

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN DUANE GRIMES**, on March 3, 1995, at
3:00 p.m.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. John C. Bohlinger, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. Bill Carey (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Deb Kottel (D)
Rep. Bonnie Martinez (R)
Rep. Brad Molnar (R)
Rep. Liz Smith (R)
Rep. Susan L. Smith (R)
Rep. Loren L. Soft (R)

Members Excused: Rep. Bruce T. Simon (R)

Members Absent: Rep. Kenneth Wennemar (D)

Staff Present: David Niss, Legislative Council
Jacki Sherman, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 244, SB 270
Executive Action: SB 150 BE CONCURRED IN AS AMENDED
SB 217 BE CONCURRED IN
SB 271 POSTPONED
SB 270 BE CONCURRED IN
SB 40 BE CONCURRED IN
SB 84 BE CONCURRED IN

{Tape: 1; Side: A; Approx. Counter: 0; Comments: None.}

EXECUTIVE ACTION ON SB 150

Motion: CHAIRMAN DUANE GRIMES MOVED THAT SB 150 BE CONCURRED IN.

Discussion:

CHAIRMAN GRIMES stated that the bill would allow the release of adoption information and allow for an intermediary to try to find the adoptive parents. He noted there were proponents from the Department of Family Services, Catholic Social Services and other children's advocate groups. An opponent from LDS Social Services was concerned that he told numbers of people in the past that their adoption records would never be open and would remain confidential. CHAIRMAN GRIMES explained that the need for the amendment was to create a penalty for the violators of the law, and this would address some of the issues of the opponents.

Motion: CHAIRMAN GRIMES MOVED TO AMEND SB 150.

Discussion:

REP. DEB KOTTEL spoke in favor of the amendment. She noted the importance of being well-trained in confidentiality and possible repercussions.

CHAIRMAN GRIMES questioned whether the term "knowingly" belonged in the amendment. He mentioned that the practical effect would be people being more careful about the information they disclose, and if in doubt, wouldn't give it out.

REP. KOTTEL disagreed, stating that when someone's liberty interest is taken away they need to show criminal intent, and the term "knowingly" provides for that.

CHAIRMAN GRIMES told the committee that they had to choose between keeping "knowingly" in with a stiff penalty or taking out the term "knowingly" and making it a broader liability.

Vote: Voice vote was taken. The motion carried unanimously.

Motion: REP. JOHN BOHLINGER MOVED THAT SB 150 BE CONCURRED IN AS AMENDED.

Discussion:

REP. ELLEN BERGMAN asked whether this will just tighten up or loosen the laws that are already in effect.

CHAIRMAN GRIMES replied that this is a major policy decision that would allow people to access adoptive records through an intermediary.

REP. DICK GREEN opposed the bill, mentioning the importance of secrecy, and the probability of invading someone's privacy.

REP. KOTTEL summarized the bill's strong point of making a balance between the parties involved through the use of a confidential intermediary. This would protect either party if they should choose to remain unknown. The bill would provide a compromise between the birth mother's rights and the rights of the child.

REP. BOHLINGER affirmed the benefit of the child's need to know of any significant medical history.

REP. BILL CAREY supported the bill.

CHAIRMAN GRIMES added that this bill would help siblings in orphanages to find each other.

Vote: Voice vote was taken. The motion carried 12-3 with REPS. GREEN, MOLNAR and L. SMITH voting no. REP. BRUCE SIMON voted by proxy.

{Tape: 1; Side: A; Approx. Counter: 475; Comments: NA.}

HEARING ON SB 244

Opening Statement by Sponsor:

SEN. MIGNON WATERMAN, SD 26, Helena, stated that this bill would require the Department of Family Services (DFS) to develop a plan to find a home for the children under the custody of DFS within one year of entering the program. It will require the clarification of guidelines in the way children are placed in out of home care settings. The DFS will be required to report back to the next legislative session. The bill asks that an advisory study be developed to review adoption laws currently in the state of Montana, focusing on uniformity between states and whether that is what Montana wants. The interim committee on children and families along with the "Family for Kids" program under a grant of \$1.8 million from the Kellogg Foundation have studied the issues of prompt placements and the backlog for children who have been in DFS for two years.

