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INTRODUCED BY House BILL NO. 264
Brad Molnar Bergman

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING DRUG FREE AND CRIME FREE SCHOOLS; REQUIRING THE YOUTH COURT TO NOTIFY A SCHOOL WHEN A YOUTH PLACED IN FOSTER CARE HAS BEEN FOUND BY A JUVENILE PROBATION OFFICER OR THE YOUTH COURT TO BE CURRENTLY INVOLVED IN DRUG USE OR OTHER CRIMINAL ACTIVITY; AUTHORIZING A SCHOOL TO REFUSE TO ACCEPT THE YOUTH IF REFUSAL DOES NOT VIOLATE FEDERAL LAW; AND AMENDING SECTIONS 41-5-603 AND 52-2-211, MCA."

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

Section 1. Section 41-5-603, MCA, is amended to read:

"41-5-603. Youth court and department records -- notification of school. (1) Except as provided in ~~subsection (2)~~ subsections (2) and (3), all youth court records on file with the clerk of court, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, orders, and decrees, are open to public inspection until the records are sealed under 41-5-604.

(2) Social, medical, and psychological records, predispositional studies, supervision records of probationers, and any report, charge, or allegation that is not adjudicated pursuant to this chapter are open only to the following:

- (a) the youth court and its professional staff;
- (b) representatives of any agency providing supervision and having legal custody of a youth;
- (c) any other person, by order of the court, having a legitimate interest in the case or in the work of the court;
- (d) any court and its probation and other professional staff or the attorney for a convicted party who had been a party to proceedings in the youth court when considering the sentence to be imposed upon the party;
- (e) the county attorney;
- (f) the youth who is the subject of the report or record, after emancipation or reaching the age of majority;

1 (g) a member of a county interdisciplinary child information team formed under 52-2-211 who is
2 not listed in this subsection (2);

3 (h) members of a local interagency staffing group provided for in 52-2-203; and

4 (i) persons allowed access to the records under 45-5-624(7).

5 (3) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e), if a youth is placed in foster care
6 because the youth has been found by the juvenile probation officer or the youth court to be currently
7 involved in drug use or other criminal activity, the youth court shall notify the school that the youth will
8 attend of the drug use or criminal activity issues. Upon notification, the school may refuse to accept the
9 youth as a student but may not refuse to accept the student if refusal violates the federal Individuals With
10 Disabilities Education Act or the federal Americans With Disabilities Act of 1990.

11 (4) In all cases, a victim is entitled to all information concerning the identity and disposition of the
12 youth.

13 (5) The identity of a youth who for the second or subsequent time admits violating or is adjudicated
14 as having violated a statute must be disclosed by youth court officials to the administrative officials of the
15 school in which the youth is a student for purposes of referral for enrollment to the substance abuse
16 program or enforcement of school disciplinary procedures that existed at the time of the admission or
17 adjudication. The information may not be further disclosed and may not be made part of the student's
18 permanent records.

19 ~~(3)(6)~~ Any part of records information secured from records listed in subsection (2), when
20 presented to and used by the court in a proceeding under this chapter, must also be made available to the
21 counsel for the parties to the proceedings.

22 ~~(4)(7)~~ After youth court and department records, reports of preliminary inquiries, predispositional
23 studies, and supervision records of probationers are sealed, they are not open to inspection except, upon
24 order of the youth court, for good cause to:

25 (a) those persons and agencies listed in ~~subsection (2)~~ subsections (2) and (3); and

26 (b) adult probation professional staff preparing a presentence report on a youth who has reached
27 the age of majority."

28
29 **Section 2.** Section 52-2-211, MCA, is amended to read:

30 **"52-2-211. County interdisciplinary child information team.** (1) The following persons and agencies

1 operating within a county may by written agreement form a county interdisciplinary child information team:

- 2 (a) the youth court;
- 3 (b) the county attorney;
- 4 (c) the department of public health and human services;
- 5 (d) the county superintendent of schools;
- 6 (e) the sheriff;
- 7 (f) the chief of any police force;
- 8 (g) the superintendents of public school districts; and
- 9 (h) the department of corrections.

10 (2) The persons and agencies signing a written agreement under subsection (1) may by majority
11 vote allow the following persons to sign the written agreement and join the information team:

- 12 (a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental
13 health care;
- 14 (b) entities operating private elementary and secondary schools;
- 15 (c) attorneys; and
- 16 (d) a person or entity that has or may have a legitimate interest in one or more children that the
17 information team will serve.

