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Court System For Dependency & Neglect Task Force

68th Montana Legislature

SENATE MEMBERS

ELLIE BOLDMAN
DENNIS LENZ

HOUSE MEMBERS

JENNIFER CARLSON
SJ HOWELL

PUBLIC MEMBERS

KELLY DRISCOLL
WAMNEE EREAUX
JESSICA FINLEY
RACHEL GREEN
NIKKI GROSSBERG
JON KADNER
HON. RIENNE MCELYEA
JENNIFER OWEN

COMMITTEE STAFF

MILLY ALLEN, Research Analyst
JOLANDA SONGER, Secretary

MINUTES LOG

October 25, 2023

Room 137

Helena, Montana

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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MEMBERS PRESENT:

Sen. Ellie Boldman, Chair (D)
Rep. Jennifer Carlson (R)
Rep. SJ Howell (D)
Sen. Dennis Lenz (R)
Judge McElyea via Zoom
Jessica Finley via Zoom
Jon Kadner via Zoom
Rachel Green
Wamnee Ereaux via Zoom
Jennifer Owen
Kelly Driscoll via Zoom
Nikki Grossberg

MEMBERS EXCUSED:

MEMBERS ABSENT:

STAFF PRESENT:

Milly Allen, Research Analyst
Jolanda Songer, Secretary

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

09:03:42 Sen. Lenz called the meeting to order at 9:04 AM. The committee secretary took roll.

TASK FORCE MEMBER INTRODUCTIONS

09:05:13 Sen. Lenz

ELECTION OF PRESIDING OFFICERS

09:15:35 Sen. Lenz

MOTION

09:15:49 Rep. Carlson made a motion to elect Sen. Lenz as Chair.

09:16:40 Sen. Boldman

VOTE

09:17:59 The motion passed unanimously.

MOTION

09:18:09 Rep. Carlson made a motion to elect Sen. Boldman.

09:18:51 Sen. Boldman

09:19:17 Chair Lenz

MOTION

09:19:45 The motion passed unanimously.

TASK FORCE RULES AND PROCEDURES

09:20:33 Milly Allen
[EXHIBIT 1](#)
[EXHIBIT 2](#)

09:27:00 Chair Lenz
[EXHIBIT 1](#) (Page 4)

09:28:02 Sen. Lenz
[EXHIBIT 2](#) (Page 2-3)

09:34:16 Judge McElyea asked Chair Lenz if the goal of this committee is to improve or correct court system.

09:39:43 Vice Chair Boldman

09:43:56 Sen. Lenz

09:46:47 Wamnee Ereaux

09:49:12 Chair Lenz

MOTION

09:50:16 Rep. Carlson moved to adopt the rules and procedures as written.

VOTE

09:50:27 The motion passed unanimously.

MONTANA COURTS & DEPENDENCY AND NEGLECT CASELOAD

09:52:00 Beth McLaughlin, Supreme Court Administrator
[EXHIBIT 3](#)

10:04:52 Rep. Carlson asked to clarify the definition of family court.

10:08:53 Vice Chair Boldman asked for clarification about county allocation for space.

10:13:00 Beth McLaughlin continued her presentation.

10:31:19 Vice Chair Boldman asked about DN cases per district.

10:37:13 Vice Chair Boldman asked if the district courts track outcome and performance-based data.

10:50:57 Vice Chair Boldman

10:56:34 Kelly Driscoll asked about election of judges.

- 10:58:06 Rep. Carlson asked a question about the numbers on the Judicial Resource Needs Map.
[EXHIBIT 3](#)
- 10:59:20 Rep. Carlson asked a question about standing masters.
- 11:02:22 Rep. Carlson asked about the definition of family court.
- 11:04:41 Jennifer Owen asked a question about the District Court Case Filing Review.
[EXHIBIT 3](#) (Page 3 of the review)
- 11:06:52 Jennifer Owen asked what is included in the 232 minutes needed for DN cases.
[EXHIBIT 3](#) (Page 8)
- 11:09:58 Chair Lenz asked about the disproportion of caseloads per county.

PUBLIC COMMENT ON DEPENDENCY AND NEGLECT CASELOAD

- 11:20:08 Nanette Gilbertson, executive director for the Montana County Attorneys Association and the Montana Sheriffs and Peace Officers Association
- 11:23:09 Vice Chair Boldman asked Nanette Gilbertson about the county attorney's training vs. the attorney general's office and DOJ.
- 11:26:44 Jessica Finley
- 11:28:14 Joshua Racki, Cascade County attorney and president of the Montana County Attorneys Association
- 11:31:48 Beth McLaughlin shared about the Court Improvement Program on the MT courts website.

