

SENATE BILL NO. 29
INTRODUCED BY JACOBSON

IN THE SENATE

DECEMBER 1, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

 FIRST READING.

DECEMBER 7, 1993 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

 PRINTING REPORT.

 SECOND READING, DO PASS.

 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 47; NOES, 2.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

DECEMBER 8, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

DECEMBER 9, 1993 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

DECEMBER 10, 1993 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

DECEMBER 11, 1993 SECOND READING, CONCURRED IN.

 THIRD READING, CONCURRED IN.
AYES, 84; NOES, 16.

DECEMBER 13, 1993 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

DECEMBER 14, 1993 RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

DECEMBER 15, 1993

REPORTED CORRECTLY ENROLLED.

DECEMBER 16, 1993

SIGNED BY PRESIDENT.

SIGNED BY SPEAKER.

DECEMBER 17, 1993

DELIVERED TO GOVERNOR.

RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.

DECEMBER 18, 1993

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

TRANSMITTED TO HOUSE.

IN THE HOUSE

DECEMBER 18, 1993

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

IN THE SENATE

DECEMBER 18, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 29
2 INTRODUCED BY J. Jacobson
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LOCAL
5 CITIZEN REVIEW BOARD PILOT PROGRAM; CLARIFYING THE DUTIES OF
6 THE SUPREME COURT ADMINISTRATOR TO OVERSEE THE PROGRAM AND
7 PREPARE REQUIRED REPORTS; AND AMENDING SECTION 41-3-1004,
8 MCA."
9

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

11 **Section 1.** Section 41-3-1004, MCA, is amended to read:

12 "41-3-1004. Administration -- training -- oversight --
13 procedures. (1) Subject to the availability of funds, the
14 youth court of a judicial district designated pursuant to
15 41-3-1002 shall:

16 (a) establish and approve policies and procedures that
17 have the force of law for the operation of the local citizen
18 review board;

19 (b) approve and provide training programs for local
20 citizen review board members;

21 (c) provide consultation services on request to the
22 local citizen review board; and

23 (d) employ staff and provide for support services for
24 the local citizen review board.

25 (2) ~~The youth court of a judicial district designated~~

1 ~~pursuant to 41-3-1002~~ office of the supreme court
2 administrator shall, at the time prescribed by 5-11-210 and
3 in accordance with the direction of the supreme court,
4 oversee the program established in this part and prepare a
5 report to the governor, the legislature, and the public
6 regarding:

7 (a) state laws, policies, and practices affecting
8 permanence and appropriate care for children in the custody
9 of the department of family services and other agencies; and

10 (b) the effectiveness of the local citizen review board
11 in bringing about permanence and appropriate care for
12 children in the custody of the department of family services
13 and other agencies.

14 (3) The youth court of a judicial district designated
15 pursuant to 41-3-1002 shall adopt procedures that have the
16 force of law for the administration of the local citizen
17 review board pilot program regarding:

18 (a) the removal of members of the local citizen review
19 board;

20 (b) the time, content, and manner in which case plans
21 for and case progress reports on a child assigned to foster
22 care must be provided to the local citizen review board by
23 the department of family services, other agencies, or
24 individuals directly responsible for the care of the child;

25 (c) the provision of written notice of the review to

1 the department of family services, any other agency directly
2 responsible for the care or placement of a child, the
3 parents or their attorneys, foster parents, surrogate
4 parents, mature children or their attorneys, a
5 court-appointed attorney or special advocate of any child,
6 any county attorney or attorney general actively involved in
7 the case, and other interested persons. The notice must
8 include a statement that persons receiving a notice may
9 participate in the hearing and be accompanied by a
10 representative.

11 (d) securing or excusing the presence at the review of
12 caseworkers and other employees of the department of family
13 services or other agencies directly responsible for the care
14 of the child; and

15 (e) the manner in which the local citizen review board
16 may remove cases from review when review is not required
17 under federal law."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0029, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: Revises the local citizen review board pilot program; and clarifies the duties of the Supreme Court Administrator to oversee the program and prepare required reports.

