

**Unofficial Draft Copy**

As of: September 1, 2006 (4:30pm)

LCCF01

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act creating a child protective services statute revision commission; providing for membership, powers, and duties; providing an appropriation; and providing an immediate effective date and a termination date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Child protective services statute revision commission -- composition -- vacancies.** (1) There is a child protective services statute revision commission.

(2) The commission is composed of the following members:

(a) an attorney from the child protection unit in the department of justice, appointed by the attorney general;

(b) a county attorney who has experience in the child protective services system, appointed by the attorney general from three candidates nominated by the county attorneys association;

(c) a public defender who has experience representing parents in the child protective services system, appointed by the chief public defender;

(d) a representative of the child and family services division, appointed by the governor;

(e) a child protective services worker, appointed by the

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director of department of public health and human services.

(f) a district court judge, appointed by the chief justice of the Montana supreme court;

(g) a guardian ad litem, appointed by the chief justice of the Montana supreme court;

(h) a court-appointed special advocate, appointed by the governor from three candidates nominated by the Court Appointed Special Advocates of Montana, Inc.;

(i) two legislators, one from each party and each house, chosen by the appropriate legislative appointing body or leader; and

(j) a parent with recent experience in the child protective services system who has worked successfully through a major problem resulting in permanency for their child or children, appointed by the governor.

(3) The commission may appoint as advisors representatives from the following as needed for their expertise and respective roles in the system or process;

(a) a liaison to the tribal governments of Montana familiar with the cultural and political challenges facing American Indian tribes, children, and families;

(b) a law enforcement officers familiar with child protective services issues;

(c) a mental health providers with experience in treating family members in the child protective services systems;

(d) a substance abuse treatment providers with experience in treating family members in the child protective services

systems;

(e) advocates for victims of domestic violence;

(f) legislative staff of the children, families, health, and human services legislative interim committee; and

(g) other professionals who possess information that may be relevant to the commission's work.

(4) The commission is encouraged to provide a forum for the public to express concerns with the statutes and legal processes governing the child protective services system.

(5) The members of the commission shall elect a presiding officer from among the members. Vacancies occurring on the commission must be filled in the same manner as the original appointment.

(6) The commission may hold regional public hearings as necessary. The commission shall provide public notice of all meetings.

**NEW SECTION. Section 2. Powers and duties -- staff support -- recommendations.** (1) The commission shall review Title 41, chapter 3 for the purpose of revision of the statutes regarding protection of children from abuse and neglect and the processes of the child protective services system, with a concentration on the court-related and legal processes and procedures and their interface with the department of public health and human services.

(2) The study is intended to result in a recommendation to amend the statutes to a form that will be easy to understand and

implement, to provide greater coordination and internal consistency, and to provide a consistent statewide system that protects the best interests of children and permanency with a goal toward strengthening families. The commission shall review statutes from other states and federal requirements. The study is not intended to explore internal department policies and procedures or the practice of child protective services except to the extent that it relates to court and legal processes. The commission may make separate recommendations for changes to department policy or practice.

(3) The department of justice shall provide staff support to the commission. Members and advisors are entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503.

(4) On or before June 1, 2008, the commission shall submit its recommendations and a draft of proposed legislation to the children, families, health, and human services interim committee. The committee shall hold a public hearing on the proposed legislation and make a final recommendation to the 2009 legislature.

NEW SECTION. **Section 3. Appropriation.** It is appropriated to the department of justice \$67,165 from the general fund for fiscal year 2008 for staff support and commission members and advisors travel expenses.

NEW SECTION. **Section 4. {standard} Effective date.** [This

act] is effective on passage and approval.

NEW SECTION. **Section 5. {standard} Termination.** [This act]  
terminates June 30, 2008.

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