. For the purposes of the
25 Montana Youth Court Act, unless otherwise stated the

1 following definitions apply:

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

4 (2) "Agency" means any entity of state or local
5 government authorized by law to be responsible for the care
6 or rehabilitation of youth.

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

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

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

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

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

17 (8) (a) "Legal custody" means the legal status created
18 by order of a court of competent jurisdiction that gives a
19 person the right and duty to:

20 (i) have physical custody of the youth;

21 (ii) determine with whom the youth shall live and for
22 what period;

23 (iii) protect, train, and discipline the youth; and

24 (iv) provide the youth with food, shelter, education,
25 and ordinary medical care.

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

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

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

12 (11) "Youth court" means the court established pursuant
13 to this chapter to hear all proceedings in which a youth is
14 alleged to be a delinquent youth, a youth in need of
15 supervision services, or a youth in need of care and
16 includes the youth court, the judge, and probation officers.

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

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

20 (b) who, having been placed on probation as a
21 delinquent youth or a youth in need of supervision services,
22 violates any condition of his probation.

23 (13) "Youth in need of supervision services" means:

24 (a) a youth who commits an offense prohibited by law
25 which, if committed by an adult, would not constitute a

1 criminal offense, including but not limited to a youth who:
 2 ~~(a)~~(i) violates any Montana municipal or state law
 3 regarding use of alcoholic beverages by minors;

4 ~~(b)~~(ii) habitually disobeys the reasonable and lawful
 5 demands of his parents or guardian or is ungovernable and
 6 beyond their control;

7 ~~(c)~~(iii) being subject to compulsory school attendance,
 8 is habitually truant from school; or

9 (b) a youth who:

10 (i) is emotionally disturbed as defined in this
 11 section;

12 (ii) meets the provisions of 41-3-102 as a youth in
 13 need of care but whom the youth court in its discretion
 14 chooses to regard as a youth in need of services; or

15 ~~(d)~~(iii) has committed any of the acts of a delinquent
 16 youth but whom the youth court in its discretion chooses to
 17 regard as a youth in need of supervision services.

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

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

23 (16) "Necessary parties" include the youth, his
 24 parents, guardian, custodian, or spouse.

25 (17) "State youth correctional facility" means a

1 residential facility for the rehabilitation of delinquent
 2 youth such as Pine Hills school in Miles City, and Mountain
 3 View school in Helena.

4 (18) "Shelter care" means the temporary substitute care
 5 of youth in physically unrestricting facilities.

6 (19) "Detention" means the temporary substitute care of
 7 youth in physically restricting facilities.

8 (20) "Restitution" means payments in cash to the victim
 9 or with services to the victim or the general community when
 10 these payments are made under the jurisdiction of a youth
 11 court proceeding.

12 (21) "Substitute care" means full-time care of youth in
 13 a residential setting for the purpose of providing food,
 14 shelter, security and safety, guidance, direction, and if
 15 necessary, treatment to youth who are removed from or
 16 without the care and supervision of their parents or
 17 guardian. Nothing in this definition is intended to include
 18 juvenile correctional facilities, evaluation facilities,
 19 mental health facilities and services, and aftercare
 20 programs operated by the department of institutions.

21 (22) "Emotionally disturbed youth" means a youth
 22 determined by a psychologist, psychiatrist, or licensed
 23 social worker to have an identifiable and substantial
 24 impairment, evident for a reasonable length of time, that is
 25 characterized by dysfunction in any of the following areas:

- 1 (a) relationships;
 2 (b) behaviors;
 3 (c) cognition; or
 4 (d) education."

5 NEW SECTION. Section 5. Reference change. In the
 6 following provisions of the Montana Code Annotated,
 7 references to "youth in need of supervision" or "youths in
 8 need of supervision" and related references such as "child
 9 in need of supervision" are changed to "youth in need of
 10 services", "youths in need of services", or "child in need
 11 of services": 41-3-1101, 41-3-1103, 41-3-1106, 41-3-1113,
 12 41-3-1114, 41-3-1122, 41-3-1123, 41-3-1132, 41-5-203,
 13 41-5-204, 41-5-301, 41-5-303, 41-5-304, 41-5-306, 41-5-501,
 14 41-5-511, 41-5-516, 41-5-521 through 41-5-524, 41-5-533,
 15 41-5-601, 41-5-802, 45-5-624, and 53-2-201. The code
 16 commissioner shall conform internal references and grammar
 17 to these changes.

18 NEW SECTION. Section 6. Codification instruction.
 19 Sections 1 through 3 are intended to be codified as an
 20 integral part of Title 41, chapter 5, and the provisions of
 21 Title 41, chapter 5, apply to sections 1 through 3.

