

HOUSE BILL NO. 18

INTRODUCED BY R. JOHNSON  
BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE  
ON CHILDREN AND FAMILIES

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
JANUARY 4, 1993	FIRST READING.
JANUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 13, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 14, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 80; NOES, 18.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 16, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
JANUARY 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
JANUARY 27, 1993	SECOND READING, CONCURRED IN.
JANUARY 28, 1993	THIRD READING, CONCURRED IN. AYES, 45; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

JANUARY 28, 1993	RECEIVED FROM SENATE.
MARCH 3, 1993	SECOND READING, AMENDMENTS

MARCH 5, 1993

CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

## 1 HOUSE BILL NO. 18

2 INTRODUCED BY R. JOHNSON

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

4 ON CHILDREN AND FAMILIES

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE  
7 MONTANA FAMILY POLICY ACT TO GUIDE STATE GOVERNMENT ACTIONS  
8 THAT IMPACT CHILDREN AND FAMILIES."  
9

10 WHEREAS, the family is the basic institution in society  
11 through which our children's sense of well-being and  
12 self-esteem are developed and nurtured; and

13 WHEREAS, because our entire society benefits when  
14 families function well, it is in society's best interest to  
15 ensure that public policies and programs support and  
16 strengthen family life; and

17 WHEREAS, in fiscal year 1992, 3,310 Montana children and  
18 youth were removed from their families and placed in foster  
19 homes, group homes, and residential treatment facilities at  
20 a cost to the state of more than \$16 million; and

21 WHEREAS, because of the high level of expenditures  
22 required to provide out-of-home placement, many experts now  
23 question whether public revenue spent for room, board, and  
24 related costs might be more wisely spent providing services  
25 specifically needed to enable a family to continue

1 functioning as a family; and

2 WHEREAS, mounting evidence demonstrates that efforts  
3 that are made to support and strengthen vulnerable families  
4 before a crisis occurs can substantially contribute to  
5 family health and stability and prevent future long-term  
6 governmental costs; and

7 WHEREAS, because even with a reformed service system for  
8 families, some parents will not be available or able to  
9 protect or care adequately for their children, a range of  
10 out-of-home services should be available for these children  
11 and their families; and

12 WHEREAS, state and local policymakers increasingly are  
13 examining entire state systems for serving troubled children  
14 and families and are developing a more comprehensive  
15 approach to the multifaceted problems they face; and

16 WHEREAS, just as families nurture and sustain their  
17 members, healthy communities do the same for their member  
18 children and families; and

19 WHEREAS, because family services should be rooted in  
20 local communities and reflect local needs, characteristics,  
21 and resources, services should be provided as close as  
22 possible to the home community of the child or family and  
23 families should be fully involved in the planning and  
24 delivery of those services; and

25 WHEREAS, promoting family well-being and assuring

children's safety must be the concern of all community sectors.

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

NEW SECTION. **Section 1.** Short title. [Sections 1 and 2] may be cited as the Montana Family Policy Act.

NEW SECTION. **Section 2.** Policy and guiding principles.

(1) It is the policy of the state of Montana to support and preserve the family as the single most powerful influence for ensuring the healthy social development and mental and physical well-being of Montana's children.

(2) The following principles must guide the actions of state government, state agencies, and agents of the state that serve children and families:

(a) Family support and preservation must be guiding philosophies when the state, state agencies, or agents of the state plan or implement services for children or families. The state shall promote the establishment of a range of services to children and families, including the following components:

(i) supporting families toward healthy development by providing a community network that offers a range of family support services, activities, and programs designed to promote family well-being, with services that include prenatal care, parenting education, parent aides, and

visiting nurses; early childhood screening and developmental services; child care; and family recreation;

(ii) assisting vulnerable families before crises emerge by providing specialized services to strengthen and preserve families experiencing problems before they become acute and by providing early intervention and family support services, such as respite care, health and mental health services, and home-based rehabilitation services linked to services in subsection (2)(a)(i);

(iii) protecting and caring for children in crisis by providing intensive services to protect children who have suffered or are at risk of suffering serious harm from child abuse and neglect, by providing care for children at risk of out-of-home placement for emotional disturbances or behavior problems, and by providing family support services to ensure that reasonable efforts are made to safely maintain children in their own homes or to provide temporary or permanent care for children who are removed from their families. These services include family-based services to avoid removal from the home whenever possible and to provide out-of-home care, reunification services, adoption services, and long-term substitute care.