18 (3) The members of the information team or their designees may form one or more auxiliary teams
19 for the purpose of providing service to a single child, a group of children, or children with a particular type
20 of problem or for any other purpose. Auxiliary teams are subject to the written agreement.

21 (4) The purpose of the team and written agreement is to facilitate the exchange and sharing of
22 information that one or more team members may be able to use in serving a child in the course of their
23 professions and occupations, including but not limited to abused, neglected, and delinquent children and
24 youth in need of supervision. Information regarding a child that a team member supplies to other team
25 members or that is disseminated to a team member under 41-3-205 or 41-5-603(2) and (3) may not be
26 disseminated beyond the team.

27 (5) The terms of the written agreement must provide for the rules under which the team will
28 operate, the method by which information will be shared, distributed, and managed, and any other matters
29 necessary to the purpose and functions of the team."

30 -END-

1 HOUSE BILL NO. 264

2 INTRODUCED BY MOLNAR, BERGMAN, MCGEE, MILLER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING DRUG FREE AND CRIME FREE SCHOOLS;
5 REQUIRING THE YOUTH COURT TO NOTIFY A SCHOOL WHEN A YOUTH PLACED IN FOSTER CARE HAS
6 BEEN FOUND BY A JUVENILE PROBATION OFFICER OR THE YOUTH COURT TO BE CURRENTLY
7 INVOLVED IN DRUG USE OR OTHER CRIMINAL ACTIVITY; AUTHORIZING A SCHOOL TO REFUSE TO
8 ACCEPT THE YOUTH IF REFUSAL DOES NOT VIOLATE FEDERAL LAW; AND AMENDING SECTIONS
9 41-5-603 AND 52-2-211, MCA."

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

12
13 **Section 1.** Section 41-5-603, MCA, is amended to read:

14 **"41-5-603. Youth court and department records -- notification of school.** (1) Except as provided
15 in ~~subsection (2)~~ subsections (2) and (3), all youth court records on file with the clerk of court, including
16 reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, orders,
17 and decrees, are open to public inspection until the records are sealed under 41-5-604.

18 (2) Social, medical, and psychological records, predispositional studies, supervision records of
19 probationers, and any report, charge, or allegation that is not adjudicated pursuant to this chapter are open
20 only to the following:

21 (a) the youth court and its professional staff;

22 (b) representatives of any agency providing supervision and having legal custody of a youth;

23 (c) any other person, by order of the court, having a legitimate interest in the case or in the work
24 of the court;

25 (d) any court and its probation and other professional staff or the attorney for a convicted party
26 who had been a party to proceedings in the youth court when considering the sentence to be imposed upon
27 the party;

28 (e) the county attorney;

29 (f) the youth who is the subject of the report or record, after emancipation or reaching the age of
30 majority;

1 (g) a member of a county interdisciplinary child information team formed under 52-2-211 who is
2 not listed in this subsection (2);

3 (h) members of a local interagency staffing group provided for in 52-2-203; and

4 (i) persons allowed access to the records under 45-5-624(7).

5 (3) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e), if a youth is placed in foster care
6 because the youth has been found by the juvenile probation officer or the youth court to be currently
7 involved in drug use or other criminal activity, the youth court shall notify the school that the youth will
8 attend of the drug use or criminal activity issues. Upon notification, the school may refuse to accept the
9 youth as a student but may not refuse to accept the student if refusal violates the federal Individuals With
10 Disabilities Education Act or the federal Americans With Disabilities Act of 1990.

11 (4) In all cases, a victim is entitled to all information concerning the identity and disposition of the
12 youth.

13 (5) The identity of a youth who for the second or subsequent time admits violating or is adjudicated
14 as having violated a statute must be disclosed by youth court officials to the administrative officials of the
15 school in which the youth is a student for purposes of referral for enrollment to the substance abuse
16 program or enforcement of school disciplinary procedures that existed at the time of the admission or
17 adjudication. The information may not be further disclosed and may not be made part of the student's
18 permanent records.

19 ~~(3)(6)~~ Any part of records information secured from records listed in subsection (2), when
20 presented to and used by the court in a proceeding under this chapter, must also be made available to the
21 counsel for the parties to the proceedings.

