

LEGISLATIVE HISTORY
SJR 31

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for the
Law and Justice Interim Committee
August 5, 2003

Relevant Legislative Actions

- ▼ LC 931, bill draft requested by Senator Tash
 - ▼ implement some recommendations of the corrections advisory council to revise the Youth Court Act
 - ▼ clarify the meaning of "commit" and "legal custody"
 - ▼ requiring a parent or guardian to be a member of the youth placement committee
 - ▼ requiring youth to be represented by council in certain proceedings if the proceeding may result in out-of-home placement
 - ▼ requiring placements outside the home to be in the least restrictive setting allowing a parent or guardian to exercise parental rights
 - ▼ delineating and clarifying the roles of parents or guardians of youth and juvenile probation officers when a youth is committed to the youth court for placement
 - ▼ allowing a parent or guardian to petition a youth court for supervisory authority over a juvenile probation officer
- ▼ SB 388, as introduced
 - ▼ modifying state assumption of district court costs by transferring functions and costs associated with juvenile probation, youth division, and assessment officers and staff of the youth court from the Judicial Branch to the Department of Corrections
 - ▼ Initially referred to Senate Judiciary, but re-referred to Senate Finance and Claims
 - ▼ Hearing in Senate Finance and Claims on February 19, 2003, contentious, strongly worded testimony (minutes available through Legislative Branch website)
 - ▼ Proponents:

- ▼ Sen. Tash
- ▼ Steve Rice (representing self, but the Chairman of the Youth Justice Council)
- ▼ Opponents:
 - ▼ Chief Justice Karla Gray
 - ▼ Ms. Debra Strohmeier (mother of a youth involved in the juvenile justice system, constituent of Sen. Tash)
 - ▼ Marco Lucich, Chief Juvenile Probation Officer, 2nd Judicial District (submitted opposition letters from many others)
 - ▼ Nancy and Bob Staigmiller (representing selves)
 - ▼ Judge John Larson, District and Youth Court Judge
 - ▼ Rep. Tim Callahan (Great Falls)
 - ▼ Rep. Scott Mendenhall (Jefferson County)
 - ▼ Richard Meeker, Juvenile Probation Officer, 1st Judicial District
 - ▼ Judge Dorothy McCarter, District Judge, 1st Judicial District
 - ▼ Vicki Nelson, Juvenile Probation Officer, Bozeman (testified on behalf of Gallatin County Commissioners, co-workers, and District Judges Mark Guenther and Mike Salvagni)
 - ▼ Pam Gilbert (said she represented children and mothers involved in the current system)
 - ▼ Stephanie Rithmann, (citizen and youth volunteer)
 - ▼ J.D. Lynch, Butte-Silver Bow
 - ▼ Kurt Krueger, District Court Judge, 2nd Judicial District (Butte), included letter of opposition from District Judges John Whelen and Mizner)
 - ▼ Jim Smith on behalf of the Montana County Attorney's Association and the Montana Sheriff's and Peace Officers Association
 - ▼ Jim Campbell, Montana Chiefs of Police
 - ▼ Jamie McCall, Montana Childrens' Initiative (and for Charles Brooks of Yellowstone County)

- ▼ Bryan Douglas, self, mentor in Montana Youth Challenge Program
- ▼ Chris Christiaens, Montana Chapter of National Association of Social Workers
- ▼ Anita Roessemann, Attorney Montana Advocacy Program
- ▼ Jennifer Smith-Mitchell, Gallatin County Commissioner and chairman of Southwest Region Juvenile Detention Board
- ▼ Tom Rillken, Deputy Juvenile Probation Officer (letter of opposition from Kathy Schultz, mother of youth in his caseload)
- ▼ Russ Genaw, Chaplain
- ▼ Moe Snell, Local Youth Placement Committee
- ▼ Donna Marmon, Juvenile Probation Officer 14th Judicial District (letters of opposition from Judge Joe Hegel, Miles City, Judge Randall Spaulding, 14th Judicial District, and various others)
- ▼ Joy Mariska, Director of Court Services, Billings
- ▼ Glen Welch, Chief Probation Officer
- ▼ Joe Connell, Chief Probation Officer
- ▼ Glen Gregor, Laborers Local #254
- ▼ Rayelynn Connole, Alternative Youth Adventures
- ▼ Kimberly Gardner, Alternative Youth Adventures
- ▼ Informational Witnessess
 - ▼ Joe Williams, DOC
 - ▼ Diana Koch, DOC
 - ▼ Bill Slaughter, DOC
- ▼ Indefinitely postponed, died

- ▼ SJR 31 - Tash - Interim Study of Juvenile Probation and Juvenile Justice System
 - ▼ Bill requested April 1, 2003
 - ▼ Hearing in Senate Judiciary 4/7/03
 - ▼ Proponents:
 - ▼ Sen. Tash
 - ▼ Diana Koch, Chief Legal Counsel, DOC
 - ▼ Steve Gibson, Juvenile Justice Division, DOC
 - ▼ Bonnie Addy, Mental Health Ombudsman
 - ▼ Opponents: none
 - ▼ Informational: none
 - ▼ Passed 6 to 1 with Sen. Grimes voting no
 - ▼ Hearing in House Judiciary, 4-1-03
 - ▼ Proponents: Sen. Tash
 - ▼ Opponents: none
 - ▼ Informational: none
 - ▼ Passed 18-0
 - ▼ Interim Study Prioritization Poll of all Legislators, SJR 31 Ranked No. 5 of 13
 - ▼ Legislative Council assigned study to LAIC

Central Issue:

What steps are being taken or should be taken to improve supervision of JPOs and provide protections for parents with grievances against JPO decisions?

Spin Off Issues

- ▼ Should the proposed improvements to the Youth Court Act initially contained in LC 931 be further considered by the LAIC?
- ▼ What were the "gems" sometimes referred to in testimony on LC 388 and should they be further considered by the LAIC?
- ▼ Should the Judiciary or the Department of Corrections employ JPOs?
- ▼ How should centralized administration be balanced with local flexibility?

Follow-up Research

- ▼ Historical evolution of juvenile justice generally and the Montana Youth Court Act specifically:
 - ▼ Started with adult criminal standard only: age-defined, if youth met age, treated as adult, if under age, acquitted. Black and white, all or nothing approach.
 - ▼ Federal guidelines and standards (U.S. Supreme Court cases).
 - ▼ Movement toward finding a middle ground. Development of separate standards of accountability for youth committing offenses. Decisions about how youth should be treated was more and more based on judicial determination of intent, degree of responsibility on a case-by-case basis and balancing decisions regarding how to treat that youth on the court's interpretation of how to best to meet the philosophical goals of punishment, rehabilitation, and public safety with respect to the youth in question.
 - ▼ Development of youth probation as means of keeping juveniles out of criminal justice system but still providing for accountability, and balancing sometimes competing interests between punishment, rehabilitation, and public safety
 - ▼ Montana's Youth Court Act includes statements of purpose embracing a philosophy of "balanced and restorative justice" with respect to juvenile justice

BOTTOM LINE:

How to address parental rights and grievance procedures when a youth is being handled by a JPO within the context of federal and state law and in a manner consistent with the principles underlying the historical development of juvenile justice and Montana's Youth Court Act.