Proponents' Testimony:

Hank Hudson, Director of DFS, stated that the bill was developed in conjunction with the work of the DFS for the past two years, working with the Kellogg Foundation to review policies and establishing accountability of being open to the scrutiny of the public. He explained the misconceptions of the public who believe that there are many unwanted babies and many people who want to adopt them. He said that the majority of the children under the care of DFS are emotionally disturbed teenagers, and those children are more of a challenge to place.

Laurie Koutnik, Executive Director of Christian Coalition of Montana, stated the need for permanency of placements, and that children need the love and support of a stable home.

Mary Alice Cook, Advocates for Montana's Children, supports the bill.

Bob Torres, National Association of Social Workers, agrees with the coming together of all parties involved in adoption to try and work on the issues confronting the process.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. LOREN SOFT asked **Mr. Hudson** how long the DFS had been aware of the backlog. He replied that they did not have a way of obtaining that information and the Kellogg grant would provide the opportunity to monitor the placements.

Tape 1 - Side B

REP. SOFT asked **Mr. Hudson** what permanency plans have been in place prior to this year. He replied that there is a plan for every child who enters the system and those plans aren't focused enough on permanency, and some are not placed because they are undergoing mental treatments or the parents have not given up their rights. Some families are being worked with so they can keep their birth children and possibly try a kinship care program where another family member may take custody of the child.

REP. SOFT followed up by asking for a profile of the 500 youth in the DFS right now. **Mr. Hudson** replied that they are school-aged children who have or are receiving mental health treatment, and have been abused and or neglected.

REP. SOFT then inquired what additional staff would be needed to develop the plan and **Mr. Hudson** answered that seven full-time staff would be funded by the Kellogg grant to address the needs of the children in care over two years and to engage in a systems reform of the parties involved. One issue is whether to expedite the termination of parental rights and loosen the laws around adoption to speed up the process.

REP. SOFT asked what number of children in the system are multiple placement children and what is the average placement. **Mr. Hudson** did not have the information with him, but noted that multiple placements were a barrier in permanent care placements and these children were extremely difficult to place.

REP. SOFT asked what the plan was for difficult placements. **Mr. Hudson** explained that decisiveness was needed and then focus should be on the recruitment of adoptive parents and providing training and support to make the adoption work.

CHAIRMAN GRIMES asked **Mr. Hudson** if the bill would meet the requirements of the proposal to Kellogg and he replied that the DFS would work closely with the legislators to ensure that.

CHAIRMAN GRIMES inquired if the bill set up an interim committee and the answer was no, and they did not need legislative authority.

REP. JOHN BOHLINGER questioned why Kellogg would put out large sums of money to place difficult children without guarantees of success. **Mr. Hudson** stated that they appealed to people who are willing to take a challenge, the same characteristic of people that calls them to become foster parents, and supported them in their undertaking.

REP. BOHLINGER asked if there were incentives available to families who took in one of these difficult children. **Mr. Hudson** said they currently have subsidized adoptions through cash and Medicaid cards for the children.

{Tape: 1; Side: B; Approx. Counter: 470; Comments: NA.}

REP. BONNIE MARTINEZ asked if they had a problem keeping foster homes and **Mr. Hudson** answered they do but that could be remedied through better communication and better training in the special needs of complex kids, and they are always recruiting.

REP. MARTINEZ inquired if there was a time limit in one foster home before being moved onto another one. **Mr. Hudson** stated that there was no policy for that.

REP. LIZ SMITH questioned whether the DFS was getting a good response to the recruitment of foster homes and if the Casey program would parallel the efforts of the DFS. **Mr. Hudson** responded yes to both.

REP. SOFT asked how much was the grant from the Kellogg Foundation and the answer was \$1.6 million over a three year period and that the seven FTE were done when the grant ran out. Half the money would be used on behalf of the children, getting them out of DFS and providing support and training for the families. The other half would go to a systems change, training, policies, review of laws.

REP. SOFT followed up by asking what the duties of the FTE's would be. **Mr. Hudson** said they were debating that, but they would like more people to take the cases and studies, and then work on changing the systems.

REP. SOFT asked when the grant was effective and **Mr. Hudson** said it was already in effect, and they have already received some money.

REP. BRAD MOLNAR asked if there really was a need for the bill and Mr. Hudson replied that they needed clearer direction and more involvement through the legislative process.

