



Children, Families, Health, and Human Services Interim Committee

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

66th Montana Legislature

SENATE MEMBERS

JOHN ESP
MARY MCNALLY
ALBERT OLSZEWSKI
DIANE SANDS

HOUSE MEMBERS

BARBARA BESSETTE
MARY CAFERRO
DENNIS LENZ
FREDERICK (ERIC) MOORE
GORDON PIERSON
TOM WELCH

COMMITTEE STAFF

SUE O'CONNELL, Research Analyst
ALEXIS SANDRU, Staff Attorney
FONG HOM, Secretary

MINUTES LOG

November 15, 2019

Board of Oil and Gas Conservation Meeting Room
2535 St. John's Avenue
Billings, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. From the homepage, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu, Meeting Minutes. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From here, use the calendar to select the date of the meeting you wish to view/listen to.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. JOHN ESP
SEN. MARY MCNALLY
SEN. ALBERT OLSZEWSKI
SEN. DIANE SANDS

REP. BARBARA BESSETTE
REP. MARY CAFERRO
REP. DENNIS LENZ
REP. FREDERICK (ERIC) MOORE
REP. GORDON PIERSON
REP. TOM WELCH

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

SUE O'CONNELL, Research Analyst
ALEXIS SANDRU, Staff Attorney
FONG HOM, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

RECONVENE/ROLL CALL - Rep. Eric Moore, Presiding Officer

08:47:25 Rep. Moore reconvened the meeting at 8:47 a.m.

08:47:52 Rep. Moore gave opening remarks.

HJR 48/49 STUDY: CHILD PROTECTIVE SERVICES

Overview of DPHHS Data - Sue O'Connell

08:48:40 Ms. O'Connell gave an overview of the HJR 48/49 Study and presented the following documents: Children Entering & Exiting Care ([Exhibit 1](#)); Child Protective Services Staffing and Caseloads ([Exhibit 2](#)). Ms. O'Connell referred the committee to documents that were provided by Barb Smith, administrator of the DPHHS Senior and Long-Term Care Division: Medicaid Payment Rates spreadsheet ([Exhibit 3](#)) and the Big Sky Waiver Revisions Transmittals ([Exhibit 4](#)).

CPS Cases: Representing Parties in Court

Scott Pederson, Deputy Yellowstone County Attorney

Peter Ohman, Public Defender Division, Office of the State Public Defender

Drew MacLeod, CASA of Yellowstone County

Georgette Boggio, Elk River Law

08:50:18 Mr. Pederson

09:14:38 Ms. Boggio

09:24:21 Mr. Ohman ([Exhibit 5](#))

09:37:25 Mr. MacLeod ([Exhibit 6](#))

Committee Questions

09:50:15 Sen. Esp asked about reversing a voluntary termination of parental rights if that parent was close to being released from prison.

09:50:50 Mr. Pederson

09:51:50 Ms. Boggio

09:52:40 Sen. McNally asked the panel about shelter care hearings.

09:53:17 Mr. Ohman

09:53:49 Ms. Boggio

09:53:54 Mr. Pederson

09:54:52 Sen. McNally asked about the 20-day show cause hearing.

- 09:55:09 Mr. Pederson
- 09:55:20 Rep. Moore asked Mr. Pederson if the show cause hearing is under current statute.
- 09:57:23 Sen. Sands asked Mr. Pederson if DPHHS has a policy on a preference for guardianship over permanent relinquishment.
- 09:58:24 Rep. Lenz asked Mr. Ohman to comment on whether people who have enough money to hire a lawyer will fare better in child abuse and neglect cases.
- 09:59:46 Rep. Pierson asked Ms. Boggio about any requirements in the Indian Child Welfare Act (ICWA) pertaining to the enrollment of a parent in one tribe and the enrollment of the children in another tribe in resolving custody or visitation rights.
- 10:01:38 Rep. Caferro asked Mr. Pederson about challenges he faces in getting court orders in place within the time limit following placement, and when time limits are not met, how does that impact IV-E Eligibility.

CPS Cases: Judicial Perspective

District Judge Rod Souza

District Judge Jessica Fehr

- 10:04:15 Judge Rod Souza
- 10:18:15 Judge Jessica Fehr

Committee Questions of Judge Souza

- 10:18:40 Rep. Lenz asked about the concept of applying ICWA to all proceedings and the concept of active efforts.
- 10:21:55 Rep. Lenz asked about status hearings.
- 10:24:15 Rep. Caferro asked about Medicaid expansion allowing access to substance use treatment for families. She also asked Judge Souza to comment on unaddressed traumas that can lead to addiction or the overuse of drugs.
- 10:28:45 Judge Jessica Fehr

Questions of Judge Fehr

- 10:38:41 Rep. Moore asked Judge Fehr whether reunification of families is prioritized over the safety of the child in the home.
- 10:40:26 Rep. Moore asked about the concept of the shelter care hearing.
- 10:44:57 Sen. Sands asked about tracking the use of methamphetamine in the home and determining whether or not the home is a safe and healthy environment.
- 10:48:52 Sen. Sands asked if a relapse in the use of drugs automatically triggers removal of the child from the home.

Break (reconvened at 11:00 a.m.)