22 ~~(4)(7)~~ After youth court and department records, reports of preliminary inquiries, predispositional
23 studies, and supervision records of probationers are sealed, they are not open to inspection except, upon
24 order of the youth court, for good cause to:

25 (a) those persons and agencies listed in ~~subsection (2)~~ subsections (2) and (3); and

26 (b) adult probation professional staff preparing a presentence report on a youth who has reached
27 the age of majority."

28

29 **Section 2.** Section 52-2-211, MCA, is amended to read:

30 **"52-2-211. County interdisciplinary child information team.** (1) The following persons and agencies

1 operating within a county may by written agreement form a county interdisciplinary child information team:

- 2 (a) the youth court;
- 3 (b) the county attorney;
- 4 (c) the department of public health and human services;
- 5 (d) the county superintendent of schools;
- 6 (e) the sheriff;
- 7 (f) the chief of any police force;
- 8 (g) the superintendents of public school districts; and
- 9 (h) the department of corrections.

10 (2) The persons and agencies signing a written agreement under subsection (1) may by majority
11 vote allow the following persons to sign the written agreement and join the information team:

- 12 (a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental
13 health care;
- 14 (b) entities operating private elementary and secondary schools;
- 15 (c) attorneys; and
- 16 (d) a person or entity that has or may have a legitimate interest in one or more children that the
17 information team will serve.

18 (3) The members of the information team or their designees may form one or more auxiliary teams
19 for the purpose of providing service to a single child, a group of children, or children with a particular type
20 of problem or for any other purpose. Auxiliary teams are subject to the written agreement.

21 (4) The purpose of the team and written agreement is to facilitate the exchange and sharing of
22 information that one or more team members may be able to use in serving a child in the course of their
23 professions and occupations, including but not limited to abused, neglected, and delinquent children and
24 youth in need of supervision. Information regarding a child that a team member supplies to other team
25 members or that is disseminated to a team member under 41-3-205 or 41-5-603(2) and (3) may not be
26 disseminated beyond the team.

27 (5) The terms of the written agreement must provide for the rules under which the team will
28 operate, the method by which information will be shared, distributed, and managed, and any other matters
29 necessary to the purpose and functions of the team."

30 -END-

1 HOUSE BILL NO. 264

2 INTRODUCED BY MOLNAR, BERGMAN, MCGEE, MILLER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING DRUG FREE AND CRIME FREE SCHOOLS;
5 REQUIRING THE YOUTH COURT TO NOTIFY A SCHOOL WHEN A YOUTH ~~PLACED IN FOSTER CARE~~ HAS
6 BEEN FOUND BY A JUVENILE PROBATION OFFICER OR THE YOUTH COURT TO BE CURRENTLY
7 INVOLVED IN DRUG USE OR OTHER CRIMINAL ACTIVITY; AUTHORIZING A SCHOOL TO REFUSE TO
8 ACCEPT THE YOUTH IF REFUSAL DOES NOT VIOLATE FEDERAL LAW; AND AMENDING SECTIONS
9 41-5-603 AND 52-2-211, MCA."

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

12
13 **Section 1.** Section 41-5-603, MCA, is amended to read:

14 **"41-5-603. Youth court and department records -- notification of school.** (1) Except as provided
15 in ~~subsection (2)~~ subsections (2) and (3), all youth court records on file with the clerk of court, including
16 reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, orders,
17 and decrees, are open to public inspection until the records are sealed under 41-5-604.

18 (2) Social, medical, and psychological records, predispositional studies, supervision records of
19 probationers, and any report, charge, or allegation that is not adjudicated pursuant to this chapter are open
20 only to the following:

21 (a) the youth court and its professional staff;

22 (b) representatives of any agency providing supervision and having legal custody of a youth;

23 (c) any other person, by order of the court, having a legitimate interest in the case or in the work
24 of the court;

25 (d) any court and its probation and other professional staff or the attorney for a convicted party
26 who had been a party to proceedings in the youth court when considering the sentence to be imposed upon
27 the party;

28 (e) the county attorney;

29 (f) the youth who is the subject of the report or record, after emancipation or reaching the age of
30 majority;

1 (g) a member of a county interdisciplinary child information team formed under 52-2-211 who is
2 not listed in this subsection (2);

3 (h) members of a local interagency staffing group provided for in 52-2-203; and

4 (i) persons allowed access to the records under 45-5-624(7).