22 NEW SECTION. Section 7. Severability. If a part of
 23 this act is invalid, all valid parts that are severable from
 24 the invalid part remain in effect. If a part of this act is
 25 invalid in one or more of its applications, the part remains

1 in effect in all valid applications that are severable from
 2 the invalid applications.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB361, third reading copy.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the Department of Social and Rehabilitation Services to develop a plan for providing services to emotionally disturbed children; defining "emotionally disturbed child"; and amending Section 53-4-101, MCA.

ASSUMPTIONS:

1. The study committee will serve without compensation so there will be no costs to the Department of Social and Rehabilitation Services for salaries, per diem or travel costs.
2. Support costs to the study committee will be provided from the current level budgets of the governmental entities involved:
 - a) SRS
 - b) Department of Institutions
 - c) Office of Public Instruction
 - d) a Youth Court

FISCAL IMPACT:

All costs will be assumed by current level budgets of the governmental entities involved.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The long-term fiscal impact of the committee's proposals will depend on future legislative action regarding those recommendations.

David L. Hunter DATE 3/7/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Mike Halligan DATE 3-7-87
MIKE HALLIGAN, PRIMARY SPONSOR
Fiscal Note for SB361, third reading copy.

SB 361

1 SENATE BILL NO. 361

2 INTRODUCED BY HALLIGAN

3 BY REQUEST OF THE BOARD OF CRIME CONTROL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING--THE--MONTANA
6 YOUTH--COURT--ACT;--CREATING--A--CATEGORY--OF--"EMOTIONALLY
7 DISTURBED-YOUTH"--AND-SUBSTITUTING-THE-CATEGORY-OF-"YOUTH--IN-
8 NEED--OF--SERVICES"--FOR--"YOUTH-IN-NEED-OF-SUPERVISION"--FOR
9 PURPOSES-OF-THE-YOUTH-COURT--ACT;--AUTHORIZING--YOUTH--COURT
10 JUDGES--TO--APPOINT--ASSESSMENT--AND--SERVICE--PLANNING--COMMITTEES
11 WITH--AUTHORITY--TO--DETERMINE--ELIGIBILITY--OF--YOUTH--FOR
12 SERVICES--AND--TO--ESTABLISH--CASE--PLANS--FOR--YOUTH--IN--NEED--OF
13 SERVICES;--AND--AMENDING--SECTION--41-5-103,--MCA, REQUIRING THE
14 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO DEVELOP
15 A PLAN FOR PROVIDING SERVICES TO EMOTIONALLY DISTURBED
16 CHILDREN; DEFINING "EMOTIONALLY DISTURBED CHILD"; AND
17 AMENDING SECTION 53-4-101, MCA."

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 Refer to Introduced Bill

21 (Strike everything after the Enacting Clause and insert:)

22 NEW SECTION. Section 1. Emotionally disturbed
23 children -- plan -- study committee. (1) The department
24 shall develop a comprehensive plan for services for
25 emotionally disturbed children to be presented to the 51st

1 legislature and each regular session of the legislature
2 thereafter. The department shall recommend a comprehensive
3 service delivery system for emotionally disturbed children,
4 including a plan for gradual implementation of the
5 comprehensive service delivery system.

6 (2) The plan must identify:

7 (a) the services needed by emotionally disturbed
8 children;

9 (b) the number of emotionally disturbed children
10 needing services; and

11 (c) the interdepartmental responsibility and
12 coordination needed to provide services to emotionally
13 disturbed children.

14 (3) The department shall appoint a study committee to
15 make recommendations to the department regarding services
16 for emotionally disturbed children. The members of the
17 committee must be willing to serve without compensation and
18 must include but not be limited to representatives of:

19 (a) the department;

20 (b) the department of institutions;

21 (c) the office of public instruction;

22 (d) a youth court; and

23 (e) parents of emotionally disturbed children.

24 Section 2. Section 53-4-101, MCA, is amended to read:

25 "53-4-101. Definitions. As used in this part, the

1 following definitions apply:

2 (1) "Child welfare services" means the establishing,
3 extending, and strengthening of child welfare services
4 (especially in predominantly rural areas) for the protection
5 and care of homeless, dependent, and neglected children and
6 children in danger of becoming delinquent.

7 (2) "Child welfare worker" means staff personnel who
8 have had education and training in the field of child
9 welfare and who are qualified and accepted as such in
10 conformity with the standards established by the department.

11 (3) "Department" means the department of social and
12 rehabilitation services provided for in Title 2, chapter 15,
13 part 22.

14 (4) (a) "Emotionally disturbed child" means a child
15 determined by a psychologist, psychiatrist, or licensed
16 social worker to have:

17 (i) an identifiable mental health problem as
18 identified in a nationally recognized classification system;
19 and

20 (ii) a substantial impairment, evident for a
21 reasonable length of time, that is characterized by a
22 dysfunction in any of the following areas:

23 (A) relationships;

24 (B) behavior;

25 (C) cognition; or

1 (D) education.