ASSUMPTIONS:

1. House Bill 2 (HB2), as passed and approved during the 1993 regular session, included a general fund appropriation of \$113,232 to the Supreme Court Operations program to fund a pilot program for local citizen review boards. The appropriation was to be passed through to the youth court of the judicial district chosen for the pilot program. This appropriation is deleted from HB2 as of December 6, 1993 (third reading copy-blue).
2. This bill changes responsibility for overseeing the program and preparing a report to the governor and the legislature from the youth court of the designated judicial district to the Office of the Supreme Court Administrator.
3. The Judiciary estimates that the program will require 1.00 FTE Grade 18 program administrator and 1.00 FTE Grade 10 administrative assistant to oversee the local citizen review board. It is estimated that the positions will be filled on February 1, 1994, and therefore will be funded for 5/12 of FY94 (0.83 FTE). The FTE will assist the youth court of the pilot site in the development of policies and procedures, and in training and evaluation. 41-3-1004, MCA, directs the youth court of the pilot program to employ staff and provide support services for the local citizen review board, subject to the availability of funds.
4. \$25,000 is the estimated biennial general fund cost for the youth court of the judicial district chosen for the pilot program. This cost includes board member travel, training, materials, and related expenses. It is estimated that 20% of this amount will be expended in FY94 and the remainder in FY95.
5. Current law is represented by the appropriation for this pilot program in HB2 as of December 6, 1993.

FISCAL IMPACT:**Judiciary - Supreme Court Operations - Pilot Program for Local Citizen Review Boards**

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
FTE	0.00	0.83	0.83	0.00	2.00	2.00
Personal Services	0	28,450	28,450	0	68,400	68,400
Operating	0	2,000	2,000	0	3,250	3,250
Equipment	0	5,300	5,300	0	0	0
Local Assistance	0	5,000	5,000	0	20,000	20,000
Total	0	40,750	40,750	0	91,650	91,650
Funding:						
General Fund (01)	0	40,750	40,750	0	91,650	91,650

(continued)

David Lewis 12-7
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Judy Jacobson 12-7-93
 JUDY JACOBSON, PRIMARY SPONSOR DATE
 Fiscal Note for SB0029, as introduced

SB 29

Fiscal Note Request, SB0029, as introduced
Form BD-15 page 2
(continued)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The youth court of the judicial district chosen for the pilot program will receive an estimated \$25,000 in general fund support during the 1995 biennium. The Office of the Supreme Court will provide staff assistance to the pilot program. Any additional costs incurred by the youth court (county) are not subject to reasonable estimate.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The estimated costs in FY95 will continue into subsequent years if the pilot program is continued. Expansion of the number of local citizen review boards will result in additional costs to the state and/or the counties.

APPROVED BY COMM. ON
FINANCE AND CLAIMS

1 Senate BILL NO. 29
2 INTRODUCED BY J. Jackson
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LOCAL
5 CITIZEN REVIEW BOARD PILOT PROGRAM; CLARIFYING THE DUTIES OF
6 THE SUPREME COURT ADMINISTRATOR TO OVERSEE THE PROGRAM AND
7 PREPARE REQUIRED REPORTS; AND AMENDING SECTION 41-3-1004,
8 MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 **Section 1.** Section 41-3-1004, MCA, is amended to read:
12 "41-3-1004. Administration -- training -- oversight --
13 procedures. (1) Subject to the availability of funds, the
14 youth court of a judicial district designated pursuant to
15 41-3-1002 shall:
16 (a) establish and approve policies and procedures that
17 have the force of law for the operation of the local citizen
18 review board;
19 (b) approve and provide training programs for local
20 citizen review board members;
21 (c) provide consultation services on request to the
22 local citizen review board; and
23 (d) employ staff and provide for support services for
24 the local citizen review board.
25 (2) ~~The youth court of a judicial district designated~~