5 ~~(3) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e), if a youth is placed in foster care~~
6 ~~because the youth has been found by the juvenile probation officer or the youth court to be~~ IF A PETITION
7 ~~HAS NOT BEEN FILED AND THE JUVENILE PROBATION OFFICER, YOUTH COURT, OR AGENCY, AS~~
8 ~~DEFINED IN 41-5-103, HAS REASONABLE CAUSE TO BELIEVE THAT A YOUTH IS CURRENTLY INVOLVED~~
9 ~~WITH DRUG USE OR CRIMINAL ACTIVITY OR IF A PETITION HAS BEEN FILED AND THE JUVENILE~~
10 ~~PROBATION OFFICER OR YOUTH COURT FINDS THAT A YOUTH IS currently involved in drug use or other~~
11 ~~criminal activity, the youth court shall notify the school that the youth will attend of the drug use or criminal~~
12 ~~activity issues. Upon notification, the school may EXPEL OR refuse to accept the youth as a student but~~
13 ~~may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education~~
14 ~~Act or the federal Americans With Disabilities Act of 1990.~~

15 (4) In all cases, a victim is entitled to all information concerning the identity and disposition of the
16 youth.

17 (5) The identity of a youth who for the second or subsequent time admits violating or is adjudicated
18 as having violated a statute must be disclosed by youth court officials to the administrative officials of the
19 school in which the youth is a student for purposes of referral for enrollment to the substance abuse
20 program or enforcement of school disciplinary procedures that existed at the time of the admission or
21 adjudication. The information may not be further disclosed and may not be made part of the student's
22 permanent records.

23 ~~(3)(6)~~ Any part of records information secured from records listed in subsection (2), when
24 presented to and used by the court in a proceeding under this chapter, must also be made available to the
25 counsel for the parties to the proceedings.

26 ~~(4)(7)~~ After youth court and department records, reports of preliminary inquiries, predispositional
27 studies, and supervision records of probationers are sealed, they are not open to inspection except, upon
28 order of the youth court, for good cause to:

29 (a) those persons and agencies listed in ~~subsection (2)~~ subsections (2) and (3); and

30 (b) adult probation professional staff preparing a presentence report on a youth who has reached

1 the age of majority."

2

3 **Section 2.** Section 52-2-211, MCA, is amended to read:

4 **"52-2-211. County interdisciplinary child information team.** (1) The following persons and agencies
5 operating within a county may by written agreement form a county interdisciplinary child information team:

6 (a) the youth court;

7 (b) the county attorney;

8 (c) the department of public health and human services;

9 (d) the county superintendent of schools;

10 (e) the sheriff;

11 (f) the chief of any police force;

12 (g) the superintendents of public school districts; and

13 (h) the department of corrections.

14 (2) The persons and agencies signing a written agreement under subsection (1) may by majority
15 vote allow the following persons to sign the written agreement and join the information team:

16 (a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental
17 health care;

18 (b) entities operating private elementary and secondary schools;

19 (c) attorneys; and

20 (d) a person or entity that has or may have a legitimate interest in one or more children that the
21 information team will serve.

22 (3) The members of the information team or their designees may form one or more auxiliary teams
23 for the purpose of providing service to a single child, a group of children, or children with a particular type
24 of problem or for any other purpose. Auxiliary teams are subject to the written agreement.

25 (4) The purpose of the team and written agreement is to facilitate the exchange and sharing of
26 information that one or more team members may be able to use in serving a child in the course of their
27 professions and occupations, including but not limited to abused, neglected, and delinquent children and
28 youth in need of supervision. Information regarding a child that a team member supplies to other team
29 members or that is disseminated to a team member under 41-3-205 or 41-5-603(2) and (3) may not be
30 disseminated beyond the team.

