

EXHIBIT 2  
DATE 1 | 12 | 07  
HB 9

Testimony on House Bill 91  
Revising Laws Concerning Child Abuse and Neglect  
To Comply with Federal Law

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Division's Mission: Keeping Children Safe and Families Strong

- House Bill has been introduced at the request of the Department of Public Health and Human Services, Child and Family Services Division
- Thanks for Rep. Edith Clark for graciously agreeing to sponsor the bill for the Division
- The purpose of HB 91 is to bring Title 41, chapter 3 (Montana's Child Abuse/Neglect statute) into compliance with recent changes in federal requirements.
- **Background:**
  - Congress passed, and the President signed into law, legislation which impacts the delivery of and funding for child protective services in Montana.
  - Received notice of one of the federal bills after HB 91 was finalized so amendment to HB 91 to comply with the requirement of that federal law.
  - Re-examined the requirements of a federal grant which Child and Family Services receives and determined that current statute does not comply with one of the requirements of that grant.
  - Proposed statutory changes are to codify the federal requirements into Montana statute.
  - Federal requirements tied to Title IV-E funding and funding under Child Abuse Prevention and Treatment Act grant.
- **Federal references:**
  - Safe and Timely Interstate Placement of Foster Children Act of 2006—contained in HB 91;

- Child Abuse Prevention and Treatment Act (CAPTA)—contained in HB 91; and
- Child and Family Services Improvement Act of 2006—proposed amendment.
- **Section-by-section explanation of the proposed changes:**
  1. **Section 1—New Section:**
    - Allows the court to permit testimony by means other than attending the hearing in person (pg. 1, lines 13-15) .
    - The companion change to this is deleting language in Section 7 which permits the court to allow testimony by audiovisual/electronic means during the show cause hearing (pg. 14, line 24).
    - The reason for the new section is so the provision applies to any proceeding conducted under Title 41, chapter 3 (Child abuse/neglect).
    - To comply with the Safe and Timely Interstate Placement of Children Act of 2006.
  2. **Section 2—41-3-115, Foster Care Review Committee:**
    - If a child is placed out of state, requires that the Foster Care Review Committee consider if that placement is appropriate and in the child's best interest (pg. 2, lines 21-22).
    - Requires that the Foster Care Review Committee consider out-of-state placements for a child who cannot be returned home (pg. 2, lines 22-23).
    - To comply with the Safe and Timely Interstate Placement of Children Act of 2006.
  3. **Section 3—41-3-201, Reports:**
    - Requires that health professionals who are mandatory reports must report to the Department if s/he knows a infant is affected by dangerous drugs (pg. 4, lines 25-27).
    - To comply with CAPTA requirements.

4. **Section 4—41-3-205, Confidentiality:**
  - Allows courts to share information with other courts (both in Montana and in other states) as is necessary to expedite the interstate placement of children (pg. 8, lines 12-13).
  - To comply with the Safe and Timely Interstate Placement of Children Act of 2006.
  
5. **Section 5—41-3-422, Abuse and Neglect Petitions:**
  - Changes the “opportunity to be heard” that foster parents, preadoptive parents, and relatives caring for the child currently have during a hearing to a “right to be heard” during the hearing (pg. 10, line 24).
  - To comply with the Safe and Timely Interstate Placement of Children Act of 2006.
  
6. **Section 6—41-3-423, Reasonable Efforts Required to Prevent Removal of Child:**
  - Requires that in-state and out-of-state placements must be considered during the permanency hearing if the court finds that reasonable efforts to reunite are not necessary (pg. 13, line 20).
  - Requires that the department must consider an out-of-state placement, if appropriate and if the court determines that continuation of reunification efforts is inconsistent with the permanency plan for the child (pg. 13, line 26).
  - If the court determines that continuation of reunification efforts is inconsistent with the permanency plan for the child, concurrent planning may include identifying both in-state and out-of-state potential placements (pg. 13, lines 29-30).
  - To comply with the Safe and Timely Interstate Placement of Children Act of 2006.
  
7. **New Section—Effective date:** Effective date of July 1, 2007 because federal requirements are currently in effect (pg. 16, line 2).

**8. Proposed Amendment:**

- Amendment to 41-3-445
- Requires that the court or foster care review committee, when conducting the permanency hearing, must consult with the youth, if age appropriate.
- To comply with the Child and Family Services Improvement Act of 2006.

Please vote "do pass" on HB 91