(b) To maximize resources and establish a range of services driven by the needs of families rather than by a predetermined array of categorical services, the state,

1 state agencies, and agents of the state shall work toward a  
2 system of comprehensive and coordinated services to children  
3 and families through joint agency planning, joint financing,  
4 joint service delivery, common intake and assessment, and  
5 other arrangements that promote more effective support for  
6 families.

7 (c) Needed services to children and families should be  
8 provided as close as possible to the home community. The  
9 state, state agencies, and agents of the state shall  
10 encourage community planning and collaboration. State  
11 agencies shall cooperate to support collaborative programs.

12 (d) The state encourages all sectors of society to  
13 participate in building the community capacity to meet the  
14 needs of children and families.

15 (3) The family policy objectives described in this  
16 section are intended to guide the state's efforts to provide  
17 services to children and families and do not affect  
18 interpretation of separate statutes governing the  
19 determination of when risk to a child warrants removal from  
20 the family home and do not compel a specified level of  
21 services.

-End-

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

## HOUSE BILL NO. 18

INTRODUCED BY R. JOHNSON

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

ON CHILDREN AND FAMILIES

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE  
MONTANA FAMILY POLICY ACT TO GUIDE STATE GOVERNMENT ACTIONS  
THAT IMPACT CHILDREN AND FAMILIES."

WHEREAS, the family is the basic institution in society  
through which our children's sense of well-being and  
self-esteem are developed and nurtured; and

WHEREAS, because our entire society benefits when  
families function well, it is in society's best interest to  
ensure that public policies and programs support and  
strengthen family life; and

WHEREAS, in fiscal year 1992, 3,310 Montana children and  
youth were removed from their families and placed in foster  
homes, group homes, and residential treatment facilities at  
a cost to the state of more than \$16 million; and

WHEREAS, because of the high level of expenditures  
required to provide out-of-home placement, many experts now  
question whether public revenue spent for room, board, and  
related costs might be more wisely spent providing services  
specifically needed to enable a family to continue

functioning as a family; and

WHEREAS, mounting evidence demonstrates that efforts  
that are made to support and strengthen vulnerable families  
before a crisis occurs can substantially contribute to  
family health and stability and prevent future long-term  
governmental costs; and

WHEREAS, because even with a reformed service system for  
families, some parents will not be available or able to  
protect or care adequately for their children, a range of  
out-of-home services should be available for these children  
and their families; and

WHEREAS, state and local policymakers increasingly are  
examining entire state systems for serving troubled children  
and families and are developing a more comprehensive  
approach to the multifaceted problems they face; and

WHEREAS, just as families nurture and sustain their  
members, healthy communities do the same for their member  
children and families; and

WHEREAS, because family services should be rooted in  
local communities and reflect local needs, characteristics,  
and resources, services should be provided as close as  
possible to the home community of the child or family and  
families should be fully involved in the planning and  
delivery of those services; and

WHEREAS, promoting family well-being and assuring

children's safety must be the concern of all community sectors.

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

NEW SECTION. **Section 1.** Short title. [Sections 1 and 2] may be cited as the Montana Family Policy Act.

NEW SECTION. **Section 2.** Policy and guiding principles.

(1) It is the policy of the state of Montana to support and preserve the family as the single most powerful influence for ensuring the healthy social development and mental and physical well-being of Montana's children.

(2) The following principles must guide the actions of state government, state agencies, and agents of the state that serve children and families:

(a) Family support and preservation must be guiding philosophies when the state, state agencies, or agents of the state plan or implement services for children or families. The state shall promote the establishment of a range of services to children and families, including the following components:

(i) supporting families toward healthy development by providing a community network that offers a range of family support services, activities, and programs designed to promote family well-being, with services that include prenatal care, parenting education, parent aides, and

visiting nurses; early childhood screening and developmental services; child care; and family recreation;

(ii) assisting vulnerable families before crises emerge by providing specialized services to strengthen and preserve families experiencing problems before they become acute and by providing early intervention and family support services, such as respite care, health and mental health services, and home-based rehabilitation services linked to services in subsection (2)(a)(i);

(iii) protecting and caring for children in crisis by providing intensive services to protect children who have suffered or are at risk of suffering serious harm from child abuse and neglect, by providing care for children at risk of out-of-home placement for emotional disturbances or behavior problems, and by providing family support services to ensure that reasonable efforts are made to safely maintain children in their own homes or to provide temporary or permanent care for children who are removed from their families. These services include family-based services to avoid removal from the home whenever possible and to provide out-of-home care, reunification services, adoption services, and long-term substitute care.