REP. MOLNAR asked if the time frame of one or two years for some children with more difficult problems was adequate for the cutting of ties to the family. Mr. Hudson stated that the time frame needed would vary from child to child but they needed some guidelines to follow. The focus should be permanency through the eyes of the child. They need to know where they belong and to whom.

REP. MOLNAR asked Mr. Hudson if he would have a problem with an amendment to seek public input on foster care issues.

REP. SOFT expressed a desire to see a copy of the budget laid out for the three year plan.

REP. L. SMITH asked for grant statistics by regions.

CHAIRMAN GRIMES asked the sponsor about problems in foster homes with kids less than one year versus to permanent adoption placements. SEN. WATERMAN responded that it was pertaining to a permanent home and that when possible the foster home would be temporary until the child could get through enough problems to be able to go back to his original home and this process might take a little longer.

CHAIRMAN GRIMES stated that he would like to see the child placed in a permanent home starting from day one whether it is a foster or adoptive plan. SEN. WATERMAN replied that the realistic goal would be to have a permanent plan within one year. Sometimes the analysis of what is going to be best takes a while.

Closing by Sponsor:

SEN. WATERMAN stated that the Kellogg Foundation would like a commitment that the state of Montana is going to stand behind them and help change the system, and strive for a goal of one year. Permanency may be a foster home or adoption. They were one of nine successful applicants out of twenty-three. They have taken on the responsibility of these children and have the obligation to find them a good permanent home.

{Tape: 2; Side: A; Approx. Counter: 245; Comments: NA.}

HEARING ON SB 270

Opening Statement by Sponsor:

SEN. JIM BURNETT, SD 12, Luther, explained that this bill requires the destruction of records of reports of child abuse or

neglect if the child is determined not to have been abused or neglected and the initial report is unfounded.

Proponents' Testimony:

Hank Hudson, Director of the Department of Family Services (DFS), said that sometimes people make bad faith referrals or even good faith referrals, but that should not be on record if the person is not found guilty. Also the bill would provide written notice after substantiation.

Bob Torres, National Association of Social Workers, stated that because people change and move there needs to be a consistency in public policy to protect the rights of families and children.

Laurie Koutnik, Executive Director for Christian Coalition of Montana, said this bill is a "good housecleaning measure."

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. BRAD MOLNAR asked how the DFS could determine between excessive corporal punishment and abuse. **Mr. Hudson** replied that the DFS investigates every allegation and applies common sense following the guidelines in the law, adding that some parties merely get a warning.

REP. MOLNAR stated that within the law there is room for judgment calls because what may be just a spank on the bottom to the parent may be considered abuse to someone else. **Mr. Hudson** repeated that they use common sense and added that the DFS goes by the terms "permanent or temporary disfigurement," and that in the case where the child got a spanking and the action was reported that this bill would allow for that allegation to be taken from the records.

REP. BILL CAREY asked for clarification between "unfounded" and "unsubstantiated." **Mr. Hudson** explained "unfounded" meant that under investigation the event was found not to have occurred and "unsubstantiated" meant that there was not enough evidence found to support the allegation.

REP. CAREY followed up by inquiring about the number of unfounded and unsubstantiated reports. **Mr. Hudson** stated that the DFS doesn't really use "unfounded" right now but will with a new automated system. He said there were 13,000 reports and 5,000 of those were substantiated, about 40%, and this figure is going down.

Closing by Sponsor:

SEN. BURNETT reiterated the benefits of striking unfounded reports from someone's record.

{Tape: 2; Side: A; Approx. Counter: 850; Comments: NA.}

HEARING ON SB 271

Opening Statement by Sponsor:

SEN. JIM BURNETT, SD 12, Luther, explained that this bill would define the policy for the Department of Family Services (DFS) to try to place a child who is removed from the home with an approved extended family member. He drafted an amendment to further clarify conditions.

Proponents' Testimony:

Hank Hudson, Director of the DFS feels this is a good policy to help provide continuity for the child.

{Tape: 2; Side: B; Approx. Counter: 000; Comments: n/a.}

Bob Torres, National Association of Social Workers, stated that people needed to be aware of policies and terms encoded by the legislature that will be consistent.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. BRAD MOLNAR asked if juvenile probation officers have to check with the DFS before making any placements. Mr. Hudson replied that any reference to what probation officers do should be made in the youth court and be coordinated with the DFS.

Closing by Sponsor:

SEN. BURNETT expressed his appreciation for the support and consideration on this bill.

