

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN BILL THOMAS**, on February 3, 2003 at 3:00 P.M., in Room 172 Capitol.

**ROLL CALL**

**Members Present:**

Rep. Bill Thomas, Chairman (R)  
Rep. Arlene Becker, Vice Chairman (D)  
Rep. Mark Noennig, Vice Chairman (R)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Ray Hawk (R)  
Rep. Daniel S. Hurwitz (R)  
Rep. Larry Jent (D)  
Rep. Penny Morgan (R)  
Rep. Holly Raser (D)  
Rep. Don Roberts (R)  
Rep. Ron Stoker (R)

**Members Excused:** None.

**Members Absent:** Rep. Jonathan Windy Boy (D)

**Staff Present:** Susan Fox, Legislative Branch  
CJ Johnson, Committee Secretary

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

**Committee Business Summary:**

Hearing & Date Posted: HB 399, 1/28/2003; HB 446,  
1/28/2003  
Executive Action: None

**HEARING ON HB 399**

**Sponsor:** REP. SCOTT MENDENHALL, HD 39

**Opening Statement by Sponsor:**

**REP. MENDENHALL** said that the bill provides for child-to-staff ratio in youth care facilities. He is manager of the Jefferson Local Development Corporation. They have recently renovated some abandoned state facilities for the purpose of housing the Alternative Youth Adventures. He explained the two types of group homes that are therapeutic and nontherapeutic. The intent of this bill is to affect the nontherapeutic group homes with more than eight kids. The current requirement for child to staff ratio is eight children to one staff. If one child was added the agency would be required to staff as though there were 16 kids. This bill would allow for increments of four.

***{Tape: 1; Side: A; Approx. Time Counter: 1 - 5.6}***

**Proponents' Testimony:**

**Kimberly Gardner, Administrator, Alternative Youth Adventures,** said that they have some intensive level therapeutic group homes for children as well as out-patient mental health and day treatment. They are also licensed as a child care agency which is nontherapeutic. This is a five-month program of which 60 days is in the wilderness. They currently have excellent staffing, however, it does fluctuate. She distributed information on staffing ratios, summarized the information.

**EXHIBIT (huh23a01)**

**Chris Christiaens, Montana Chapter, National Association of Social Workers** said they were in support of this bill. He suggested that there may be a way to handle this problem without putting it in statute. He discussed the issue of keeping adult and children programs separate.

***{Tape: 1; Side: A; Approx. Time Counter: 5.6 - 15.4}***

**Opponents' Testimony:** None.

**Informational Testimony:**

**Janie McCall, representing Montana Children's Initiative** said these issues should be dealt with in rulemaking.

***{Tape: 1; Side: A; Approx. Time Counter: 15.4 - 15.8}***

**Questions from Committee Members and Responses:**

**REP. FACEY** asked about the amount of days for the hike in the woods. He also asked about FTE.

**Ms. Gardner** said that it was 60 days. She explained how they determined FTE.

**REP. HURWITZ** asked about the age group of the children.

**Ms. Gardner** said that it was boys and girls, age 13-18.

**REP. HURWITZ** asked Ms. Gardner about the Youth Challenge Program.

**Ms. Gardner** said that program is similar to her agency's program in that they try to reach at-risk children who are having problems at home or at school and who will possibly end up being incarcerated without intervention.

**REP. JENT** had a question on the language in the bill regarding ratio.

**REP. MENDENHALL** explained what was meant in the bill.

**Ms. Fox** further explained the wording in the bill.

There was some discussion on the difference of having this as an administrative rule or having it in statute.

**REP. HURWITZ** asked Mr. Christiaens if funding was from Medicaid, Medicare, or State Funding.

**Mr. Christiaens** said that he believed it was General Fund. He said that it was out of the budget for mental health services that have gone to children services. All of the monies are in one lump sum in the Adult Mental Health Division. By breaking out money for the children's services, the funding would go to the Child and Family Health Services Division. The Department of Health and Human Services are to report back to the Subcommittee by February 17 with their ideas on how to separate these services if they can.

**REP. GALLUS** asked about directing the department to set increments of four.

**Ms. Fox** said that it is difficult to do that due to the different types of facilities involved.

There was much discussion about the staffing ratio matrix.

**REP. MORGAN** asked about the subcommittee meeting and if it would be advisable to defer acting on this bill until the subcommittee meets regarding this issue.

**Ms. Gardner** said that would be advisable.

*{Tape: 1; Side: A; Approx. Time Counter: 15.8 - Tape: 1; Side: B 17.5}*

**Closing by Sponsor:**

**REP. MENDENHALL** clarified information on the subcommittee meeting earlier today. He said that these are vital services.

**CHAIRMAN THOMAS** asked the sponsor to keep the committee informed on the subcommittee's progress.

*{Tape: 1; Side: B; Approx. Time Counter: 17.5 - 21}*

**HEARING ON HB 446**

**Sponsor:** **REP. JOEY JAYNE, HD 73**

**Opening Statement by Sponsor:**

**REP. JAYNE** said that HB 446 provides an express purpose of the Montana Youth Court Act to insure that a youth is entitled to maintain ethnic, cultural, and religious heritage, when appropriate, after being removed from the home. The Youth Court Act deals with children who have committed some wrong and are in need of intervention. If it is not in the best interest of the child to put a child in a foster home or return to the home, they could be placed in a detention center or other rehabilitative facility or foster home. This policy would give the youth court and committees the guidance to rehabilitate youth.

*{Tape: 1; Side: B; Approx. Time Counter: 21 - 30}*

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. ROBERTS** asked about the harm of putting some kids back into the same environment that they were in when they were getting into trouble. He gave an example of removing kids from their normal environment in Chicago and moving them to Yellowstone Boys Ranch.

**REP. JAYNE** said that the Youth Court Act would allow for the probation officer to avoid returning a youth to an unhealthy situation. It would allow for a youth to be able to worship or maintain his/her cultural heritage.

**REP. MORGAN** said her concern is the word "appropriate." There may be times when it is appropriate but not possible. She gave an example of a child with Muslim religion. She questioned the flexibility.

**REP. JAYNE** said that she would be open to a more word that would be more descriptive and "appropriate." She reiterated that the purpose of the act is for the youth to not be denied access to worship services or cultural events, not that they would have to be placed in a home where these events are practiced.

**REP. STOKER** asked if this bill would be an extra burden on facilities and foster parents to become competent in all ethnic, cultural and religious heritage.

**REP. JAYNE** said that the bill is not intended to place extra burden on the facility.

**REP. GALLUS** said that they promote this philosophy in the company in which he works.

**REP. NOENNIG** asked the sponsor if she was aware of specific situations where these events were denied which facilitated a need for this bill.

**REP. JAYNE** gave an example of a youth that was placed in a foster home where they practiced the same religion as the youth. It ended up being a good decision and a successful situation. It helps in the rehabilitation of the youth.

***{Tape: 2; Side: A; Approx. Time Counter: 0 - 16.2}***

**Closing by Sponsor:**

**REP. JAYNE** closed the bill.

**ADJOURNMENT**

Adjournment: 4:45 P.M.

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REP. BILL THOMAS, Chairman

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CJ JOHNSON, Secretary

BT/CJ

**EXHIBIT (huh23aad)**