

1 HOUSE JOINT RESOLUTION NO. 48

2 INTRODUCED BY D. LENZ

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF WAYS IN WHICH FAMILIES IN THE CHILD PROTECTIVE
6 SERVICES SYSTEM CAN BE SUPPORTED; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY
7 BE REPORTED TO THE 67TH LEGISLATURE.

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9 WHEREAS, the number of children in foster care in Montana has increased from about 2,500 in February
10 2015 to more than 4,000 in August 2018; and

11 WHEREAS, it is the policy of the state of Montana, as stated in section 41-3-101, MCA, to "preserve the
12 unity and welfare of the family whenever possible" and to ensure that a child is not removed from a family unless
13 the state has reasonable cause to suspect the child is at imminent risk of harm; and

14 WHEREAS, Congress passed the Families First Prevention Services Act in 2018 with a stated purpose
15 of allowing states to use federal funds to "prevent foster care placements through the provision of mental health
16 and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship
17 navigator services".

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

21 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
22 section 5-5-217, MCA, to study ways to support families and reduce the number of children removed from their
23 homes pursuant to Title 41, chapter 3.

24 BE IT FURTHER RESOLVED, that the study examine:

25 (1) the rights of parents and the rights of children and any infringements on those rights that may occur
26 under current law and the current practices of the Department of Public Health and Human Services;

27 (2) the rights of parents to parent their children;

28 (3) barriers to reunifying children with their parents after the children have been removed from their
29 homes, including but not limited to barriers related to mental health and substance abuse problems;

30 (4) resources that are or could be made available to strengthen families, improve the rate of family

1 reunification, or speed up the reunification process;

2 (5) steps that could be taken to mitigate the power differential between child protective services workers
3 and their clients;

4 (6) whether Department of Public Health and Human Services practices or models related to child
5 removal and family reunification must be changed to:

6 (a) reduce child removals and increase family reunifications;

7 (b) mitigate the power differential between child protective services workers and their clients; and

8 (c) support activities that will be supported under the Families First Prevention Services Act; and

9 (7) steps the department is taking or needs to take to prepare to obtain funding under the Families First
10 Prevention Services Act.

11 BE IT FURTHER RESOLVED, that the study include work on a parent bill of rights.

12 BE IT FURTHER RESOLVED, that the study involve representatives of the Department of Public Health
13 and Human Services, the federal Administration for Children and Families, the Office of the Child and Family
14 Ombudsman, the Office of the State Public Defender, court-appointed special advocates, organizations that
15 advocate on behalf of families and children, families involved in the child protective services system, and other
16 interested parties.

17 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
18 requirements, be concluded prior to September 15, 2020.

19 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
20 comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

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