

HOUSE JOINT RESOLUTION NO. 14
INTRODUCED BY N. BIXBY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY OF PROCESSES AND PROCEDURES BY WHICH VULNERABLE POPULATIONS HAVE ACCESS TO COMPLAINT, INVESTIGATION, AND ENFORCEMENT PROCEDURES WHEN DEALING WITH EMPLOYEES WORKING ON BEHALF OF THE STATE WHO ARE NOT LICENSED.

WHEREAS, there are many vulnerable populations that find themselves in the care of or under the supervision of state employees; and

WHEREAS, unless the state employee belongs to a profession that is licensed, there may not be adequate processes and procedures to ensure that the public, especially persons who are involved in state proceedings, can find assistance or redress for any misunderstandings with or maltreatment by a state employee; and

WHEREAS, many supervisors find themselves involved in investigating their own subordinates, which may present an imbalance of power in the state's favor, a potential conflict of interest, or an inability to view the situation objectively; and

WHEREAS, the vulnerable populations who may not have redress outside of state agencies who employ caseworkers, community social workers, or probation or parole officers include persons who have been alleged to have abused or neglected their children or juvenile and adult offenders under supervision in the community; and

WHEREAS, there are resources within the state and in other states that may provide models for licensure, certification, and professionalization of certain state employees or that may provide models for a separate entity to provide the protections to the public and to the state employee that licensure and board oversight do for certain professions; and

WHEREAS, state employees have the right to explain their actions, the right to grievance and administrative appeal procedures, and the right to clear their names; and

WHEREAS, an interim study would provide opportunity to gather information from resources inside the state and from out of state to address this situation of vulnerable populations and their relationships with state employees.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the issue of complaints against state employees by vulnerable populations that are involved in proceedings, actions, or supervision by the state.

BE IT FURTHER RESOLVED, that appropriate stakeholders representing various vulnerable populations, such as families involved in child protective services and youth and adults who are under community supervision, along with state employees, advocates, and representatives of various professions be included to assist in the study and to develop strategies to provide an avenue of complaint and investigation of complaints, to provide for confidentiality and protections for all parties, to provide for the professionalization of state employees, and to protect the public.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

- END -