1 HOUSE BILL NO. 264

2 INTRODUCED BY MOLNAR, BERGMAN, MCGEE, MILLER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~ESTABLISHING DRUG FREE AND CRIME FREE SCHOOLS;~~
5 ~~REQUIRING THE YOUTH COURT TO NOTIFY A SCHOOL WHEN A YOUTH PLACED IN FOSTER CARE HAS~~
6 ~~BEEN FOUND BY A JUVENILE PROBATION OFFICER OR THE YOUTH COURT TO BE CURRENTLY~~
7 ~~INVOLVED IN DRUG USE OR OTHER CRIMINAL ACTIVITY; AUTHORIZING A SCHOOL TO REFUSE TO~~
8 ~~ACCEPT THE YOUTH IF REFUSAL DOES NOT VIOLATE FEDERAL LAW~~ OF THE IDENTITY OF A STUDENT
9 WHO FOR A SECOND OR SUBSEQUENT TIME ADMITS VIOLATING OR IS ADJUDICATED AS HAVING
10 VIOLATED A STATUTE; AND AMENDING SECTIONS SECTION 41-5-603 AND ~~52-2-211~~, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13
14 **Section 1.** Section 41-5-603, MCA, is amended to read:

15 **"41-5-603. Youth court and department records -- notification of school.** (1) Except as provided
16 in ~~subsection (2) subsections (2) and (3)~~ SUBSECTION (2), all youth court records on file with the clerk of
17 court, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings,
18 verdicts, orders, and decrees, are open to public inspection until the records are sealed under 41-5-604.

19 (2) Social, medical, and psychological records, predispositional studies, supervision records of
20 probationers, and any report, charge, or allegation that is not adjudicated pursuant to this chapter are open
21 only to the following:

- 22 (a) the youth court and its professional staff;
- 23 (b) representatives of any agency providing supervision and having legal custody of a youth;
- 24 (c) any other person, by order of the court, having a legitimate interest in the case or in the work
25 of the court;
- 26 (d) any court and its probation and other professional staff or the attorney for a convicted party
27 who had been a party to proceedings in the youth court when considering the sentence to be imposed upon
28 the party;
- 29 (e) the county attorney;
- 30 (f) the youth who is the subject of the report or record, after emancipation or reaching the age of

1 majority;

2 (g) a member of a county interdisciplinary child information team formed under 52-2-211 who is
3 not listed in this subsection (2);

4 (h) members of a local interagency staffing group provided for in 52-2-203; and

5 (i) persons allowed access to the records under 45-5-624(7).

6 ~~(3) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e), if a youth is placed in foster care
7 because the youth has been found by the juvenile probation officer or the youth court to be IF A PETITION
8 HAS NOT BEEN FILED AND THE JUVENILE PROBATION OFFICER, YOUTH COURT, OR AGENCY, AS
9 DEFINED IN 41-5-103, HAS REASONABLE CAUSE TO BELIEVE THAT A YOUTH IS CURRENTLY INVOLVED
10 WITH DRUG USE OR CRIMINAL ACTIVITY OR IF A PETITION HAS BEEN FILED AND THE JUVENILE
11 PROBATION OFFICER OR YOUTH COURT FINDS THAT A YOUTH IS currently involved in drug use or other
12 criminal activity, the youth court shall notify the school that the youth will attend of the drug use or criminal
13 activity issues. Upon notification, the school may EXPEL OR refuse to accept the youth as a student but
14 may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education
15 Act or the federal Americans With Disabilities Act of 1990.~~

16 ~~(4)(3) In all cases, a victim is entitled to all information concerning the identity and disposition of
17 the youth, AS PROVIDED IN 46-24-207.~~

18 ~~(5)(4) The identity of a youth who for the second or subsequent time admits violating or is
19 adjudicated as having violated a statute must be disclosed by youth court officials to the administrative
20 officials of the school in which the youth is a student for purposes of referral for enrollment to the
21 substance abuse program or enforcement of. THE ADMINISTRATIVE OFFICIALS MAY ENFORCE ANY
22 school disciplinary procedures that existed at the time of the admission or adjudication. The information
23 may not be further disclosed and may not be made part of the student's permanent records.~~

24 ~~(3)(6)(5) Any part of records information secured from records listed in subsection (2), when
25 presented to and used by the court in a proceeding under this chapter, must also be made available to the
26 counsel for the parties to the proceedings.~~

27 ~~(4)(7)(6) After youth court and department records, reports of preliminary inquiries, predispositional
28 studies, and supervision records of probationers are sealed, they are not open to inspection except, upon
29 order of the youth court, for good cause to:~~

30 (a) those persons and agencies listed in ~~subsection (2) subsections (2) and (3) SUBSECTION (2);~~

1 and

2 (b) adult probation professional staff preparing a presentence report on a youth who has reached
3 the age of majority."

