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EXHIBIT 4
DATE 4/3/13
SB 351

April 1, 2013

Chairman David Howard, and
Members of the House of Representatives Human Services Committee

RE: SB 351

My name is Corbit Harrington. I am a Senior Deputy County Attorney with the Yellowstone County Attorney's Office. I have been an attorney for 20 years. I am a fifth generation Ekalakian. Senate Bill 351 is the product of the combined efforts of the Montana Department of Justice, the Department of Health and Human Services, the Office of the Attorney General, and Montana prosecutors and defense attorneys. It comes to you with a 50 – 0 vote of approval from the Senate. This bill will simply allow for a much **quicker process** of conducting background checks of friends and relatives of abused and neglected children who volunteer to be the emergency placement for the children.

This bill has two primary objectives. First, it allows authorized tribes and the Department of Health and Human Services through the Department of Justice to conduct a **name-based search** of adults who want to house abused and neglected children. Currently, the system allows only background searches that have **fingerprints with them**. Those searches can take weeks if not months (usually 14 to 84 days), and they are slow and cumbersome and force longer term placements of children with strangers in non-kinship emergency foster care. This bill will allow for **quick name-based searches** and placement with family and friends while the **fingerprints are sent in later** as a backup precaution in accordance with federal law to ensure identity of the applicants.

The second objective of this bill allows for the **safer placement** of children whose friends and family can be quickly screened to detect potentially dangerous placements so the State of Montana and tribes do not place children in unsafe homes thereby further harming children and incurring potential liability.

This bill does **not** affect current privacy rights because the Department and authorized tribes are **already authorized** by state and federal law to conduct voluntary background checks on voluntary placements. This bill just simplifies and speeds up the process for the Department and tribes to conduct those voluntary background checks much quicker.

The bill authorizes the Department and tribes to receive a special identity recognized by the FBI to conduct these background checks through the Department of Justice.

The reasons for the tribes and the Department denying placement and foster care licensing are already set forth in the ARMS's for the Department. The tribes, likewise, can have their own criteria without interference from Montana law.

Montana is one of the few states that has not enacted a statutory provision allowing for these quicker background checks.

The practical application of this statute will be to protect children from being placed in unsafe homes of unsafe relatives and also to more quickly place children in safer homes with safer relatives and not strangers when the children are removed for abuse and neglect.

I thank you for your time and consideration of this bill and urge your passing of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corbit Harrington', with a long horizontal flourish extending to the right.

Corbit Harrington
Senior Yellowstone Deputy County Attorney