

SENATE BILL NO. 244

INTRODUCED BY

Water *B. Baughart* *Cobb* *Sen Team*
L. Smith *Quiting*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FAMILY SERVICES TO DEVELOP A STATE POLICY AND PLAN FOR PERMANENT PLACEMENT FOR CHILDREN IN THE CHILD WELFARE SYSTEM; DIRECTING THE DEPARTMENT TO CONDUCT AN INTERIM REVIEW OF ADOPTION LAWS TO FACILITATE IMPLEMENTATION OF THE PERMANENT PLACEMENT POLICY AND PLAN AND TO IMPROVE THE ADOPTION PROCESS; AND REQUIRING A REPORT TO THE 1997 LEGISLATURE."

WHEREAS, the best interests and future well-being of Montana's children and families continue to be paramount considerations in maintaining the health and prosperity of this state; and

WHEREAS, according to data supplied by the Department of Family Services' foster care payment system, over 500 identified children have been in continuous out-of-home placement for 2 years or longer; and

WHEREAS, it is in the interests of the Legislature and the people of the state of Montana that all children in custody of the Department of Family Services have a lifelong family connection, either by a safe and productive return to their birth family or, if that is not possible, by finding those children a permanent home; and

WHEREAS, the Joint Oversight Committee on Children and Families has recommended development of a state policy and plan for permanent placement for children in the state's child welfare system; and

WHEREAS, Montana's Uniform Adoption Act, as enacted in 1957 and revised periodically, may again be in need of amendment or further revision to address the problem of permanent placement of Montana's children.

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

NEW SECTION. Section 1. Development of state permanent placement policy and plan. The department shall develop a state permanent placement policy and plan for children in the state's child welfare system. The state plan must include, at a minimum:

- (1) a plan that includes locating a permanent home for any child that has been in foster care for

- 1 more than 1 year;
- 2 (2) the number of children impacted by the plan;
- 3 (3) identification of priorities in placement alternatives;
- 4 (4) identification of various strategies for improvement of the child welfare system and of an action
5 plan to implement these strategies;
- 6 (5) interim findings and identification of barriers to permanent placement of children and
7 recommendations to reduce or eliminate those barriers; and
- 8 (6) steps taken by the department to sustain systemic change in placement of children in
9 out-of-home care.

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11 **NEW SECTION. Section 2. Interim review of adoption law.** (1) As part of the implementation of
12 a state permanent placement policy and plan for children as required under [section 1], the department shall
13 conduct a study of Montana adoption laws and policy. The study must include but is not limited to a review
14 of Montana's current adoption laws and the Uniform Adoption Act of 1994 adopted by the national
15 conference of commissioners on uniform state laws. The department shall facilitate the study through
16 appointment of a volunteer advisory committee composed of persons representing groups or associations
17 interested in the various aspects of policies pertaining to permanent placement of children and to adoption.
18 The department may provide staff, facilities, and related expertise in conducting the study. The advisory
19 committee shall:

20 (a) review the provisions of Montana's current adoption laws and the Uniform Adoption Act of
21 1994;

22 (b) identify areas of Montana adoption law that may need amendment, revision, or restructuring in
23 order to implement the policy and plan for permanent placement of children developed under [section 1];

24 (c) identify any other aspects of Montana adoption law in which revision, amendment, or
25 replacement would facilitate or improve the adoption process;

26 (d) coordinate with the Montana supreme court regarding the permanent placement study and the
27 court's federal court improvement grant; and

28 (e) report any recommendations or suggestions to the department for subsequent report to the
29 legislature.

30 (2) Upon receipt of any committee recommendations or suggestions, the department shall submit

1 the findings, along with any related department suggestions and recommendations, as part of the
2 permanent placement report required under [section 3].

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4 **NEW SECTION. Section 3. Report to legislature -- recommendations.** The department shall report
5 to the 1997 legislature, by December 1, 1996, on the state permanent placement policy and plan required
6 under [section 1]. The report must include:

7 (1) interim findings, recommendations, or suggestions to enhance implementation and a description
8 of any related changes made to present policy in order to implement the state policy and plan; and

9 (2) the results of the interim review of adoption law conducted under [section 2] and any
10 suggestions or recommendations for amendment or revision that would enhance or improve the adoption
11 process or that would facilitate implementation of the permanent placement policy and plan developed
12 under [section 1].

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14 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
15 integral part of Title 52, chapter 2, part 1, and the provisions of Title 52, chapter 2, part 1, apply to
16 [section 1].

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0244, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the Department of Family Services to develop a state policy and plan for permanent placement for children in the child welfare system; directing the department to conduct an interim review of adoption laws to facilitate implementation of the permanent placement policy and plan and to improve the adoption process; and requiring a report to the 1997 legislature.

