

1 HOUSE JOINT RESOLUTION NO. 45

2 INTRODUCED BY D. LENZ

3
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.

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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.

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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

1 or slower reunifications;

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.

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