{Tape: 2; Side: B; Approx. Counter: 118; Comments: NA.}

HEARING ON SB 217

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 24, Great Falls, described the bill as saying that if there is a vacancy in the department that the

agency does not have to hire within the department. The qualifications would be clarified for such an appointment. Copies of the bill would be sent to the federally-recognized as well as the unrecognized tribes of Montana.

Proponents' Testimony:

Hank Hudson, Director of the Department of Family Services (DFS).
EXHIBIT 1

Mary Alice Cook, Advocates for Montana's Children supported this bill.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. CAROLYN SQUIRES asked Mr. Hudson if this bill will nullify the Reduction In Force (RIF) employees already in the registry from HB 522. Mr. Hudson explained that process goes from internal applicants to RIF employees to outside applicants. This bill would provide an enhanced opportunity for those on the RIF list, and this will not eliminate the individual's opportunity within the department to become this specialist for Native American children.

Closing by Sponsor:

SEN. DOHERTY thanked the committee.

EXECUTIVE ACTION ON SB 217

Motion/Vote: REP. JOHN BOHLINGER MOVED THAT SB 217 BE CONCURRED IN. The motion carried unanimously.

EXECUTIVE ACTION ON SB 271

Motion: REP. BRAD MOLNAR THAT SB 271 BE CONCURRED IN.

Motion: REP. LIZ SMITH MOVED TO AMEND SB 271.

Discussion:

REP. DEB KOTTEL commented that more work needed to be done on the wording of the amendments.

CHAIRMAN GRIMES postponed executive action on SB 271 until the next Monday.

EXECUTIVE ACTION ON SB 270

Motion/Vote: REP. BRAD MOLNAR MOVED THAT SB 270 BE CONCURRED IN.
The motion carried unanimously.

EXECUTIVE ACTION ON SB 40

Motion: REP. JOHN BOHLINGER MOVED THAT SB 40 BE CONCURRED IN.

Discussion:

REP. BOHLINGER mentioned that this bill gives an opportunity for the state to save money as it is funded through alcohol tax.

Vote: Motion carried 15-1 with REP. BONNIE MARTINEZ voting no.

{Tape: 2; Side: B; Approx. Counter: 550; Comments: NA.}

EXECUTIVE ACTION ON SB 84

Motion: REP. BRUCE SIMON MOVED THAT SB 84 BE CONCURRED IN.

Discussion:

REP. LIZ SMITH clarified that this bill was doing away with the detox program and reusing the monies elsewhere.

REP. CAROLYN SQUIRES clarified where the beginning of the detox program was in Missoula. Darryl Bruno replied that people in need are transported to the Montana Chemical Dependency Center.

REP. SQUIRES then asked who pays when the state doesn't and Mr. Bruno answered that insurance pays or the costs are absorbed by the hospital.

{Tape: 2; Side: B; Approx. Counter: 625; Comments: REP. MOLNAR asked a question that was not picked up on the tape.}

REP. SIMON said that each county was to provide detox services for that area and one region of the state should not be able to transport people to use the state facility when everyone else goes to their own area.

REP. L. SMITH stated that it was too costly and there was not enough staff to provide for the detox service at the hospitals.

REP. BILL CAREY asked REP. SQUIRES to respond to the Montana Hospital Association's assertion that they're dumping an unfunded mandate on the hospitals. She replied that if someone has insurance then it's all right, but otherwise the cost is taken in by the hospital, and that's unfair to the county. She stated

that is was mostly the problem of indigents that needed to be addressed.

REP. ELLEN BERGMAN said she thought that their hospital in Miles City had already been giving the help and supported the bill.

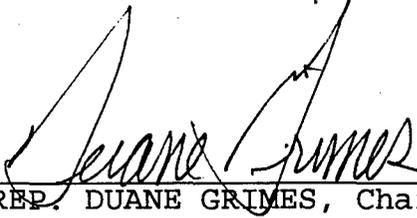
REP. SQUIRES replied that Missoula has not established that yet.

REP. SIMON stated that the reason Missoula did not have the facility was that they were relatively close to Galen and able to send people there, but Missoula would have one soon.

Vote: Motion carried 14-2 with REPS. SQUIRES and CAREY voting no.

ADJOURNMENT

Adjournment: 5:00 p.m.



