

1 SENATE BILL NO. 352

2 INTRODUCED BY D. LENZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN INTERIM ~~TASK FORCE~~ REVIEW TO MODIFY
5 AND IMPROVE CHILD PROTECTIVE SERVICES; PROVIDING FOR A WORK GROUP TO ASSIST IN THE
6 REVIEW; SPECIFYING WORK GROUP MEMBERS AND DUTIES; PROVIDING FOR REPORTS;
7 PROVIDING AN APPROPRIATION; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

11
12 NEW SECTION. Section 1. ~~Task force on~~ INTERIM REVIEW OF child protective services -- WORK
13 GROUP. (1) ~~There is a task force on~~ THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE
14 SHALL, WITH THE ASSISTANCE OF A WORK GROUP, REVIEW child protective services AS PROVIDED IN [SECTION 2]
15 DURING THE 2023-2024 INTERIM.

16 (2) (A) The ~~task force includes~~ WORK GROUP MUST BE COMPOSED OF the following members:

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

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

22 (i) ~~AT LEAST TWO COMMITTEE MEMBERS, ONE FROM EACH POLITICAL PARTY AS SELECTED BY THE~~
23 PRESIDING OFFICER OF THE COMMITTEE;

24 (e)(ii) the director of the department of public health and human services or a designee of the
25 director;

26 (d)(iii) a county attorney or a designee of a county attorney;

27 (e)(iv) a district court judge appointed by the chief justice of the supreme court;

28 (f)(v) the director of the office of state public defender or a designee of the director;

1 ~~(g)(vi) a tribal member with experience relating to the Indian Child Welfare Act appointed by the~~
2 ~~governor~~ THE INDIAN CHILD WELFARE SPECIALIST APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
3 HEALTH AND HUMAN SERVICES UNDER 52-2-117;

4 ~~(h)(vii) a member of the public having experience with the dependency and neglect court system~~
5 ~~appointed by the governor; and~~

6 ~~(i)(viii) a member of law enforcement appointed by the governor.~~

7 (B) THE PRESIDING OFFICER OF THE COMMITTEE SHALL APPOINT THE NONLEGISLATIVE MEMBERS
8 PROVIDED FOR UNDER SUBSECTION (2)(A)(III), (2)(A)(IV), (2)(A)(VII), AND (2)(A)(VIII) BASED ON RECOMMENDATIONS
9 FROM ASSOCIATIONS REPRESENTING THOSE ENTITIES. APPOINTEES SHOULD HAVE EXPERIENCE WITH CHILD ABUSE AND
10 NEGLECT INVESTIGATIONS AND PROCEEDINGS.

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

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

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

19 ~~(4) — Members appointed under subsection (2) must be appointed within 30 days of [the effective~~
20 ~~date of this act]. If a vacancy occurs, a new member must be selected in the same manner as the original~~
21 ~~appointment. The terms of the members expire June 30, 2025.~~

22 ~~(5) — The task force shall select a presiding officer and a vice presiding officer by majority vote. The~~
23 ~~presiding officer and the vice presiding officer must be legislative members.~~

24 ~~(6) — The legislative services division shall provide staff assistance to the task force. The legislative~~
25 ~~fiscal division and the judicial branch shall provide information on request.~~

26
27 NEW SECTION. Section 2. Task force INTERIM COMMITTEE AND WORK GROUP duties. (1) The task
28 force CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE AND THE WORK GROUP PROVIDED FOR

1 IN [SECTION 1] shall study the current operation of child protective services to determine means by which the
2 child protective services system in this state may be modified or improved to best serve children and families.

3 (2) The ~~task force~~ WORK GROUP shall examine AND REPORT TO THE INTERIM COMMITTEE ON topics
4 including but not limited to:

- 5 (a) the removal of children from homes;
- 6 (b) centralized intake reports and procedures;
- 7 (c) investigations of reports of abuse and neglect;
- 8 (d) the potential for family support to help prevent removal of children or expedite reunification;
- 9 (e) foster care;
- 10 (f) kinship care;
- 11 (g) the interaction of child protective services with the judicial system;
- 12 (h) department of health and human services policies and procedures;
- 13 (i) reunification of children with their families of origin; and
- 14 (j) topics related to the Indian Child Welfare Act.

15 (3) The ~~task force shall~~ REVIEW MUST involve input from the various stakeholders involved in child
16 protective services activities and, to the extent possible, ~~consult~~ INCLUDE CONSULTATION with outside experts
17 about Montana's child protective services system and systems in other states.

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

24 ~~(5) — The task force may appoint working groups to study specific topics or issues as directed by the~~
25 ~~task force. If appointed, the working group shall meet regularly and report to the task force as the task force~~
26 ~~requires. The working group may include representatives of stakeholders that are not members of the task~~
27 ~~force.~~

28 ~~(6)(4)~~ The ~~task force~~ WORK GROUP may, SUBJECT TO AVAILABLE FUNDING, meet ~~no more than 12 days~~,

1 ~~CONSISTING OF THREE 2-DAY MEETINGS AND SIX 1-DAY MEETINGS HELD IN HELENA AS NEEDED TO CARRY OUT THE~~
2 ~~PURPOSES OF THIS SECTION. MEETINGS MAY BE HELD IN PERSON OR BY ELECTRONIC MEANS.~~

3 ~~(7)(5)~~ All aspects of the ~~task force~~ REVIEW OF CHILD PROTECTIVE SERVICES, including reporting
4 requirements, must be concluded prior to September 15, 2024. The ~~task force~~ INTERIM COMMITTEE shall prepare
5 a final report of its findings, conclusions, and recommendations and prepare draft legislation. The ~~task force~~
6 COMMITTEE shall submit the final report to the governor, the chief justice of the supreme court, and the 69th
7 legislature.

8
9 NEW SECTION. SECTION 3. NOTIFICATION TO TRIBAL GOVERNMENTS. THE SECRETARY OF STATE SHALL
10 SEND A COPY OF [THIS ACT] TO EACH FEDERALLY RECOGNIZED TRIBAL GOVERNMENT IN MONTANA.

11
12 NEW SECTION. SECTION 4. APPROPRIATION. THERE IS APPROPRIATED \$15,000 FROM THE GENERAL FUND
13 TO THE LEGISLATIVE SERVICES DIVISION FOR THE BIENNIUM BEGINNING JULY 1, 2023, FOR THE WORK GROUP PROVIDED
14 FOR IN [SECTION 1] TO CARRY OUT THE ACTIVITIES REQUIRED UNDER [SECTION 2].

15
16 NEW SECTION. SECTION 5. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does
17 not include an appropriation prior to being transmitted to the governor, then [this act] is void.

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

19
20 NEW SECTION. SECTION 6. EFFECTIVE DATES. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS ACT] IS
21 EFFECTIVE ON PASSAGE AND APPROVAL.

22 (2) [SECTION 4] IS EFFECTIVE JULY 1, 2023.

23
24 ~~NEW SECTION. SECTION 5.— Effective date. [This act] is effective on passage and approval.~~

25
26 NEW SECTION. SECTION 7. Termination. [This act] terminates June 30, 2025.

27 - END -