(b) To maximize resources and establish a range of services driven by the needs of families rather than by a predetermined array of categorical services, the state,

1 state agencies, and agents of the state shall work toward a  
 2 system of comprehensive and coordinated services to children  
 3 and families through joint agency planning, joint financing,  
 4 joint service delivery, common intake and assessment, and  
 5 other arrangements that promote more effective support for  
 6 families.

7 (c) Needed services to children and families should be  
 8 provided as close as possible to the home community. The  
 9 state, state agencies, and agents of the state shall  
 10 encourage community planning and collaboration. State  
 11 agencies shall cooperate to support collaborative programs.

12 (d) The state encourages all sectors of society to  
 13 participate in building the community capacity to meet the  
 14 needs of children and families.

15 (3) The family policy objectives described in this  
 16 section are intended to guide the state's efforts to provide  
 17 services to children and families and do not affect  
 18 interpretation of separate statutes governing the  
 19 determination of when risk to a child warrants removal from  
 20 the family home ~~and--do--not--compel--a--specified--level--of~~  
 21 services. THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A  
 22 SERVICE OR A PARTICULAR LEVEL OF SERVICE OR TO GRANT A RIGHT  
 23 OF ACTION TO ENFORCE THIS SECTION OR OTHER LAW.

-End-



## 1 HOUSE BILL NO. 18

2 INTRODUCED BY R. JOHNSON

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

4 ON CHILDREN AND FAMILIES

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE  
7 MONTANA FAMILY POLICY ACT TO GUIDE STATE GOVERNMENT ACTIONS  
8 THAT IMPACT CHILDREN AND FAMILIES."  
9

10 WHEREAS, the family is the basic institution in society  
11 through which our children's sense of well-being and  
12 self-esteem are developed and nurtured; and

13 WHEREAS, because our entire society benefits when  
14 families function well, it is in society's best interest to  
15 ensure that public policies and programs support and  
16 strengthen family life; and

17 WHEREAS, in fiscal year 1992, 3,310 Montana children and  
18 youth were removed from their families and placed in foster  
19 homes, group homes, and residential treatment facilities at  
20 a cost to the state of more than \$16 million; and

21 WHEREAS, because of the high level of expenditures  
22 required to provide out-of-home placement, many experts now  
23 question whether public revenue spent for room, board, and  
24 related costs might be more wisely spent providing services  
25 specifically needed to enable a family to continue

1 functioning as a family; and

2 WHEREAS, mounting evidence demonstrates that efforts  
3 that are made to support and strengthen vulnerable families  
4 before a crisis occurs can substantially contribute to  
5 family health and stability and prevent future long-term  
6 governmental costs; and

7 WHEREAS, because even with a reformed service system for  
8 families, some parents will not be available or able to  
9 protect or care adequately for their children, a range of  
10 out-of-home services should be available for these children  
11 and their families; and

12 WHEREAS, state and local policymakers increasingly are  
13 examining entire state systems for serving troubled children  
14 and families and are developing a more comprehensive  
15 approach to the multifaceted problems they face; and

16 WHEREAS, just as families nurture and sustain their  
17 members, healthy communities do the same for their member  
18 children and families; and

19 WHEREAS, because family services should be rooted in  
20 local communities and reflect local needs, characteristics,  
21 and resources, services should be provided as close as  
22 possible to the home community of the child or family and  
23 families should be fully involved in the planning and  
24 delivery of those services; and

25 WHEREAS, promoting family well-being and assuring

children's safety must be the concern of all community sectors.

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

**NEW SECTION. Section 1.** Short title. [Sections 1 and 2] may be cited as the Montana Family Policy Act.

**NEW SECTION. Section 2.** Policy and guiding principles.

(1) It is the policy of the state of Montana to support and preserve the family as the single most powerful influence for ensuring the healthy social development and mental and physical well-being of Montana's children.