REP. DUANE GRIMES, Chairman



ANDREA SMALL, Recording Secretary

DG/as

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL

DATE 3-3-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		
Rep. Carolyn Squires, Vice Chair, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Carey	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon			✓
Rep. Liz Smith	✓		
Rep. Susan Smith	✓		
Rep. Loren Soft	✓		
Rep. Ken Wennemar		✓	



HOUSE STANDING COMMITTEE REPORT

March 6, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 84 (third reading copy -- blue) be concurred in.

Signed: _____

Duane Grimes, Chair

Carried by: Rep. Simon

Committee Vote:
Yes 14, No 2.

520921SC.Hbk



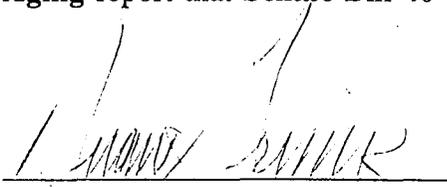
HOUSE STANDING COMMITTEE REPORT

March 6, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 40 (third reading copy -- blue) be concurred in.

Signed:


Duane Grimes, Chair

Carried by: Rep. Ahner

Committee Vote:
Yes 15, No 1.

520922SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 6, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 217 (third reading copy -- blue) be concurred in.

Signed: _____

Duane Grimes, Chair

Carried by: Rep. Simon

Committee Vote:
Yes 6, No 0.

520918SC.Hbk

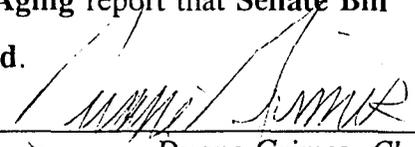


HOUSE STANDING COMMITTEE REPORT

March 6, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 150 (third reading copy -- blue) be concurred in as amended.

Signed: 
Duane Grimes, Chair

Carried by: Rep. Ryan

And, that such amendments read:

1. Title, line 9.
Following: "TERMS;"
Insert: "PROVIDING A PENALTY;"

2. Page 4.
Following: line 21
Insert: "NEW SECTION. Section 3. Penalty for unauthorized disclosure of identifying information. An individual who knowingly discloses identifying information in violation of 40-8-126 is punishable by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both fine and imprisonment.

NEW SECTION. Section 4. Codification instruction.
[Section 3] is intended to be codified as an integral part of Title 40, chapter 8, part 1, and the provisions of Title 40, chapter 8, part 1, apply to [section 3]."

-END-

Committee Vote:
Yes 12, No 3.

520925SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 6, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 270 (third reading copy -- blue) be concurred in.

Signed: _____

Duane Grimes
Duane Grimes, Chair

Carried by: Rep. Bohlinger

Committee Vote:
Yes 16, No 0.

520920SC.Hbk

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 3-3-95 BILL NO. 5B84 NUMBER _____

MOTION: Rep. Simon 'Do Concur'

NAME	AYE	NO
Rep. Duane Grimes, Chairman		
Rep. John Bohlinger, Vice Chairman, Majority		
Rep. Carolyn Squires, Vice Chairman, Minority	✓	✓
Rep. Chris Ahner		
Rep. Ellen Bergman		
Rep. Bill Carey		✓
Rep. Dick Green		
Rep. Toni Hagener		
Rep. Deb Kottel		
Rep. Bonnie Martinez		
Rep. Brad Molnar		
Rep. Bruce Simon		
Rep. Liz Smith		
Rep. Susan Smith		
Rep. Loren Soft		
Rep. Ken Wennemar		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 3-3-95 BILL NO. SB40 NUMBER _____

MOTION: Rep. Bohlinger Do Concur

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez		✓
Rep. Brad Molnar	✓	
Rep. Bruce Simon	✓	
Rep. Liz Smith	✓	
Rep. Susan Smith	✓	
Rep. Loren Soft	✓	
Rep. Ken Wennemar	✓	

HOUSE OF REPRESENTATIVES

^{VOICE}
ROLL CALL VOTE

Human Services and Aging Committee

DATE 3-3-95 BILL NO. SB150 NUMBER _____

MOTION: Bohlinger's moved as amended Do Concur

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey	✓	
Rep. Dick Green	✓	✓
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez	✓	
Rep. Brad Molnar	✓	✓
Rep. Bruce Simon	✓	
Rep. Liz Smith	✓	✓
Rep. Susan Smith	✓	
Rep. Loren Soft	✓	
Rep. Ken Wennemar		

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HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 3-3-95 BILL NO. SB 217 NUMBER _____

MOTION: Rep. Simon moved Do Concur.

