

HOUSE BILL NO. 664

INTRODUCED BY K. DUDIK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A TASK FORCE TO EXAMINE EXISTING LAWS AND LEGAL PROCESSES FOR RESOLVING CHILD ABUSE AND NEGLECT CASES; PROVIDING FOR MEMBERS AND DUTIES; PROVIDING AN APPROPRIATION; PROVIDING CONTINGENT VOIDNESS; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Task force to examine existing laws and legal processes for resolving child abuse and neglect cases -- membership -- staff. (1) There is a task force to examine the existing laws and legal processes for resolving child abuse and neglect cases under Title 41.

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

(a) two members of the senate, one from the majority party appointed by the president of the senate and one from the minority party appointed by the senate minority leader;

(b) two members of the house of representatives, one from the majority party appointed by the speaker of the house and one from the minority party appointed by the house minority leader;

(c) two members appointed by the attorney general;

(d) two members appointed by the chief justice of the Montana supreme court; and

(e) three members appointed by the governor, at least one of which must have expertise in the Indian Child Welfare Act;

(3) (a) Decisions of the task force must be made by majority vote.

(b) The task force shall select a presiding officer. The presiding officer must be a legislative member.

(4) Legislative members are entitled to receive compensation and expenses as provided in 5-2-302. Other members of the task force are entitled to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503.

(5) The legislative services division shall provide staff assistance to the task force. The department of public health and human services, the judicial branch, and other state agencies shall provide information on request.



1 (6) Appointments under subsection (2) must be made within 60 days after [the effective date of this
2 section].

3 (7) A vacancy on the task force must be filled in the same manner as the original appointment.
4

5 **NEW SECTION. Section 2. Task force duties.** (1) The task force shall develop a comprehensive plan
6 for any recommended changes that should be made to the existing laws and legal processes for resolving child
7 abuse and neglect cases under Title 41.

8 (2) The task force shall consider:

9 (a) the existing laws, legal standards, and approaches for resolving child abuse and neglect cases under
10 Title 41 currently utilized in Montana;

11 (b) ongoing efforts in Montana to improve the child abuse and neglect processes and outcomes,
12 including but not limited to the temporary child abuse court diversion pilot project, the implementation of any
13 recommendations from the 2015-2016 protect Montana kids commission, and any relevant legislation from the
14 65th Montana legislature;

15 (c) legal standards and approaches taken by other states;

16 (d) proposed alternatives to the existing process, including developing an analysis of the benefits and
17 drawbacks of the varying approaches;

18 (e) the implementation and effects of the Indian Child Welfare Act on child abuse and neglect cases in
19 Montana;

20 (f) input and feedback from the department of public health and human services, district court judges,
21 caseworkers, county attorneys, other attorneys or guardians ad litem who participate in child abuse and neglect
22 cases, parents, and family members; and

23 (g) other issues the task force finds are related to the existing laws and legal processes for resolving
24 child abuse and neglect cases under Title 41.

25 (3) The task force shall prepare a final report of its findings, conclusions, and recommendations by
26 August 15, 2018. The task force shall provide a copy of the report to the children, families, health, and human
27 services interim committee and the legislative finance committee.
28

29 **NEW SECTION. Section 3. Appropriation.** There is appropriated \$4,000 from the general fund to the
30 legislative services division for the biennium beginning July 1, 2017, to support the activities of the task force

1 established in [section 1].

2

3 NEW SECTION. Section 4. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does
4 not include an appropriation prior to being transmitted to the governor, then [this act] is void.

5 (2) If the appropriation in [section 3] is vetoed, then [this act] is void.

6

7 NEW SECTION. Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is
8 effective on passage and approval.

9 (2) [Section 3] is effective July 1, 2017.

10

11 NEW SECTION. Section 6. Termination. [This act] terminates December 31, 2018.

12

- END -