

1 SENATE BILL NO. 182

2 INTRODUCED BY D. LENZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN INTERIM TASK FORCE TO STUDY THE
5 DEPENDENCY AND NEGLECT COURT SYSTEM; SPECIFYING MEMBERS AND DUTIES; PROVIDING
6 FOR CONTINGENT VOIDNESS; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

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11 NEW SECTION. Section 1. Task force on dependency and neglect court system. (1) There is a
12 task force on dependency and neglect court systems.

13 (2) The task force consists of 11 members appointed as follows:

14 (a) two members of the house of representatives, one of whom must be appointed by the speaker
15 of the house of representatives and one of whom must be appointed by the minority leader of the house of
16 representatives;

17 (b) two members of the senate, one of whom must be appointed by the president of the senate
18 and one of whom must be appointed by the minority leader of the senate;

19 (c) one district court judge appointed by the chief justice of the supreme court; and

20 (d) six members appointed by the governor, none of whom may be a currently serving legislator,
21 including:

22 (i) a county attorney;

23 (ii) a law enforcement officer;

24 (iii) a representative from the governor's office;

25 (iv) a tribal member with experience relating to the Indian Child Welfare Act;

26 (v) a member of the public having experience with the dependency and neglect court system; and

27 (vi) a representative of the office of state public defender.

28 (3) (a) Legislative members of the task force are entitled to receive compensation and expenses

1 as provided in 5-2-302.

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

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

8 (5) The task force shall select a presiding officer and a vice presiding officer by majority vote. The
9 presiding officer and the vice presiding officer must be legislative members.

10 (6) The legislative services division shall provide staff assistance to the task force. The legislative
11 fiscal division and the judicial branch shall provide information on request.

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13 **NEW SECTION. Section 2. Task force duties.** (1) The task force shall study dependency and
14 neglect court proceedings to determine whether a separate dependency and neglect court system or the
15 existing court system, with enhancements, would best serve children, families, and other participants involved
16 in dependency and neglect court proceedings.

17 (2) The study must examine:

18 (a) a separate dependency and neglect court system, including but not limited to examining the
19 following:

20 (i) alternative court systems that specialize in dependency and neglect cases;

21 (ii) structural issues related to a court specializing in dependency and neglect cases;

22 (iii) the manner for electing or appointing judges;

23 (iv) whether the dependency and neglect court system should be operated on a statewide,
24 regional, or local basis;

25 (v) changes needed to the existing court system to facilitate a separate dependency and neglect
26 court system;

27 (vi) the interaction between district courts and a separate dependency and neglect court;

28 (vii) funding; and

- 1 (viii) implementation of a separate dependency and neglect court; and
- 2 (b) the existing dependency and neglect court system, including but not limited to examining:
- 3 (i) changes that could be made to the current court system in place of creating a separate
- 4 dependency and neglect court system;
- 5 (ii) the strengths and weaknesses of the district courts in handling dependency and neglect cases;
- 6 (iii) whether dependency and neglect specialty courts could exist on a local level;
- 7 (iv) the interaction between dependency and neglect cases and family law cases;
- 8 (v) whether there could be a more expanded role for family courts;
- 9 (vi) other local court issues that affect families or dependency and neglect cases; and
- 10 (vii) funding.
- 11 (3) The task force shall involve input from the various stakeholders involved in dependency and
- 12 neglect court proceedings and, to the extent possible, consult with outside experts about Montana's system and
- 13 systems in other states.

14 (4) The task force may create subcommittees. Nonlegislative members may serve on a
 15 subcommittee. Unless the person is a full-time salaried officer or employee of the state or of a political
 16 subdivision of the state, a nonlegislative member appointed to a subcommittee is entitled to salary and
 17 expenses to the same extent as a legislative member. If the appointee is a full-time salaried officer or employee
 18 of the state or of a political subdivision of the state, the appointee is entitled to reimbursement for travel
 19 expenses as provided in 2-18-501 through 2-18-503.

20 (5) The task force may appoint working groups to study specific topics or issues as directed by the
 21 task force. If appointed, the working group shall meet regularly and report to the task force as the task force
 22 requires. The working group may include representatives of stakeholders that are not members of the task
 23 force.

24 ~~(4)(6)~~ The task force may ~~hold no more than six meetings~~ meet no more than 12 days.

25 ~~(5)(7)~~ All aspects of the task force, including reporting requirements, must be concluded prior to
 26 September 15, 2024. The task force shall prepare a final report of its findings, conclusions, and
 27 recommendations and prepare draft legislation whenever appropriate. The task force shall submit the final
 28 report to the governor, the chief justice of the supreme court, and the 69th legislature.

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2 **NEW SECTION. Section 3. Contingent voidness.** (1) Pursuant to Joint Rule 40-65, if [this act] does
3 not include an appropriation prior to being transmitted to the governor, then [this act] is void.

4 (2) If the appropriation is vetoed, then [this act] is void.

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6 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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8 **NEW SECTION. Section 5. Termination.** [This act] terminates June 30, 2025.

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