- unanimous -

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez	✓	
Rep. Brad Molnar	✓	
Rep. Bruce Simon	✓	
Rep. Liz Smith	✓	
Rep. Susan Smith	✓	
Rep. Loren Soft	✓	
Rep. Ken Wennemar	absentee vote	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 3-3-95 BILL NO. SB270 NUMBER _____

MOTION: Rep. Molnar Do Concur

unanimous

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez	✓	
Rep. Brad Molnar	✓	
Rep. Bruce Simon	✓	
Rep. Liz Smith	✓	
Rep. Susan Smith	✓	
Rep. Loren Soft	✓	
Rep. Ken Wennemar	Absentee vote	

DEPARTMENT OF FAMILY SERVICES



MARC RACICOT, GOVERNOR

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STATE OF MONTANA

HANK HUDSON, DIRECTOR

PO BOX 8005
HELENA, MONTANA 59604-8005

March 3, 1995

SB 217: AN ACT CLARIFYING THE QUALIFICATIONS
FOR THE INDIAN CHILD WELFARE SPECIALIST

Testimony of Hank Hudson, Director
Department of Family Services

Mr. Chairman, Members of the Committee. I am testifying in support of SB 217.

This bill amends Mont. Code Ann. §52-2-117 in two ways:

- a. Removes the requirement that, in the event of a vacancy in the position, the Director appoint a department employee; and
- b. Requires the secretary of state send a copy of the statute to the tribal chairperson of each of the seven Montana reservations and to the tribal chairperson of the Little Shell tribe.

The department requested the first amendment in order to provide flexibility in hiring for the Indian Child Welfare Specialist when the position becomes vacant. Currently, the statute requires the director hire an employee for this position. The department requests the flexibility to hire a non-employee if a non-employee is better qualified for the position than a department employee. This amendment does not preclude the director from appointing a department employee; the amendment provides the director the opportunity to appoint the best qualified candidate.

The legislative testimony during the 1987 hearing on the original bill sheds light on the reason the bill required a department employee be appointed. The committee was concerned about funding for the new position. The record reflects discussion indicating the bill would not require additional personnel or appropriation; rather, the department could appoint a qualified staff person to act as the Indian Child Welfare Specialist. The language reflects the funding concern. The primary intent of the bill, however, was to ensure

Testimony: SB 217
Page Two
March 3, 1995

representation of abused/neglected Indian children and department compliance with the Indian Child Welfare Act of 1978.

The department has had an Indian Child Welfare Specialist since 1987. The FTE is a permanent position with the cost of the position included in the department's personal services budget. Therefore, the funding concern of 1987 is no longer an issue.

The department also requests that the bill be amended to require that tribal governments receive a copy of the statute. This change is a courtesy to the tribes to ensure that the tribal governments have received formal notification of the statute and the amendments. In the event the position becomes vacant, the tribes may have recommendations for the director in terms of qualified individuals. This amendment is consistent with the efforts made by the department to foster an improved working relationship with Montana tribes.

For these reasons, the department requests that you support this bill.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Human Services 3 Aging

DATE 3-3-95

BILL NO. SB 244 SPONSOR(S) Waterman

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
John melcher Jr.	DPS		
MARY ALICE COAK	ADV. FOR MTB CHILDREN	✓	
Allyn Ann Cummings	MT ADOPTION RESOURCE CENTER INC	✓	
D. Mark Ricks	LDS Social Ser	✓	
Laynie Kozmik	Christian Outreach	✓	
Hank Hudson	DPS	✓	
Eug Tarves	NASW	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Human Services & Aging

DATE 3-3-95

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
John Melcher Jr.	DPS		
MARY ALICE COOK	ADV. for MTB CHILDREN	✓	
Laurie Kotnik	Christian Coalition of MT	✓	
Bob Torres	NASW	✓	

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
John Melcher, Jr.	OFS		
MARY ALICE COOK	ADV. FOR MTG CHILDREN	✓	
Laure Hartuk	Christian Coalition	✓	
Bob Torres	NASW	✓	

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
John Melcher Jr.	D.F.S.		
MARY ALICE COAK	ADV. for MTG CHILDREN	✓	
Bob Torres	NAS W	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.