

1 SENATE BILL NO. 182

2 INTRODUCED BY D. LENZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN INTERIM TASK FORCE TO STUDY THE  
5 DEPENDENCY AND NEGLECT COURT SYSTEM; SPECIFYING MEMBERS AND DUTIES; PROVIDING  
6 FOR CONTINGENT VOIDNESS; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN  
7 APPROPRIATION; AND PROVIDING AN ~~IMMEDIATE EFFECTIVE DATE~~ EFFECTIVE DATES AND A  
8 TERMINATION DATE."

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

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12 NEW SECTION. Section 1. Task force on dependency and neglect court system. (1) There is a  
13 task force on dependency and neglect court systems.

14 (2) The task force consists of ~~11~~12 members appointed as follows:

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

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

20 (c) one district court judge appointed by the chief justice of the supreme court; and

21 (d) ~~six~~SEVEN members appointed by the governor, none of whom may be a currently serving  
22 legislator, including:

23 (i) a county attorney OR THEIR REPRESENTATIVE;

24 (ii) a law enforcement officer;

25 (iii) a representative from the governor's office;

26 (iv) a tribal member with experience relating to the Indian Child Welfare Act;

27 (v) a member of the public having experience with the dependency and neglect court system; ~~and~~

28 (vi) a representative of the office of state public defender; AND

1            (VII) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES.

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

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

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

10           (5)     The task force shall select a presiding officer and a vice presiding officer by majority vote. The  
11 presiding officer and the vice presiding officer must be legislative members.

12           (6)     The legislative services division shall provide staff assistance to the task force. The legislative  
13 fiscal division and the judicial branch shall provide information on request.

14  
15           NEW SECTION. Section 2. Task force duties. (1) The task force shall study dependency and  
16 neglect court proceedings to determine whether a separate dependency and neglect court system or the  
17 existing court system, with enhancements, would best serve children, families, and other participants involved  
18 in dependency and neglect court proceedings.

19           (2)     The study must examine:

20           (a)     a separate dependency and neglect court system, including but not limited to examining the  
21 following:

22           (i)     alternative court systems that specialize in dependency and neglect cases;

23           (ii)    structural issues related to a court specializing in dependency and neglect cases;

24           (iii)    the manner for electing or appointing judges;

25           (iv)    whether the dependency and neglect court system should be operated on a statewide,  
26 regional, or local basis;

27           (v)     changes needed to the existing court system to facilitate a separate dependency and neglect  
28 court system;

- 1 (vi) the interaction between district courts and a separate dependency and neglect court;  
2 (vii) funding; and  
3 (viii) implementation of a separate dependency and neglect court; and  
4 (b) the existing dependency and neglect court system, including but not limited to examining:  
5 (i) changes that could be made to the current court system in place of creating a separate  
6 dependency and neglect court system;  
7 (ii) the strengths and weaknesses of the district courts in handling dependency and neglect cases;  
8 (iii) whether dependency and neglect specialty courts could exist on a local level;  
9 (iv) the interaction between dependency and neglect cases and family law cases;  
10 (v) whether there could be a more expanded role for family courts;  
11 (vi) other local court issues that affect families or dependency and neglect cases; ~~and~~  
12 (vii) THE NEED FOR DISTRICT COURT INVOLVEMENT IN THE ADDITION OR REMOVAL OF A PERSON'S NAME  
13 FROM ANY REGISTRY MAINTAINED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REGARDING  
14 SUBSTANTIATED ALLEGATIONS OF CHILD ABUSE OR NEGLECT; AND  
15 ~~(vii)~~(viii) funding.  
16 (3) The task force shall involve input from the various stakeholders involved in dependency and  
17 neglect court proceedings and, to the extent possible, consult with outside experts about Montana's system and  
18 systems in other states.  
19 (4) THE TASK FORCE MAY CREATE SUBCOMMITTEES. NONLEGISLATIVE MEMBERS MAY SERVE ON A  
20 SUBCOMMITTEE. UNLESS THE PERSON IS A FULL-TIME SALARIED OFFICER OR EMPLOYEE OF THE STATE OR OF A  
21 POLITICAL SUBDIVISION OF THE STATE, A NONLEGISLATIVE MEMBER APPOINTED TO A SUBCOMMITTEE IS ENTITLED TO  
22 SALARY AND EXPENSES TO THE SAME EXTENT AS A LEGISLATIVE MEMBER. IF THE APPOINTEE IS A FULL-TIME SALARIED  
23 OFFICER OR EMPLOYEE OF THE STATE OR OF A POLITICAL SUBDIVISION OF THE STATE, THE APPOINTEE IS ENTITLED TO  
24 REIMBURSEMENT FOR TRAVEL EXPENSES AS PROVIDED IN 2-18-501 THROUGH 2-18-503.  
25 (5) THE TASK FORCE MAY APPOINT WORKING GROUPS TO STUDY SPECIFIC TOPICS OR ISSUES AS DIRECTED  
26 BY THE TASK FORCE. IF APPOINTED, THE WORKING GROUP SHALL MEET REGULARLY AND REPORT TO THE TASK FORCE AS  
27 THE TASK FORCE REQUIRES. THE WORKING GROUP MAY INCLUDE REPRESENTATIVES OF STAKEHOLDERS THAT ARE NOT  
28 MEMBERS OF THE TASK FORCE.

1           ~~(4)(6)~~ The task force may ~~hold no more than six meetings~~ MEET NO MORE THAN 12 DAYS.

2           ~~(5)(7)~~ All aspects of the task force, including reporting requirements, must be concluded prior to  
3 September 15, 2024. The task force shall prepare a final report of its findings, conclusions, and  
4 recommendations and prepare draft legislation whenever appropriate. The task force shall submit the final  
5 report to the governor, the chief justice of the supreme court, and the 69th legislature.

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7           NEW SECTION. SECTION 3. APPROPRIATION. THE FOLLOWING MONEY IS APPROPRIATED FROM THE  
8 GENERAL FUND TO THE LEGISLATIVE SERVICES DIVISION FOR THE PURPOSES ESTABLISHED IN [SECTIONS 1 AND 2]:

9           FISCAL YEAR 2024           \$67,812

10          FISCAL YEAR 2025           \$13,219

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

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

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16          NEW SECTION. Section 5. Effective date DATES. ~~[This act]~~ (1) EXCEPT AS PROVIDED IN SUBSECTION  
17 (2), [THIS ACT] is effective on passage and approval.

18          (2) [SECTION 3] IS EFFECTIVE JULY 1, 2023.

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20          NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2025.

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