

## SENATE BILL NO. 268

INTRODUCED BY D. LENZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE TASK FORCE ON DEPENDENCY AND NEGLECT COURT SYSTEM; EXTENDING THE TASK FORCE; REVISING TASK FORCE DUTIES; AMENDING SECTIONS 1, 2, AND 6, CHAPTER 659, LAWS OF 2023; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 1, Chapter 659, Laws of 2023, is amended to read:

**"Section 1. Task force on dependency and neglect court system.** (1) There is a task force on dependency and neglect court systems.

(2) The task force consists of ~~12~~15 members appointed as follows:

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

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

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

(d) ~~seven~~eight members appointed by the governor, none of whom may be a currently serving legislator, including:

(i) a county attorney or their representative;

(ii) a law enforcement officer;

(iii) ~~a representative from the governor's office~~ a child protection specialist certified pursuant to 41-3-127;

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

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

(vi) a representative of the office of state public defender; ~~and~~

(vii) a representative of the department of public health and human services; and

(viii) a representative of the department of corrections.

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

(b) A nonlegislative member of the task force who is not a full-time salaried officer or employee of the state or a political subdivision of the state is entitled to ~~salary and expenses~~ reimbursement for lodging, mileage, and per diem to the same extent as a legislative member.

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

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

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

(7) (a) Appointments to the task force must be made by July 1, 2025.

(b) If a vacancy on the task force remains unfilled by the appropriate appointing authority for more than 60 days, the task force may vote to appoint a member who meets the qualifications of the vacant position until the appropriate appointing authority fills the position."

**Section 2.** Section 2, Chapter 659, Laws of 2023, is amended to read:

**"Section 2. Task force duties.** (1) The task force shall study dependency and neglect court proceedings to determine ~~whether a separate dependency and neglect court system or the existing court system, with what court system enhancements, or other supports~~ would best serve children, families, and other participants involved in dependency and neglect court proceedings.

(2) The study must examine:

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

- 1           (i) ~~alternative court systems that specialize in dependency and neglect cases;~~  
 2           (ii) ~~structural issues related to a court specializing in dependency and neglect cases;~~  
 3           (iii) ~~the manner for electing or appointing judges;~~  
 4           (iv) ~~whether the dependency and neglect court system should be operated on a statewide,~~  
 5 regional, or local basis;  
 6           (v) ~~changes needed to the existing court system to facilitate a separate dependency and neglect~~  
 7 court system;  
 8           (vi) ~~the interaction between district courts and a separate dependency and neglect court;~~  
 9           (vii) ~~funding; and~~  
 10          (viii) ~~implementation of a separate dependency and neglect court; and~~  
 11          (b)    the existing dependency and neglect court system, including ~~but not limited to examining:~~  
 12           (i) ~~changes that could be made to the current court system in place of creating a separate~~  
 13 dependency and neglect court system;  
 14           (a)    terminology that can provide common usage in both family law and child protection cases;  
 15           (ii)(b) the strengths and weaknesses of the district courts in handling dependency and neglect cases;  
 16           (iii)(c) whether dependency and neglect specialty courts could exist on a local level;  
 17           (iv)(d) the interaction between dependency and neglect cases and family law cases;  
 18           (v)(e) whether there could be a more expanded role for family courts;  
 19           (f)    issues related to incarcerated or otherwise justice-involved parents;  
 20           (vi)(g) other local court issues that affect families or dependency and neglect cases;  
 21           (vii)(h) the need for district court involvement in the addition or removal of a person's name from any  
 22 registry maintained by the department of public health and human services regarding substantiated allegations  
 23 of child abuse or neglect; and  
 24           (viii)(i) funding.  
 25          (3)    The task force shall involve input from the various stakeholders involved in dependency and  
 26 neglect court proceedings and, to the extent possible, consult with outside experts about Montana's system and  
 27 systems in other states.  
 28          (4)    The task force may create subcommittees. Nonlegislative members may serve on a

1 subcommittee. Unless the person is a full-time salaried officer or employee of the state or of a political  
2 subdivision of the state, a nonlegislative member appointed to a subcommittee is entitled to salary and  
3 expenses to the same extent as a legislative member. If the appointee is a full-time salaried officer or employee  
4 of the state or of a political subdivision of the state, the appointee is entitled to reimbursement for travel  
5 expenses as provided in 2-18-501 through 2-18-503.

6 (5) The task force may appoint working groups to study specific topics or issues as directed by the  
7 task force. If appointed, the working group shall meet regularly and report to the task force as the task force  
8 requires. The working group may include representatives of stakeholders that are not members of the task  
9 force.

10 (6) The task force may meet no more than 12 days.

11 (7) All aspects of the task force, including reporting requirements, must be concluded prior to  
12 September 15, ~~2024~~ 2026. The task force shall prepare a final report of its findings, conclusions, and  
13 recommendations and prepare draft legislation whenever appropriate. The task force shall submit the final  
14 report to the governor, the chief justice of the supreme court, and the ~~69th~~ 70th legislature."

15  
16 **Section 3.** Section 6, Chapter 659, Laws of 2023, is amended to read:

17 **"Section 6. Termination.** [This act] terminates June 30, ~~2025~~ 2027."

18  
19 NEW SECTION. **Section 4. Effective date.** [This act] is effective May 1, 2025.

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