CPS Cases: Child Protection Specialist Perspective

Jared Bangerter, Intake Staff, Child and Family Services Division, Billings

Brittany Simonson, Ongoing Staff, Child and Family Services Division, Billings

11:05:03 Mr. Bangerter

11:14:10 Ms. Simonson

Committee Questions of the panel

11:20:39 Sen. Sands asked Ms. Simonson about the recruitment of staff and the percentage of staff who are Native Americans.

11:21:55 Rep. Moore asked Ms. Simonson about the difference between the paperwork requirements when hiring staff for federal government and state government.

11:23:11 Rep. Moore asked the speakers how they would run Child Protective Services.

11:23:54 Mr. Bangerter

11:25:05 Ms. Simonson

11:25:39 Sen. Esp asked about the Child and Family Services Division's employment policy of hiring people with criminal records.

11:27:26 Mr. Bangerter

11:28:50 Sen. McNally asked Ms. Simonson what she considers a reasonable caseload number.

11:29:44 Sen. Sands asked Marti Vining, administrator of the Child and Family Services Division, how many staff would be needed to bring Montana's CPS caseload in line with national standards and what would be the fiscal costs.

11:30:10 Ms. Vining

Public Comment on the HJR 48/49 Study

11:32:46 Stephanie Fitch, Rimrock Foundation, Addiction Recovery Team

11:38:55 Tyler Amundson, Pastor, Billings, submitted Crystal Admundson's written testimony ([Exhibit 7](#))

11:42:37 Kristen Bonner, Riverstone Health ([Exhibit 8](#))

11:45:07 Shawn Byrne, Executive Director, Family Support Network ([Exhibit 9](#))

11:49:18 Rayanne Crick, Foster Parent

11:57:15 Jeff Folsom, Center for Children and Families and Workforce Development, University of Montana

12:05:40 Denise Johnson, Director of Communications, Montana Child Protection Alliance, distributed documents to support her comments: newspaper articles ([Exhibit 10](#)); Injustice without Parents ([Exhibit 11](#)); an article on Wyoming's legislative session considering two legal representation bills ([Exhibit 12](#)); and two articles

on parental rights ([Exhibit 13](#)) ([Exhibit 14](#)).

12:18:26 Susan Carlson, foster parent, Yellowstone County

12:24:15 David Wojciechowski, Synergetics ([Exhibit 15](#))

12:28:21 Richard Helm, retired senior deputy county attorney, Yellowstone County

12:45:53 Moyra Anthony, Youth Dynamics Co-Director for Community Services

12:52:43 Chris Friedel, Billings City Councilman, and General Manager of Friedel, LLC

13:00:22 Jennifer Smith, Executive Director, Indian Education for Billings Public Schools, and Title III, English Language Program and the SOS Suicide Prevention Program

GENERAL PUBLIC COMMENT

None

COMMITTEE WORK SESSION

13:09:19 Sen. Esp asked that the letter from Karen Nichols, Kalispell, be included in the record of this meeting. Ms. O'Connell said that she would forward that e-mail to the committee members.

SB 202 Study - Alexis Sandru, Committee Attorney

13:09:58 Ms. Sandru distributed the following documents comparing current Montana law to the 2017 Uniform Guardianship, Conservatorship and Other Protective Arrangements Act: General Provisions ([Exhibit 16](#)); Guardianship of Minors ([Exhibit 17](#)); Guardianship of Adults ([Exhibit 18](#)); and Other Protective Arrangements ([Exhibit 19](#)). She asked that the committee tell her whether the documents are helpful and whether she should prepare a similar document on the conservatorship provisions.

13:11:58 Ms. O'Connell gave an overview of the agenda for the January meeting.

13:14:21 Rep. Moore asked for data regarding Child Protective Services for Montana and surrounding states.

13:15:17 Rep. Moore asked Ms. Sandru to look at Montana laws regarding the 20-day show cause hearing and how it compares to the Dakotas, Wyoming, and Idaho.

13:15:29 Repl Lenz asked about getting the most current statistics on methamphetamine use in Montana as well as in surrounding states.

13:16:38 Rep. Moore asked for an update from DPHHS on what the agency is hearing from CMS on the Medicaid expansion work requirement waiver and a status report on the data portal.

13:17:18 Sen. Esp asked that DPHHS explain the documents provided by Barb Smith on November 14 on the Big Sky Waiver policy changes.

13:17:36 Rep. Caferro explained why she had asked the department for the information.

13:18:41 Sen. Esp asked what a CMT is.
13:19:21 Rep. Moore said that Barb Smith of DPHHS could come and give a presentation on the documents at the next meeting.
13:19:36 Rep. Caferro discussed her reasons for opposing the Department of Justice's court request to make the ombudsman findings reports public.
13:21:26 Rep. Moore asked if the committee would be interested in having an offsite meeting in March.
13:21:51 Sen. Sands reported on her attendance at a conference with women legislators around the country dealing with the marijuana issue as it currently exists. She brought back information for the committee members.
13:22:27 Sen. Esp requested that DPHHS respond to Ms. Nichols' request.
13:22:41 Rep. Welch said that he would like to visit the Montana State Prison in March.
13:23:06 Sen. McNally thanked the staff for putting this meeting together.
13:23:34 Ms. O'Connell briefly discussed the schedule for Legislative Week.

ADJOURNMENT

13:24:40 With no further business before the committee, Rep. Moore adjourned the meeting at 1:24 p.m.

CI0425 9352fhxd.