1 ~~pursuant to 41-3-1002~~ office of the supreme court
2 administrator shall, at the time prescribed by 5-11-210 and
3 in accordance with the direction of the supreme court,
4 oversee the program established in this part and prepare a
5 report to the governor, the legislature, and the public
6 regarding:
7 (a) state laws, policies, and practices affecting
8 permanence and appropriate care for children in the custody
9 of the department of family services and other agencies; and
10 (b) the effectiveness of the local citizen review board
11 in bringing about permanence and appropriate care for
12 children in the custody of the department of family services
13 and other agencies.
14 (3) The youth court of a judicial district designated
15 pursuant to 41-3-1002 shall adopt procedures that have the
16 force of law for the administration of the local citizen
17 review board pilot program regarding:
18 (a) the removal of members of the local citizen review
19 board;
20 (b) the time, content, and manner in which case plans
21 for and case progress reports on a child assigned to foster
22 care must be provided to the local citizen review board by
23 the department of family services, other agencies, or
24 individuals directly responsible for the care of the child;
25 (c) the provision of written notice of the review to

1 the department of family services, any other agency directly
2 responsible for the care or placement of a child, the
3 parents or their attorneys, foster parents, surrogate
4 parents, mature children or their attorneys, a
5 court-appointed attorney or special advocate of any child,
6 any county attorney or attorney general actively involved in
7 the case, and other interested persons. The notice must
8 include a statement that persons receiving a notice may
9 participate in the hearing and be accompanied by a
10 representative.

11 (d) securing or excusing the presence at the review of
12 caseworkers and other employees of the department of family
13 services or other agencies directly responsible for the care
14 of the child; and

15 (e) the manner in which the local citizen review board
16 may remove cases from review when review is not required
17 under federal law."

-End-

1 Senate BILL NO. 29
2 INTRODUCED BY J. Jacobson
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LOCAL
5 CITIZEN REVIEW BOARD PILOT PROGRAM; CLARIFYING THE DUTIES OF
6 THE SUPREME COURT ADMINISTRATOR TO OVERSEE THE PROGRAM AND
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13 **procedures.** (1) Subject to the availability of funds, the
14 youth court of a judicial district designated pursuant to
15 41-3-1002 shall:

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17 have the force of law for the operation of the local citizen
18 review board;

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20 citizen review board members;

21 (c) provide consultation services on request to the
22 local citizen review board; and

23 (d) employ staff and provide for support services for
24 the local citizen review board.

25 (2) ~~The youth-court-of-a-judicial--district--designated~~

1 ~~pursuant---to---41-3-1002~~ office of the supreme court
2 administrator shall, at the time prescribed by 5-11-210 and
3 in accordance with the direction of the supreme court,
4 oversee the program established in this part and prepare a
5 report to the governor, the legislature, and the public
6 regarding:

7 (a) state laws, policies, and practices affecting
8 permanence and appropriate care for children in the custody
9 of the department of family services and other agencies; and

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11 in bringing about permanence and appropriate care for
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17 review board pilot program regarding:

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19 board;

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21 for and case progress reports on a child assigned to foster
22 care must be provided to the local citizen review board by
23 the department of family services, other agencies, or
24 individuals directly responsible for the care of the child;

25 (c) the provision of written notice of the review to

1 the department of family services, any other agency directly
2 responsible for the care or placement of a child, the
3 parents or their attorneys, foster parents, surrogate
4 parents, mature children or their attorneys, a
5 court-appointed attorney or special advocate of any child,
6 any county attorney or attorney general actively involved in
7 the case, and other interested persons. The notice must
8 include a statement that persons receiving a notice may
9 participate in the hearing and be accompanied by a
10 representative.

11 (d) securing or excusing the presence at the review of
12 caseworkers and other employees of the department of family
13 services or other agencies directly responsible for the care
14 of the child; and

15 (e) the manner in which the local citizen review board
16 may remove cases from review when review is not required
17 under federal law."

-End-



HOUSE STANDING COMMITTEE REPORT

December 9, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 29 (third reading copy -- blue) be concurred in as amended.

Signed: *Russ Fagg*
Russ Fagg, *Chair*

And, that such amendments read:

Carried by: Rep. Shea

1. Page 2, line 2.

Strike: "at the time prescribed by 5-11-210 and"

2. Page 2, line 4.

Following: "part and"

Insert: ", at the time prescribed by 5-11-210,"

-END-

Committee Vote:
Yes 18, No 0.