INITIAL REVIEW OF TASK FORCE WORK PLAN

- 11:33:21 Milly Allen
[EXHIBIT 4](#)
- 11:40:19 Chair Lenz
- 11:41:38 Jennifer Owen
- 11:42:50 Vice Chair Boldman
- 11:43:40 Milly Allen

11:44:14 Chair Lenz

11:44:27 Vice Chair Boldman

11:45:09 Chair Lenz

11:45:23 Milly Allen

11:45:48 Judge McElyea

11:46:13 Milly Allen

MOTION

11:47:18 Rep. Carlson moved to approve the meeting dates listed in the Work Plan.

VOTE

11:47:34 The motion passed unanimously.

RECESS

11:49:44 Reconvened at 14:02:11

FAMILY FRIENDLY DEPENDENCY AND NEGLECT COURTS

14:03:00 Jill Yordy, National Conference of State Legislatures (NCSL)
[EXHIBIT 5](#) (Page 1-4)

14:06:17 Presentation continued by Walker Stevens, NCSL
[EXHIBIT 5](#) (Page 5-8)

14:16:17 Presentation continued by Jill Yordy
[EXHIBIT 5](#) (Page 9-11)

14:24:04 Presentation continued by Hanna Ditzenberger, NCSL
[EXHIBIT 5](#) (Page 12-16)

14:32:37 Jill Yordy

14:33:11 Vice Chair Boldman asked Hanna Ditzenberger if there is data on kids' legal counsel and asked about pilot programs.

14:36:11 Walker Stevens

- 14:37:35 Chair Lenz shared two approaches: a specialty court for DN cases or making significant changes at the District Court level. He asked for information on how other states are handling the DN cases.
- 14:39:08 Rep. Carlson asked Jill Yordy for recommendations on training for judges and attorneys regarding trauma informed care.
- 14:40:50 Walker Stevens
- 14:42:04 Sen. Lenz asked about Colorado's Child and Family Services Reform.
- 14:42:23 Jill Yordy
- 14:45:38 Wamnee Ereaux
- 14:48:32 Chair Lenz
- 14:49:02 Jilly Yordy
- 14:49:55 Walker Stevens
- 14:51:14 Chair Lenz

PUBLIC COMMENT ON FAMILY FRIENDLY DEPENDENCY AND NEGLECT COURTS

- 14:51:41 None

PUBLIC COMMENT ON ANY MATTERS WITHIIN THE SCOPE OF THE TASK FORCE NOT ON THIS AGENDA

- 14:52:51 None

WORK SESSION

- 14:53:29 Chair Lenz
- 14:53:54 Milly Allen
- 14:54:04 Chair Lenz
- 14:54:50 Vice Chair Boldman asked for data on how passed legislation has been implemented.
- 14:56:38 Kelly Driscoll offered to pull their report which tracks how many new CPS filings have happened statewide.

14:57:27 Vice Chair Boldman suggested to invite the Department of Justice (Missoula County).

14:58:39 Nikki Grossberg asked for data about standards for prosecuting attorneys.

14:59:06 Jessica Finley

14:59:22 Chair Lenz

15:00:08 Jennifer Owen shared her suggestions and questions.

15:02:59 Vice Chair Boldman shared about the HB 827 commission.

15:05:20 Chair Lenz

15:06:17 Milly Allen

15:07:21 Chair Lenz

15:08:57 Rachel Green suggested to look at the drivers for the number of DN cases going down.

15:09:29 Nikki Grossberg talked about prevention work.

15:11:11 Judge McElyea shared about two annual judicial conferences she attends, legislative changes, and the importance of pre-hearing meetings with the families.

15:14:39 Chair Lenz

15:15:01 Judge McElyea

15:16:34 Rep. Carlson asked Judge McElyea how much she hears from the children in the cases.

15:22:45 Rep. Carlson asked Nikki Grossberg about the training she is doing.

15:24:58 Wamnee Ereaux

15:28:11 Kelly Driscoll mentioned a 10-year outcome study from jurisdictions from a couple of states and she talked about age-appropriate consultations and safety assessments.

15:30:16 Jennifer Owen

15:32:46 Vice Chair Boldman

PUBLIC COMMENT ON ANY MATTERS WITHIN THE SCOPE OF THE TASK FORCE NOT ON THIS AGENDA

15:36:45 Marinella Stecccone, Yellowstone Boys and Girls Ranch, and Family treatment court, Kalispell. Marinella Stecccone suggested the following services/policies: an annual Montana Child Abuse and Neglect (MCAN) training, family preservation services, Domestic Violence services, Policy around incarcerated parents, guardianships over adoption, Guaranteed family connection after adoption and guardianship.

15:41:08 Chair Lenz

15:42:53 Rep. Carlson asked Kelly Driscoll about the changes at the Montana Office of State Public Defender (OPD)

15:46:43 Chair Lenz

15:46:51 Kelly Driscoll

15:48:09 Rep. Carlson

ADJOURNMENT

15:49:53 Chair Lenz adjourned the meeting at 3:49 p.m.