4

5 ~~Section 2. Section 52-2-211, MCA, is amended to read:~~

6 ~~"52-2-211. County interdisciplinary child information team. (1) The following persons and agencies~~
7 ~~operating within a county may by written agreement form a county interdisciplinary child information team:~~

8 ~~(a) the youth court;~~

9 ~~(b) the county attorney;~~

10 ~~(c) the department of public health and human services;~~

11 ~~(d) the county superintendent of schools;~~

12 ~~(e) the sheriff;~~

13 ~~(f) the chief of any police force;~~

14 ~~(g) the superintendents of public school districts; and~~

15 ~~(h) the department of corrections.~~

16 ~~(2) The persons and agencies signing a written agreement under subsection (1) may by majority~~
17 ~~vote allow the following persons to sign the written agreement and join the information team:~~

18 ~~(a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental~~
19 ~~health care;~~

20 ~~(b) entities operating private elementary and secondary schools;~~

21 ~~(c) attorneys; and~~

22 ~~(d) a person or entity that has or may have a legitimate interest in one or more children that the~~
23 ~~information team will serve.~~

24 ~~(3) The members of the information team or their designees may form one or more auxiliary teams~~
25 ~~for the purpose of providing service to a single child, a group of children, or children with a particular type~~
26 ~~of problem or for any other purpose. Auxiliary teams are subject to the written agreement.~~

27 ~~(4) The purpose of the team and written agreement is to facilitate the exchange and sharing of~~
28 ~~information that one or more team members may be able to use in serving a child in the course of their~~
29 ~~professions and occupations, including but not limited to abused, neglected, and delinquent children and~~
30 ~~youth in need of supervision. Information regarding a child that a team member supplies to other team~~

1 ~~members or that is disseminated to a team member under 41-3-205 or 41-5-603(2) and (3) may not be~~
2 ~~disseminated beyond the team.~~

3 ~~(5) The terms of the written agreement must provide for the rules under which the team will~~
4 ~~operate, the method by which information will be shared, distributed, and managed, and any other matters~~
5 ~~necessary to the purpose and functions of the team."~~

6 ~~-END-~~

1 HOUSE BILL NO. 264

2 INTRODUCED BY MOLNAR, BERGMAN, MCGEE, MILLER

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~ESTABLISHING DRUG FREE AND CRIME FREE SCHOOLS;~~
 5 ~~REQUIRING THE YOUTH COURT TO NOTIFY A SCHOOL WHEN A YOUTH PLACED IN FOSTER CARE HAS~~
 6 ~~BEEN FOUND BY A JUVENILE PROBATION OFFICER OR THE YOUTH COURT TO BE CURRENTLY~~
 7 ~~INVOLVED IN DRUG USE OR OTHER CRIMINAL ACTIVITY; AUTHORIZING A SCHOOL TO REFUSE TO~~
 8 ~~ACCEPT THE YOUTH IF REFUSAL DOES NOT VIOLATE FEDERAL LAW~~ OF THE IDENTITY OF A STUDENT
 9 WHO FOR A SECOND OR SUBSEQUENT TIME ADMITS VIOLATING OR IS ADJUDICATED AS HAVING
 10 VIOLATED A STATUTE; AND AMENDING SECTIONS SECTION 41-5-603 AND 52-2-211, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
 14 **Section 1.** Section 41-5-603, MCA, is amended to read:

15 **"41-5-603. Youth court and department records -- notification of school.** (1) Except as provided
 16 in ~~subsection (2) subsections (2) and (3)~~ SUBSECTION (2), all youth court records on file with the clerk of
 17 court, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings,
 18 verdicts, orders, and decrees, are open to public inspection until the records are sealed under 41-5-604.

19 (2) Social, medical, and psychological records, predispositional studies, supervision records of
 20 probationers, and any report, charge, or allegation that is not adjudicated pursuant to this chapter are open
 21 only to the following:

- 22 (a) the youth court and its professional staff;
- 23 (b) representatives of any agency providing supervision and having legal custody of a youth;
- 24 (c) any other person, by order of the court, having a legitimate interest in the case or in the work
 25 of the court;
- 26 (d) any court and its probation and other professional staff or the attorney for a convicted party
 27 who had been a party to proceedings in the youth court when considering the sentence to be imposed upon
 28 the party;
- 29 (e) the county attorney;
- 30 (f) the youth who is the subject of the report or record, after emancipation or reaching the age of

1 majority;

2 (g) a member of a county interdisciplinary child information team formed under 52-2-211 who is
3 not listed in this subsection (2);

4 (h) members of a local interagency staffing group provided for in 52-2-203; and

5 (i) persons allowed access to the records under 45-5-624(7).