SB 29

HOUSE

*SB 29
12/9/93
2:15*

SENATE BILL NO. 29

INTRODUCED BY JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LOCAL CITIZEN REVIEW BOARD PILOT PROGRAM; CLARIFYING THE DUTIES OF THE SUPREME COURT ADMINISTRATOR TO OVERSEE THE PROGRAM AND PREPARE REQUIRED REPORTS; AND AMENDING SECTION 41-3-1004, MCA."

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

Section 1. Section 41-3-1004, MCA, is amended to read:

"41-3-1004. Administration -- training -- oversight -- procedures. (1) Subject to the availability of funds, the youth court of a judicial district designated pursuant to 41-3-1002 shall:

(a) establish and approve policies and procedures that have the force of law for the operation of the local citizen review board;

(b) approve and provide training programs for local citizen review board members;

(c) provide consultation services on request to the local citizen review board; and

(d) employ staff and provide for support services for the local citizen review board.

(2) The ~~youth-court-of-a-judicial--district--designated~~

~~pursuant---to---41-3-1002~~ office of the supreme court administrator shall, ~~at-the-time-prescribed-by-5-11-210~~ and in accordance with the direction of the supreme court, oversee the program established in this part and, AT THE TIME PRESCRIBED BY 5-11-210, prepare a report to the governor, the legislature, and the public regarding:

(a) state laws, policies, and practices affecting permanence and appropriate care for children in the custody of the department of family services and other agencies; and

(b) the effectiveness of the local citizen review board in bringing about permanence and appropriate care for children in the custody of the department of family services and other agencies.

(3) The youth court of a judicial district designated pursuant to 41-3-1002 shall adopt procedures that have the force of law for the administration of the local citizen review board pilot program regarding:

(a) the removal of members of the local citizen review board;

(b) the time, content, and manner in which case plans for and case progress reports on a child assigned to foster care must be provided to the local citizen review board by the department of family services, other agencies, or individuals directly responsible for the care of the child;

(c) the provision of written notice of the review to

1 the department of family services, any other agency directly
2 responsible for the care or placement of a child, the
3 parents or their attorneys, foster parents, surrogate
4 parents, mature children or their attorneys, a
5 court-appointed attorney or special advocate of any child,
6 any county attorney or attorney general actively involved in
7 the case, and other interested persons. The notice must
8 include a statement that persons receiving a notice may
9 participate in the hearing and be accompanied by a
10 representative.

11 (d) securing or excusing the presence at the review of
12 caseworkers and other employees of the department of family
13 services or other agencies directly responsible for the care
14 of the child; and

15 (e) the manner in which the local citizen review board
16 may remove cases from review when review is not required
17 under federal law."

-End-

OFFICE OF THE GOVERNOR

STATE OF MONTANA

MARC RACICOT
GOVERNOR



STATE CAPITOL
HELENA, MONTANA 59620-0801

December 17, 1993

The Honorable Fred Van Valkenburg
President of the Senate
State Capitol
Helena MT 59620

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 29, "AN ACT REVISING THE LOCAL CITIZEN REVIEW BOARD PILOT PROGRAM; CLARIFYING THE DUTIES OF THE SUPREME COURT ADMINISTRATOR TO OVERSEE THE PROGRAM AND PREPARE REQUIRED REPORTS; AND AMENDING SECTION 41-3-1004, MCA."

No effective date was included in Senate Bill 29, which means that it will become effective on October, 1994. However, funds for the program were included in House Bill 2 for fiscal year 1994, suggesting that Senate Bill 29 was intended to take effect immediately.

It is my understanding that Senator Jacobson is in agreement that the bill be returned with an amendment that would correct this oversight.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marc Racicot", written over the word "Sincerely,".

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS TO
SENATE BILL NO. 29
(REFERENCE COPY)
December 17, 1993

1. Title, line 7.
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 18.
Following: line 17
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."