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HOUSE BILL NO. 39

INTRODUCED BY D. LENZ

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CONTINUED INTERIM LEGISLATIVE REVIEW OF CHILD PROTECTIVE SERVICES MATTERS; REQUIRING REPORTING ON THE RESULTS OF PILOT PROJECTS FOR CHILD ABUSE AND NEGLECT PROCEEDINGS; ESTABLISHING CONDITIONS FOR APPOINTMENT OF A WORKING GROUP; PROVIDING FOR WORKING GROUP MEMBERSHIP AND DUTIES; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Emergency protective service hearings -- findings -- report to interim committee -- working group.**

(1) The legislature finds that district courts concerned about high numbers of child abuse and neglect cases have undertaken federally grant-funded pilot projects to institute prehearing conferences and quicker show cause hearings in order to improve:

- (a) the manner and timeliness with which the cases are handled; and
- (b) the outcomes for children and families involved in the child protective services system.

(2) The legislature further finds that the district courts and the office of court administrator are collecting data to evaluate the effectiveness of the pilot projects, including whether the pilot projects have led to quicker reunification of families or resulted in permanency for children more quickly.

(3) The legislature further finds that the information collected as part of the pilot projects would assist the legislature in determining effective approaches to:

- (a) reducing the number of children in out-of-home care;
- (b) reducing the length of time children who are removed from the home spend in out-of-home care;
- (c) providing for family reunification; and
- (d) ensuring that children are placed in a permanent and stable living situation in the quickest and

safest manner possible.



1 (4) The office of the court administrator and the district courts involved in the pilot projects shall report  
2 the results of the pilot projects to the 2021-2022 children, families, health, and human services interim  
3 committee no later than September 30, 2021.

4 (5) (a) If the preliminary results indicate that the pilot projects improved outcomes in child abuse and  
5 neglect proceedings, the interim committee shall create a working group to undertake the following activities  
6 during the 2021-2022 interim:

7 (i) determine whether the elements of the pilot projects could be replicated in other areas of the state;

8 (ii) evaluate whether existing child abuse and neglect statutes must be revised to implement the pilot  
9 projects more widely;

10 (iii) assess, to the degree possible, the costs of implementing the pilot projects more widely; and

11 (iv) make recommendations to the committee on legislation, funding, and other elements needed to  
12 carry out the pilot projects in other regions of the state.

13 (b) The working group must be composed of:

14 (i) at least two committee members, one from each political party as selected by the presiding officer  
15 of the committee;

16 (ii) one representative each of:

17 (A) a county attorney's office;

18 (B) the office of state public defender;

19 (C) court-appointed special advocates;

20 (D) the department of public health and human services;

21 (E) district court judges;

22 (F) the court improvement program; and

23 (G) the public; and

24 (iii) one person with experience in requirements and procedures relating to the Indian Child Welfare  
25 Act.

26 (c) (i) The presiding officer of the committee shall appoint the nonlegislative members based on  
27 recommendations from associations or agencies representing the entities listed in subsection (5)(b).

28 Appointees should have experience with child abuse and neglect proceedings.

1 (ii) At least two of the appointees must be from rural communities.

2 (6) (a) A nonlegislative member of the working group who is not a full-time salaried officer or  
3 employee of the state or a political subdivision of the state is entitled to salary and expenses to the same extent  
4 as a legislative member.

5 (b) A working group member who is a full-time salaried officer or employee of the state or of a political  
6 subdivision of the state is entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-  
7 18-503.

8 (7) The children, families, health, and human services interim committee shall report to the legislature,  
9 as provided in 5-11-210, on the recommendations of the working group.

10  
11 **NEW SECTION. Section 2. Appropriation.** There is appropriated \$10,000 from the general fund to  
12 the legislative services division for the biennium beginning July 1, 2021, for the working group provided for in  
13 [section 1].

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15 **NEW SECTION. Section 3. Notification to tribal governments.** The secretary of state shall send a  
16 copy of [this act] to each federally recognized tribal government in Montana.

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18 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2021.

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