6 ~~(3) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e), if a youth is placed in foster care~~
7 ~~because the youth has been found by the juvenile probation officer or the youth court to be IF A PETITION~~
8 ~~HAS NOT BEEN FILED AND THE JUVENILE PROBATION OFFICER, YOUTH COURT, OR AGENCY, AS~~
9 ~~DEFINED IN 41-5-103, HAS REASONABLE CAUSE TO BELIEVE THAT A YOUTH IS CURRENTLY INVOLVED~~
10 ~~WITH DRUG USE OR CRIMINAL ACTIVITY OR IF A PETITION HAS BEEN FILED AND THE JUVENILE~~
11 ~~PROBATION OFFICER OR YOUTH COURT FINDS THAT A YOUTH IS currently involved in drug use or other~~
12 ~~criminal activity, the youth court shall notify the school that the youth will attend of the drug use or criminal~~
13 ~~activity issues. Upon notification, the school may EXPEL OR refuse to accept the youth as a student but~~
14 ~~may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education~~
15 ~~Act or the federal Americans With Disabilities Act of 1990.~~

16 ~~(4)(3) In all cases, a victim is entitled to all information concerning the identity and disposition of~~
17 ~~the youth, AS PROVIDED IN 46-24-207.~~

18 ~~(5)(4) The identity of a youth who for the second or subsequent time admits violating or is~~
19 ~~adjudicated as having violated a statute must be disclosed by youth court officials to the administrative~~
20 ~~officials of the school in which the youth is a student for purposes of referral for enrollment to the~~
21 ~~substance abuse program or enforcement of. THE ADMINISTRATIVE OFFICIALS MAY ENFORCE ANY~~
22 ~~school disciplinary procedures that existed at the time of the admission or adjudication. The information~~
23 ~~may not be further disclosed and may not be made part of the student's permanent records.~~

24 ~~(3)(6)(5) Any part of records information secured from records listed in subsection (2), when~~
25 ~~presented to and used by the court in a proceeding under this chapter, must also be made available to the~~
26 ~~counsel for the parties to the proceedings.~~

27 ~~(4)(7)(6) After youth court and department records, reports of preliminary inquiries, predispositional~~
28 ~~studies, and supervision records of probationers are sealed, they are not open to inspection except, upon~~
29 ~~order of the youth court, for good cause to:~~

30 (a) those persons and agencies listed in ~~subsection (2) subsections (2) and (3) SUBSECTION (2);~~

1 and

2 (b) adult probation professional staff preparing a presentence report on a youth who has reached
3 the age of majority."

4

5 ~~Section 2. Section 52-2-211, MCA, is amended to read:~~

6 ~~"52-2-211. County interdisciplinary child information team. (1) The following persons and agencies
7 operating within a county may by written agreement form a county interdisciplinary child information team:~~

8 ~~(a) the youth court;~~

9 ~~(b) the county attorney;~~

10 ~~(c) the department of public health and human services;~~

11 ~~(d) the county superintendent of schools;~~

12 ~~(e) the sheriff;~~

13 ~~(f) the chief of any police force;~~

14 ~~(g) the superintendents of public school districts; and~~

15 ~~(h) the department of corrections.~~

16 ~~(2) The persons and agencies signing a written agreement under subsection (1) may by majority
17 vote allow the following persons to sign the written agreement and join the information team:~~

18 ~~(a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental
19 health care;~~

20 ~~(b) entities operating private elementary and secondary schools;~~

21 ~~(c) attorneys; and~~

22 ~~(d) a person or entity that has or may have a legitimate interest in one or more children that the
23 information team will serve.~~

24 ~~(3) The members of the information team or their designees may form one or more auxiliary teams
25 for the purpose of providing service to a single child, a group of children, or children with a particular type
26 of problem or for any other purpose. Auxiliary teams are subject to the written agreement.~~