(2) The following principles must guide the actions of state government, state agencies, and agents of the state that serve children and families:

(a) Family support and preservation must be guiding philosophies when the state, state agencies, or agents of the state plan or implement services for children or families. The state shall promote the establishment of a range of services to children and families, including the following components:

(i) supporting families toward healthy development by providing a community network that offers a range of family support services, activities, and programs designed to promote family well-being, with services that include prenatal care, parenting education, parent aides, and

visiting nurses; early childhood screening and developmental services; child care; and family recreation;

(ii) assisting vulnerable families before crises emerge by providing specialized services to strengthen and preserve families experiencing problems before they become acute and by providing early intervention and family support services, such as respite care, health and mental health services, and home-based rehabilitation services linked to services in subsection (2)(a)(i);

(iii) protecting and caring for children in crisis by providing intensive services to protect children who have suffered or are at risk of suffering serious harm from child abuse and neglect, by providing care for children at risk of out-of-home placement for emotional disturbances or behavior problems, and by providing family support services to ensure that reasonable efforts are made to safely maintain children in their own homes or to provide temporary or permanent care for children who are removed from their families. These services include family-based services to avoid removal from the home whenever possible and to provide out-of-home care, reunification services, adoption services, and long-term substitute care.

(b) To maximize resources and establish a range of services driven by the needs of families rather than by a predetermined array of categorical services, the state,

1 state agencies, and agents of the state shall work toward a  
2 system of comprehensive and coordinated services to children  
3 and families through joint agency planning, joint financing,  
4 joint service delivery, common intake and assessment, and  
5 other arrangements that promote more effective support for  
6 families.

7 (c) Needed services to children and families should be  
8 provided as close as possible to the home community. The  
9 state, state agencies, and agents of the state shall  
10 encourage community planning and collaboration. State  
11 agencies shall cooperate to support collaborative programs.

12 (d) The state encourages all sectors of society to  
13 participate in building the community capacity to meet the  
14 needs of children and families.

15 (3) The family policy objectives described in this  
16 section are intended to guide the state's efforts to provide  
17 services to children and families and do not affect  
18 interpretation of separate statutes governing the  
19 determination of when risk to a child warrants removal from  
20 the family home and--do--not--compel--a--specified--level--of  
21 services. THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A  
22 SERVICE OR A PARTICULAR LEVEL OF SERVICE OR TO GRANT A RIGHT  
23 OF ACTION TO ENFORCE THIS SECTION OR OTHER LAW.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 25, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 18 (first reading copy -- blue), respectfully report that House Bill No. 18 be amended as follows and as so amended be concurred in.

Signed: \_\_\_\_\_

  
Senator Dorothy Eck, Chair


That such amendments read:

1. Page 5, lines 17 through 20.

Following: "families" on line 17

Strike: "and" on line 17 through "home" on line 20

-END-

 Amd. Coord.  
Sec. of Senate

SENATE

HB 18

191636SC.Sma

## 1 HOUSE BILL NO. 18

2 INTRODUCED BY R. JOHNSON

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

4 ON CHILDREN AND FAMILIES

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE  
7 MONTANA FAMILY POLICY ACT TO GUIDE STATE GOVERNMENT ACTIONS  
8 THAT IMPACT CHILDREN AND FAMILIES."  
9

10 WHEREAS, the family is the basic institution in society  
11 through which our children's sense of well-being and  
12 self-esteem are developed and nurtured; and

13 WHEREAS, because our entire society benefits when  
14 families function well, it is in society's best interest to  
15 ensure that public policies and programs support and  
16 strengthen family life; and

17 WHEREAS, in fiscal year 1992, 3,310 Montana children and  
18 youth were removed from their families and placed in foster  
19 homes, group homes, and residential treatment facilities at  
20 a cost to the state of more than \$16 million; and

21 WHEREAS, because of the high level of expenditures  
22 required to provide out-of-home placement, many experts now  
23 question whether public revenue spent for room, board, and  
24 related costs might be more wisely spent providing services  
25 specifically needed to enable a family to continue

1 functioning as a family; and

2 WHEREAS, mounting evidence demonstrates that efforts  
3 that are made to support and strengthen vulnerable families  
4 before a crisis occurs can substantially contribute to  
5 family health and stability and prevent future long-term  
6 governmental costs; and

