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67th Legislature LC 0516

| 1 | JOINT RESOLUTION NO |
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| 2 | INTRODUCED BY |
| 3 | (Primary Sponsor) |
| 4 | A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF |
| 5 | MONTANA REQUESTING AN INTERIM STUDY OF THE FACTORS THAT TRIGGER CHILD REMOVALS |
| 6 | AND FAMILY REUNIFICATION IN CHILD PROTECTIVE SERVICES CASES; AND REQUIRING THAT THE |
| 7 | FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE. |
| 8 | |
| 9 | WHEREAS, more than 3,000 children have been in foster care every month since February 2016, after |
| 10 | being removed from their homes because of suspected or confirmed child abuse or neglect; and |
| 11 | WHEREAS, the Legislature established in section 41-3-101, MCA, that it is the policy of the state to |
| 12 | "preserve the unity and welfare of the family whenever possible"; and |
| 13 | WHEREAS, numerous factors influence the decision to remove a child from the home when abuse or |
| 14 | neglect is suspected and to reunify the family when parents are considered able to care for the child; and |
| 15 | WHEREAS, the Montana Legislature has a genuine interest in ensuring a professional child protective |
| 16 | services system that protects the rights of parents and children and creates reasonable expectations for both |
| 17 | removal and reunification. |
| 18 | |
| 19 | NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF |
| 20 | THE STATE OF MONTANA: |
| 21 | That the Legislative Council be requested to designate an appropriate interim committee or statutory |
| 22 | committee, pursuant to section 5-5-217, MCA, to examine the factors that lead to a child's removal from and |
| 23 | return to the home when child abuse or neglect is suspected. |
| 24 | BE IT FURTHER RESOLVED, that the study review: |
| 25 | (1) the criteria currently used to make decisions regarding a child's removal from and return to the |
| 26 | home; |
| 27 | (2) whether the criteria for both removal of children and for family reunification are reasonable; |
| 28 | (3) whether the availability of quality foster parents in the geographic area leads to quicker removals |



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| 1 | or slower reunifications; |
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| 2 | (4) whether child protection specialists actively consider ways to prevent removal of children from the |
| 3 | home; |
| 4 | (5) the amount of time that elapses between a child's removal from and return to the home and how |
| 5 | the length of the removal hinders or contributes to reunification; |
| 6 | (6) expectations in the court system that may lead to an unreasonably early return and reunification; |
| 7 | (7) the weight given to past removals, the number of removals, and their effect on the children |
| 8 | involved; |
| 9 | (8) how the previous criminal or addictive history of the parent affects reunification decisions; |
| 10 | (9) how the availability of effective legal representation affects outcomes and timeframes for |
| 11 | reunification; and |
| 12 | (10) whether the needs and best interest of the child are being considered in decisions involving |
| 13 | removal and reunification. |
| 14 | BE IT FURTHER RESOLVED, that the study look at: |
| 15 | (1) the ways in which the Family First Prevention Services Act affects child removals; and |
| 16 | (2) the role the Indian Child Welfare Act plays in decisions related to removal and reunification. |
| 17 | BE IT FURTHER RESOLVED, that the study involve input from appropriate stakeholders. |
| 18 | BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review |
| 19 | requirements, be concluded prior to September 15, 2022. |
| 20 | BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, |
| 21 | comments, or recommendations of the appropriate committee, be reported to the 68th Legislature. |
| 22 | - END - |



- 2 - LC 516