ASSUMPTIONS:


1. In FY95, the department will begin the process of developing a state permanent placement policy and plan and of reviewing the adoption laws as required by Sections 1 and 2 of the bill.
2. With the use of private funds from the Kellogg Foundation, the department will complete the provisions of this legislation without additional need of state or federal revenues for the remainder of the 1995 biennium and through the 1997 biennium.

FISCAL IMPACT:

None.

TECHNICAL NOTE:

Section 3: The December 1, 1996, report date is too late for inclusion in the Executive Budget, the deadlines for which would require a September report date.

 Dave Lewis 1-31-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 Mignon Waterman

MIGNON WATERMAN, PRIMARY SPONSOR DATE

Fiscal Note for SB0244, as introduced

SB 244

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2 INTRODUCED BY WATERMAN, BARNHART, COBB, ECK, TOEWS, KEATING, L. SMITH

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6 WELFARE SYSTEM; DIRECTING THE DEPARTMENT TO CONDUCT AN INTERIM REVIEW OF ADOPTION
7 LAWS TO FACILITATE IMPLEMENTATION OF THE PERMANENT PLACEMENT POLICY AND PLAN AND TO
8 IMPROVE THE ADOPTION PROCESS; AND REQUIRING A REPORT TO THE 1997 LEGISLATURE."9
10 WHEREAS, the best interests and future well-being of Montana's children and families continue to
11 be paramount considerations in maintaining the health and prosperity of this state; and12 WHEREAS, according to data supplied by the Department of Family Services' foster care payment
13 system, over 500 identified children have been in continuous out-of-home placement for 2 years or longer;
14 and15 WHEREAS, it is in the interests of the Legislature and the people of the state of Montana that all
16 children in custody of the Department of Family Services have a lifelong family connection, either by a safe
17 and productive return to their birth family or, if that is not possible, by finding those children a permanent
18 home; and19 WHEREAS, the Joint Oversight Committee on Children and Families has recommended development
20 of a state policy and plan for permanent placement for children in the state's child welfare system; and21 WHEREAS, Montana's Uniform Adoption Act, as enacted in 1957 and revised periodically, may
22 again be in need of amendment or further revision to address the problem of permanent placement of
23 Montana's children.24
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:26
27 **NEW SECTION. Section 1. Development of state permanent placement policy and plan.** The
28 department shall develop a state permanent placement policy and plan for children in the state's child
29 welfare system. The state plan must include, at a minimum:

30 (1) a plan that includes locating a permanent home for any child that has been in foster care for

- 1 more than 1 year;
- 2 (2) the number of children impacted by the plan;
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- 5 plan to implement these strategies;
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11 **NEW SECTION. Section 2. Interim review of adoption law.** (1) As part of the implementation of

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13 conduct a study of Montana adoption laws and policy. The study must include but is not limited to a review

14 of Montana's current adoption laws and the Uniform Adoption Act of 1994 adopted by the national

15 conference of commissioners on uniform state laws. The department shall facilitate the study through

16 appointment of a volunteer advisory committee composed of persons representing groups or associations

17 interested in the various aspects of policies pertaining to permanent placement of children and to adoption.

18 The department may provide staff, facilities, and related expertise in conducting the study. The advisory

19 committee shall:

20 (a) review the provisions of Montana's current adoption laws and the Uniform Adoption Act of

21 1994;

22 (b) identify areas of Montana adoption law that may need amendment, revision, or restructuring in

23 order to implement the policy and plan for permanent placement of children developed under [section 1];

24 (c) identify any other aspects of Montana adoption law in which revision, amendment, or

25 replacement would facilitate or improve the adoption process;

26 (d) coordinate with the Montana supreme court regarding the permanent placement study and the

27 court's federal court improvement grant; and

28 (e) report any recommendations or suggestions to the department for subsequent report to the

29 legislature.

30 (2) Upon receipt of any committee recommendations or suggestions, the department shall submit

1 the findings, along with any related department suggestions and recommendations, as part of the
2 permanent placement report required under [section 3].

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6 plan required under [section 1]. The report must include:

7 (1) interim findings, recommendations, or suggestions to enhance implementation and a description
8 of any related changes made to present policy in order to implement the state policy and plan; and

9 (2) the results of the interim review of adoption law conducted under [section 2] and any
10 suggestions or recommendations for amendment or revision that would enhance or improve the adoption
11 process or that would facilitate implementation of the permanent placement policy and plan developed
12 under [section 1].

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14 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
15 integral part of Title 52, chapter 2, part 1, and the provisions of Title 52, chapter 2, part 1, apply to
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