7 WHEREAS, because even with a reformed service system for  
8 families, some parents will not be available or able to  
9 protect or care adequately for their children, a range of  
10 out-of-home services should be available for these children  
11 and their families; and

12 WHEREAS, state and local policymakers increasingly are  
13 examining entire state systems for serving troubled children  
14 and families and are developing a more comprehensive  
15 approach to the multifaceted problems they face; and

16 WHEREAS, just as families nurture and sustain their  
17 members, healthy communities do the same for their member  
18 children and families; and

19 WHEREAS, because family services should be rooted in  
20 local communities and reflect local needs, characteristics,  
21 and resources, services should be provided as close as  
22 possible to the home community of the child or family and  
23 families should be fully involved in the planning and  
24 delivery of those services; and

25 WHEREAS, promoting family well-being and assuring

1 children's safety must be the concern of all community  
2 sectors.

3  
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 NEW SECTION. Section 1. Short title. [Sections 1 and  
6 2] may be cited as the Montana Family Policy Act.

7 NEW SECTION. Section 2. Policy and guiding principles.

8 (1) It is the policy of the state of Montana to support and  
9 preserve the family as the single most powerful influence  
10 for ensuring the healthy social development and mental and  
11 physical well-being of Montana's children.

12 (2) The following principles must guide the actions of  
13 state government, state agencies, and agents of the state  
14 that serve children and families:

15 (a) Family support and preservation must be guiding  
16 philosophies when the state, state agencies, or agents of  
17 the state plan or implement services for children or  
18 families. The state shall promote the establishment of a  
19 range of services to children and families, including the  
20 following components:

21 (i) supporting families toward healthy development by  
22 providing a community network that offers a range of family  
23 support services, activities, and programs designed to  
24 promote family well-being, with services that include  
25 prenatal care, parenting education, parent aides, and

1 visiting nurses; early childhood screening and developmental  
2 services; child care; and family recreation;

3 (ii) assisting vulnerable families before crises emerge  
4 by providing specialized services to strengthen and preserve  
5 families experiencing problems before they become acute and  
6 by providing early intervention and family support services,  
7 such as respite care, health and mental health services, and  
8 home-based rehabilitation services linked to services in  
9 subsection (2)(a)(i);

10 (iii) protecting and caring for children in crisis by  
11 providing intensive services to protect children who have  
12 suffered or are at risk of suffering serious harm from child  
13 abuse and neglect, by providing care for children at risk of  
14 out-of-home placement for emotional disturbances or behavior  
15 problems, and by providing family support services to ensure  
16 that reasonable efforts are made to safely maintain children  
17 in their own homes or to provide temporary or permanent care  
18 for children who are removed from their families. These  
19 services include family-based services to avoid removal from  
20 the home whenever possible and to provide out-of-home care,  
21 reunification services, adoption services, and long-term  
22 substitute care.

23 (b) To maximize resources and establish a range of  
24 services driven by the needs of families rather than by a  
25 predetermined array of categorical services, the state,

1 state agencies, and agents of the state shall work toward a  
2 system of comprehensive and coordinated services to children  
3 and families through joint agency planning, joint financing,  
4 joint service delivery, common intake and assessment, and  
5 other arrangements that promote more effective support for  
6 families.

7 (c) Needed services to children and families should be  
8 provided as close as possible to the home community. The  
9 state, state agencies, and agents of the state shall  
10 encourage community planning and collaboration. State  
11 agencies shall cooperate to support collaborative programs.

12 (d) The state encourages all sectors of society to  
13 participate in building the community capacity to meet the  
14 needs of children and families.

15 (3) The family policy objectives described in this  
16 section are intended to guide the state's efforts to provide  
17 services to children and families and--do--not---affect  
18 interpretation----of---separate---statutes---governing---the  
19 determination-of-when-risk-to-a-child-warrants-removal--from  
20 the--family--home and--do--not--compel-a-specified-level-of  
21 services. THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A  
22 SERVICE OR A PARTICULAR LEVEL OF SERVICE OR TO GRANT A RIGHT  
23 OF ACTION TO ENFORCE THIS SECTION OR OTHER LAW.

-End-