

HOUSE JOINT RESOLUTION NO. 48

INTRODUCED BY D. LENZ

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

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

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

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

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, to study ways to support families and reduce the number of children removed from their homes pursuant to Title 41, chapter 3.

BE IT FURTHER RESOLVED, that the study examine:

- (1) the rights of parents and the rights of children and any infringements on those rights that may occur under current law and the current practices of the Department of Public Health and Human Services;
- (2) the rights of parents to parent their children;
- (3) barriers to reunifying children with their parents after the children have been removed from their homes, including but not limited to barriers related to mental health and substance abuse problems;
- (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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