2 (b) The nationally recognized classification system
3 referred to in subsection (4)(a)(i) must be one recognized
4 by rules established by the department.

5 ~~(4)~~(5) "Public assistance" or "assistance" means any
6 type of monetary or other assistance furnished under this
7 title to a person by a state or county agency, regardless of
8 the original source of the assistance."

9 NEW SECTION. Section 3. Codification instruction.
10 Section 1 is intended to be codified as an integral part of
11 Title 53, chapter 4, part 1, and the provisions of Title 53,
12 chapter 4, part 1, apply to section 1.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

1 STATEMENT OF INTENT
2 SENATE BILL 361
3 Senate Judiciary Committee
4

5 A statement of intent is required for this bill because
6 the purpose of this bill is to allow the department of
7 social and rehabilitation services to develop rules for
8 identifying youth who are emotionally disturbed. The
9 department shall use a nationally recognized classification
10 system such as the Diagnostic and Statistical Manual of
11 Mental Disorders, 3rd Edition (DSM-III) to identify mental
12 health problems used to define "emotionally disturbed
13 child".

1 **STATEMENT OF INTENT**

2 **SENATE BILL 361**

3 **Senate Judiciary Committee**

4

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6 the purpose of this bill is to allow the department of

7 social and rehabilitation services to develop rules for

8 identifying youth who are emotionally disturbed. The

9 department shall use a nationally recognized classification

10 system such as the Diagnostic and Statistical Manual of

11 Mental Disorders, 3rd Edition (DSM-III) to identify mental

12 health problems used to define "emotionally disturbed

13 child".

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6 ~~YOUTH COURT ACT, CREATING A CATEGORY OF "EMOTIONALLY~~
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12 ~~SERVICES AND TO ESTABLISH CASE PLANS FOR YOUTH IN NEED OF~~
13 ~~SERVICES, AND AMENDING SECTION 41-5-103, MCA, REQUIRING THE~~
14 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO DEVELOP
15 A PLAN FOR PROVIDING SERVICES TO EMOTIONALLY DISTURBED
16 CHILDREN; DEFINING "EMOTIONALLY DISTURBED CHILD"; AND
17 AMENDING SECTION 53-4-101, MCA."
18

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

20 Refer to Introduced Bill

21 (Strike everything after the Enacting Clause and insert:)

22 NEW SECTION. Section 1. Emotionally disturbed
23 children -- plan -- study committee. (1) The department
24 shall develop a comprehensive plan for services for
25 emotionally disturbed children to be presented to the 51st

1 legislature and each regular session of the legislature
2 thereafter. The department shall recommend a comprehensive
3 service delivery system for emotionally disturbed children,
4 including a plan for gradual implementation of the
5 comprehensive service delivery system.

6 (2) The plan must identify:

7 (a) the services needed by emotionally disturbed
8 children;

9 (b) the number of emotionally disturbed children
10 needing services; and

11 (c) the interdepartmental responsibility and
12 coordination needed to provide services to emotionally
13 disturbed children.

14 (3) The department shall appoint a study committee to
15 make recommendations to the department regarding services
16 for emotionally disturbed children. The members of the
17 committee must be willing to serve without compensation and
18 must include but not be limited to representatives of:

19 (a) the department;

20 (b) the department of institutions;

21 (c) the office of public instruction;

22 (d) a youth court; and

23 (e) parents of emotionally disturbed children.

24 Section 2. Section 53-4-101, MCA, is amended to read:

25 "53-4-101. Definitions. As used in this part, the

1 following definitions apply:

2 (1) "Child welfare services" means the establishing,
3 extending, and strengthening of child welfare services
4 (especially in predominantly rural areas) for the protection
5 and care of homeless, dependent, and neglected children and
6 children in danger of becoming delinquent.

7 (2) "Child welfare worker" means staff personnel who
8 have had education and training in the field of child
9 welfare and who are qualified and accepted as such in
10 conformity with the standards established by the department.

11 (3) "Department" means the department of social and
12 rehabilitation services provided for in Title 2, chapter 15,
13 part 22.

14 (4) (a) "Emotionally disturbed child" means a child
15 determined by a psychologist, psychiatrist, or licensed
16 social worker to have:

17 (i) an identifiable mental health problem as
18 identified in a nationally recognized classification system;
19 and

20 (ii) a substantial impairment, evident for a
21 reasonable length of time, that is characterized by a
22 dysfunction in any of the following areas:

23 (A) relationships;

24 (B) behavior;

25 (C) cognition; or

1 (D) education.

2 (b) The nationally recognized classification system
3 referred to in subsection (4)(a)(i) must be one recognized
4 by rules established by the department.

5 ~~(4)~~(5) "Public assistance" or "assistance" means any
6 type of monetary or other assistance furnished under this
7 title to a person by a state or county agency, regardless of
8 the original source of the assistance."

