

1 SENATE BILL NO. 231
2 INTRODUCED BY D. LENZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN INTERIM TASK FORCE TO STUDY AND MAKE
5 RECOMMENDATIONS FOR ESTABLISHING A DEPENDENCY AND NEGLECT COURT SYSTEM;
6 SPECIFYING MEMBERS AND DUTIES; PROVIDING FOR CONTINGENT VOIDNESS; ESTABLISHING
7 REPORTING REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
8 TERMINATION DATE."

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

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

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

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

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

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

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

23 (i) a county attorney or deputy county attorney;

24 (ii) a law enforcement officer;

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

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

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

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

1 (3) (a) Legislative members of the task force are entitled to receive compensation and expenses
2 as provided in 5-2-302.

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

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

9 (4) Commission members appointed under subsection (2) must be appointed within 30 days of [the
10 effective date of this act]. If a vacancy occurs, a new member must be selected in the same manner as the
11 original appointment. Commission member terms expire June 30, 2025.

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

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

16
17 **NEW SECTION. Section 2. Task force duties.** The task force shall study dependency and neglect
18 court proceedings and produce draft legislation to create a separate dependency and neglect court system to
19 best serve children, families, and other participants involved in dependency and neglect court proceedings.

20 (2) The task force shall study and propose comprehensive draft legislation that may address, but is
21 not limited to, the following:

22 (a) the structure of an alternative court system that specializes in dependency and neglect cases;

23 (b) the exclusive and concurrent jurisdiction of the dependency and neglect court system;

24 (c) the manner for electing or appointing judges for the dependency and neglect court system;

25 (d) whether the dependency and neglect court system should be operated on a statewide,
26 regional, or local basis;

27 (e) changes needed to the existing court system to facilitate a separate dependency and neglect
28 court system;

- 1 (f) the interaction between district courts and a separate dependency and neglect court;
- 2 (g) funding requirements for a separate dependency and neglect court system;
- 3 (h) the powers and duties of the dependency and neglect court;
- 4 (i) appeals from the dependency and neglect court;
- 5 (j) a transition schedule to begin implementation of a separate dependency and neglect court by
- 6 July 1, 2025, with a full transition to a separate dependency and neglect court by July 1, 2026. The task force
- 7 may recommend a different timeline if it finds additional time is necessary for an orderly transition.

8 (3) The task force shall include input from the various stakeholders involved in dependency and
9 neglect court proceedings and, to the extent possible, consult with outside experts about Montana's system and
10 systems in other states.

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

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

21 (4) The task force may meet no more than 12 days.

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

26
27 **NEW SECTION. Section 3. Contingent voidness.** (1) Pursuant to Joint Rule 40-65, if [this act] does
28 not include an appropriation prior to being transmitted to the governor, then [this act] is void.

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

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

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

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- END -

AMENDED