

House BILL NO. 150

INTRODUCED BY

Chris Ahner

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE COMPOSITION AND DUTIES OF A YOUTH PLACEMENT COMMITTEE; REQUIRING A YOUTH PLACEMENT COMMITTEE TO MAKE RECOMMENDATIONS FOR PLACEMENT OF A YOUTH PRIOR TO COMMITMENT OF THE YOUTH TO THE DEPARTMENT OF FAMILY SERVICES; AMENDING SECTIONS 41-5-525, 41-5-526, AND 41-5-527, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 41-5-525, MCA, is amended to read:

"41-5-525. Youth placement committees -- composition. (1) In each judicial district, the department shall establish a youth placement committee for the purposes of:

(a) recommending an appropriate placement of a youth referred to the department under 41-5-403;

or

(b) recommending available community services or alternative placements whenever a change is required in the placement of a youth who is currently in the custody of ~~committed to~~ the department under 41-5-523.

(2) The committee consists of not less than five members, ~~appointed by the department,~~ and must include persons who are knowledgeable about the youth, treatment and placement options, and other resources appropriate to address the needs of the youth. Members may include:

(a) ~~a representative~~ representatives of the department;

(b) a representative of ~~a county department of public welfare~~ the department of social and rehabilitation services;

(c) a youth probation officer;

(d) a mental health professional;

(e) a representative of a school district located within the boundaries of the judicial district; and

(f) if an Indian child or children are involved, someone, preferably an Indian person, knowledgeable

1 about Indian culture and family matters.

2 (3) Committee members serve without compensation.

3 (4) Notwithstanding the provisions of 41-5-527, the committee may be convened by the
4 department or the probation officer of the youth court."

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6 **Section 2.** Section 41-5-526, MCA, is amended to read:

7 **"41-5-526. Duties of the youth placement committee.** A youth placement committee shall:

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9 department;

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11 (3) consider the treatment recommendations of any professional person who has evaluated the
12 youth;

13 (4) consider options for the financial support of the youth;

14 (5) recommend in writing to the department an appropriate placement for the youth, considering
15 the age and treatment needs of the youth and the relative costs of care in facilities considered appropriate
16 for placement. A committee shall consider placement in a licensed facility, at Mountain View school, at Pine
17 Hills school, or with a parent, other family member, or guardian, except that the youth placement
18 committee may not substitute its judgment for that of the superintendent of a state youth correctional
19 facility who has the responsibility for decisions regarding the discharge of a youth from a state youth
20 correctional facility.

21 ~~(6)~~(6) review temporary and emergency placements as required under 41-5-528; and

22 ~~(6)~~(7) conduct placement reviews as requested by the department."
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24 **Section 3.** Section 41-5-527, MCA, is amended to read:

25 **"41-5-527. Youth placement committee to submit recommendation to department -- acceptance**
26 **or rejection of recommendation by department.** (1) ~~When a youth has been referred or committed to the~~
27 ~~department for placement, the department shall notify the appropriate~~ Prior to commitment of a youth to
28 the department pursuant to 41-5-523, a youth placement committee must be convened. The committee
29 shall submit in writing to the department its ~~recommendation~~ primary and alternative recommendations for
30 placement of the youth. ~~The committee shall send a copy of the recommendation to the appropriate youth~~

1 court judge.

2 (2) If the department accepts ~~either of the committee's recommendation, the youth must be placed~~
3 ~~according to the recommendation~~ recommendations, it shall promptly notify the committee in writing.

4 (3) If the department rejects ~~both of the committee's recommendation~~ recommendations, it shall
5 promptly notify the committee in writing of the reasons for rejecting the ~~recommendation~~. The department
6 ~~shall send a copy of the notice to the appropriate youth court judge~~ recommendations and shall recommend
7 another appropriate placement for the youth for consideration by the committee.

8 (4) ~~After receiving a notice under subsection (3), the committee shall submit in writing to the~~
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18 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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18 (b) recommending available community services or alternative placements whenever a change is
19 required in the placement of a youth who is currently in the custody of ~~committed to~~ the department under
20 41-5-523. HOWEVER, THE COMMITTEE MAY NOT SUBSTITUTE ITS JUDGMENT FOR THAT OF THE
21 SUPERINTENDENT OF A STATE YOUTH CORRECTIONAL FACILITY REGARDING THE DISCHARGE OF A
22 YOUTH FROM THE FACILITY.

23 (2) The committee consists of not less than five members, ~~appointed by the department,~~ and must
24 include persons who are knowledgeable about the youth, treatment and placement options, and other
25 resources appropriate to address the needs of the youth. Members may include:

26 (a) ~~a representative~~ TWO representatives of the department;

27 (b) a representative of ~~a county department of public welfare~~ the department of social and
28 rehabilitation services;

29 (c) ~~a youth~~ EITHER THE CHIEF PROBATION OFFICER OR THE YOUTH'S probation officer;

30 (d) a mental health professional;

1 (e) a representative of a school district located within the boundaries of the judicial district; ~~and~~

2 (f) if an Indian child or children are involved, someone, preferably an Indian person, knowledgeable
3 about Indian culture and family matters;

4 (G) A PARENT OR GUARDIAN; AND

5 (H) A YOUTH SERVICES PROVIDER.

6 (3) Committee members serve without compensation.

7 (4) Notwithstanding the provisions of 41-5-527, the committee may be convened by the
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25 ~~(5)(6)~~ (6) review temporary and emergency placements as required under 41-5-528; and

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7 (2) If the department accepts ~~either of the committee's recommendation,~~ the youth must be placed
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 22 ON A PLACEMENT OR CHANGE OF PLACEMENT, THE DEPARTMENT SHALL NOTIFY THE YOUTH COURT
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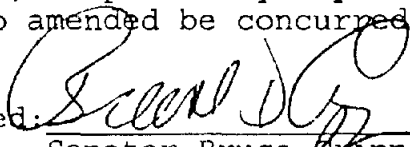
26 -END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 150 (third reading copy -- blue), respectfully report that HB 150 be amended as follows and as so amended be concurred in.

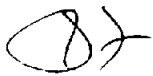
Signed: 

Senator Bruce Crippen, Chair

That such amendments read:

1. Page 3, line 4.
Following: "department"
Insert: "and to the youth court judge"

-END-


SA

Amd. Coord.
Sec. of Senate

SEN.
ESTRADA
Senator Carrying Bill

HB 150
SENATE

581357SC.SRF

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