9 NEW SECTION. Section 3. Codification instruction.
10 Section 1 is intended to be codified as an integral part of
11 Title 53, chapter 4, part 1, and the provisions of Title 53,
12 chapter 4, part 1, apply to section 1.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 361

3 Senate Judiciary Committee

4

5 A statement of intent is required for this bill because
6 the purpose of this bill is to allow the department of
7 social and rehabilitation services to develop rules for
8 identifying youth who are emotionally disturbed. The
9 department shall use THE DEFINITION IN 20-7-401(4) AND a
10 nationally recognized classification system such as the
11 Diagnostic and Statistical Manual of Mental Disorders, 3rd
12 Edition (DSM-III) to identify mental health problems used to
13 define "emotionally disturbed child".

REFERENCE BILL
SB-361

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10 JUDGES-TO-APPOINT-ASSESSMENT-AND-SERVICE-PLANNING-COMMITTEES
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12 SERVICES-AND-TO-ESTABLISH-CASE-PLANS-FOR-YOUTH--IN--NEED--OF
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16 CHILDREN; DEFINING "EMOTIONALLY DISTURBED CHILD"; AND
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22 NEW SECTION. Section 1. Emotionally disturbed
23 children -- plan -- study committee. (1) The department
24 shall develop a comprehensive plan for services for
25 emotionally disturbed children to be presented to the 51st

1 legislature and each regular session of the legislature
2 thereafter. The department shall recommend a comprehensive
3 service delivery system for emotionally disturbed children,
4 including a plan for gradual implementation of the
5 comprehensive service delivery system.

6 (2) The plan must identify:

7 (a) the services needed by emotionally disturbed
8 children;9 (b) the number of emotionally disturbed children
10 needing services; and11 (c) the interdepartmental responsibility and
12 coordination needed to provide services to emotionally
13 disturbed children.14 (3) The department shall appoint a study committee to
15 make recommendations to the department regarding services
16 for emotionally disturbed children. The members of the
17 committee must be willing to serve without compensation and
18 must include but not be limited to representatives of:

19 (a) the department;

20 (b) the department of institutions;

21 (c) the office of public instruction;

22 (d) a youth court; and

23 (e) parents of emotionally disturbed children.

24 Section 2. Section 53-4-101, MCA, is amended to read:

25 "53-4-101. Definitions. As used in this part, the

1 following definitions apply:

2 (1) "Child welfare services" means the establishing,
3 extending, and strengthening of child welfare services
4 (especially in predominantly rural areas) for the protection
5 and care of homeless, dependent, and neglected children and
6 children in danger of becoming delinquent.

7 (2) "Child welfare worker" means staff personnel who
8 have had education and training in the field of child
9 welfare and who are qualified and accepted as such in
10 conformity with the standards established by the department.

11 (3) "Department" means the department of social and
12 rehabilitation services provided for in Title 2, chapter 15,
13 part 22.

14 (4) (a) "Emotionally disturbed child" means a child
15 determined by a psychologist, psychiatrist, or licensed
16 social worker, OR SPECIAL EDUCATION CHILD STUDY TEAM
17 (ESTABLISHED UNDER RULES ADOPTED BY THE SUPERINTENDENT OF
18 PUBLIC INSTRUCTION TO IMPLEMENT TITLE 20, CHAPTER 7, PART 4)
19 to have:

20 (i) an identifiable mental health problem as
21 identified in a nationally recognized classification system
22 OR AS DEFINED IN 20-7-401(4); and

23 (ii) a substantial impairment, evident for a
24 reasonable length of time, that is characterized by a
25 dysfunction in any of the following areas:

1 (A) relationships;

2 (B) behavior;

3 (C) cognition; or

4 (D) education.

5 (b) The nationally recognized classification system
6 referred to in subsection (4)(a)(i) must be one recognized
7 by rules established by the department.

8 (4)(5) "Public assistance" or "assistance" means any
9 type of monetary or other assistance furnished under this
10 title to a person by a state or county agency, regardless of
11 the original source of the assistance."

12 NEW SECTION. Section 3. Codification instruction.
13 Section 1 is intended to be codified as an integral part of
14 Title 53, chapter 4, part 1, and the provisions of Title 53,
15 chapter 4, part 1, apply to section 1.

-End-

Mr. Speaker: We, the committee on
SENATE BILL NO. 361
report

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

1. Statement of intent, line 9.

Following: "use"

Insert: "the definition in 20-7-401(4) and"

2. Page 3, line 15.

Strike: "or"

3. Page 3, line 16.

Following: "worker"

Insert: ", or special education child study team established
under rules adopted by the superintendent of public
instruction to implement Title 20, chapter 7, part 4"

4. Page 3, line 18.

Following: "system"

Insert: "or as defined in 20-7-401(4)"

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