27 ~~(4) The purpose of the team and written agreement is to facilitate the exchange and sharing of
28 information that one or more team members may be able to use in serving a child in the course of their
29 professions and occupations, including but not limited to abused, neglected, and delinquent children and
30 youth in need of supervision. Information regarding a child that a team member supplies to other team~~

1 ~~members or that is disseminated to a team member under 41-3-205 or 41-5-603(2) and (3) may not be~~
2 ~~disseminated beyond the team.~~

3 ~~(5) The terms of the written agreement must provide for the rules under which the team will~~
4 ~~operate, the method by which information will be shared, distributed, and managed, and any other matters~~
5 ~~necessary to the purpose and functions of the team."~~

6 ~~-END-~~



FREE CONFERENCE COMMITTEE

on House Bill 264

Report No. 1, April 19, 1997

Page 1 of 2

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 264** (reference copy -- salmon) and recommend that **House Bill 264** be amended as follows:

1. Title, line 8.

Following: "~~LAW~~"

Insert: "WHEN A YOUTH HAS BEEN FOUND BY A JUVENILE PROBATION OFFICER OR THE YOUTH COURT TO BE CURRENTLY INVOLVED IN DRUG USE OR OTHER CRIMINAL ACTIVITY AND"

2. Page 1, line 16.

Strike: "SUBSECTION (2)"

Insert: "subsections (2) and (3)"

3. Page 2.

Following: line 15

Insert: "(3) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e), if a petition has not been filed and the juvenile probation officer, youth court, or agency, as defined in 41-5-103, has reasonable cause to believe that a youth is currently involved with drug use or criminal activity or if a petition has been filed and the juvenile probation officer or youth court finds that a youth is currently involved in drug use or other criminal activity, the youth court shall notify the school that the youth will be attending of the drug use or criminal activity issues."

Renumber: subsequent subsections

4. Page 2, line 30.

Strike: "SUBSECTION (2)"

Insert: "subsections (2) and (3)"

ADOPT

REJECT

FCCR#1

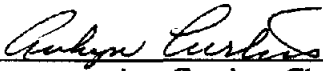
AC HB 264-1

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HB 264

And this FREE Conference Committee report be adopted.

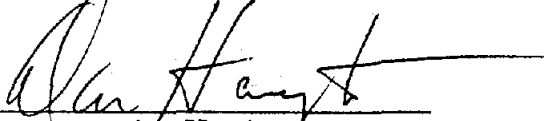
For the House:



Representative Curtiss, Chair

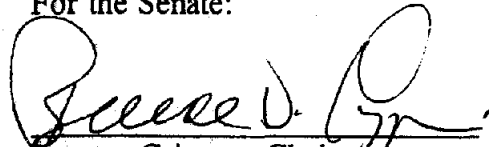


Representative Molnar



Representative Harrington

For the Senate:



Senator Crippen, Chair



Senator Holden

Senator Bartlett *slr*



CONFERENCE COMMITTEE

on House Bill 264
Report No. 1, April 21, 1997

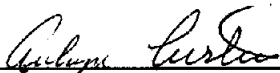
Page 1 of 1

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 264** (reference copy -- salmon), met April 21, 1997, and considered Senate Committee on Judiciary amendments to the third reading copy, dated March 27, 1997, and recommend the same be adopted.

And this Conference Committee report be adopted.

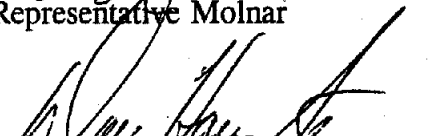
For the House:



Representative Curtiss, Chair

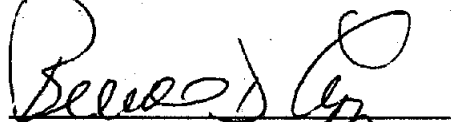


Representative Molnar

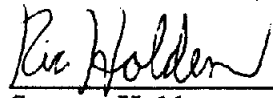


Representative Harrington

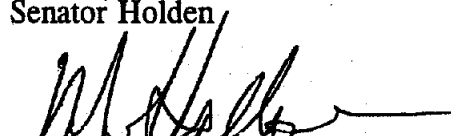
For the Senate:



Senator Crippen, Chair



Senator Holden



Senator Halligan

ADOPT

REJECT

CCR #1

AC HB 264-1

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HR 2/1/1