

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

2069

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Date

2003 SENATE JUDICIARY

SB 2069

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2069

Senate Judiciary Committee

Conference Committee

Hearing Date 01/14/03

Tape Number	Side A	Side B	Meter #
1	x		00-16.8
Committee Clerk Signature			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill.

**Testimony in support of SB 2069**

JoAnne Hoesel, Administrator Department of Human Services - Attachment (meter 1.3)

**Questions:** Senator Carolyn Nelson (meter 3.0) how many children are removed from parental custody? These numbers include the involuntary removal numbers at 37 currently. Senator John T. Traynor, Chairman asked how the situation of a parent that has never been involved with the raising of the child. (meter 4.4) The non-involved parent will still be contacted by me or the involved parent. Senator Stanley W. Lyson, Vice Chairman asked if the custodial parent has to give up the custody of the child to receive treatment (5.8 meter) for the purpose of the treatment of the child. This bill will make it so the parent no longer have to give up custody of a child to receive treatment funding. Senator Dick Dever asked locations of facilities. (meter 7.1) Senator

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Senate Judiciary Committee  
Bill/Resolution Number 2069  
Hearing Date 01/14/03

Carolyn Nelson asked how the payment schedule worked (meter 8.5) This program is limited to children covered under Medicaid. Medicaid is last payer, the parents insurance is used first.

This program funding is for the "Maintenance Payment" that Medicaid does not pay, unless the child was in a foster home. Discussion (meter 10.1) regarding payment sequence, custody, and paternity. Sen. Nelson questioned the education process for the parent.

**Testimony in opposition of SB 2069:**

There was no testimony in opposition of bill.

**Neutral Testimony to SB 2069**

There was no testimony neutral to SB 2069

**Sen. Lyson moved a DO PASS. Seconded by Sen. Bercler**

**Roll Call Vote: 6Yes. 0 No. 0 Absent**

**Carrier: Senator Stanley W. Lyson, Vice Chairman**

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/03/2003

Bill/Resolution No.: SB 2069

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill changes the process of obtaining treatment services for children with serious emotional disorders and has no fiscal impact.

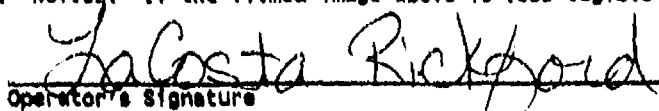
3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Debra A. McDermott	Agency:	Human Services
Phone Number:	328-3695	Date Prepared:	01/07/2002


10/15/03  
Date



REPORT OF STANDING COMMITTEE (410)  
January 14, 2003 12:46 p.m.

Module No: SR-06-0520  
Carrier: Lyson  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
SB 2069: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2069 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-06-0520

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2003 HOUSE JUDICIARY

SB 2069

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10/15/03



2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2069

House Judiciary Committee

Conference Committee

Hearing Date 3-4-03

Tape Number	Side A	Side B	Meter #
1	xx		0-5
Committee Clerk Signature <i>Al Penrose</i>			

**Minutes:** 12 members present, 1 member absent (Rep. Maragos)

**Chairman DeKrey:** We will open the hearing on SB 2069.

**Karen Larson, Department of Human Services:** Support (see attached testimony of Joanne Hoesel, who did not appear).

**Chairman DeKrey:** Thank you.

**Rep. Delmore:** We had a total of 33 cases is what we're saying.

**Ms. Larson:** So far this biennium.

**Rep. Delmore:** Do you put that notice requirement in administrative rules because I don't see it anywhere in the bill.

**Ms. Larson:** What we have done to date is to have a policy and procedure manual, it is not in administrative rules.

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10/15/03  
Date

Page 2  
House Judiciary Committee  
Bill/Resolution Number SB 2069  
Hearing Date 3-4-03

**Rep. Kretschmar:** In the new language on the very last line, you request judicial determination, and in the language that was taken out it says by the juvenile court. Is it presumed that the determination is being in the juvenile court.

**Ms. Larson:** Our legal services and legal advisory unit suggested that that was the case.

**Chairman DeKrey:** Thank you. Further testimony in support? Any opposition? We will close the hearing. What are the committee's wishes in regard to SB 2069.

**Rep. Eckre:** I move a Do Pass.

**Rep. Delmore:** Seconded.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Boehning

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Date: 3/4/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2069

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Eckre Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	AB		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	AB				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Boehning

If the vote is on an amendment, briefly indicate intent:

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**REPORT OF STANDING COMMITTEE (410)**  
March 4, 2003 11:05 a.m.

**Module No: HR-38-3828**  
**Carrier: Boehning**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2069: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
**(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2069 was placed on the**  
**Fourteenth order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

HR-38-3828

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10/15/03  
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2003 TESTIMONY

SB 2069

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10/15/03  
Date

Joanne Hoesel

TESTIMONY  
SB 2069 - DEPARTMENT OF HUMAN SERVICES  
SENATE JUDICIARY  
JOHN TRAYNOR, CHAIRMAN

Chairman Traynor, and members of the Judiciary committee, my name is JoAnne Hoesel and I serve as the administrator for children's mental health programs for the Department of Human Services. I am here to provide testimony in support of Senate Bill 2069, relating to treatment services for children with serious emotional disturbances.

The Voluntary Treatment Program is designed to provide parents the option of seeking out-of-home treatment services for children who have emotional or behavioral issues without having to relinquish custody to a custodial agency such as county social services, solely for payment purposes. Currently, the law requires that both parents agree to the child's voluntary out-of-home treatment. If there is a parental disagreement, there must be a judicial determination by the juvenile court that treatment is in the best interest of the child. Under the current law, the Department makes reasonable efforts to contact an absent parent in order to obtain consent for voluntary treatment. In situations where an absent parent has never been involved with the child but continues to have legal rights to the child, if an absent parent's location is unknown or they are legally restricted from contact with their child, voluntary treatment for the child may be delayed.

The Department supports the proposed amendment to the law, as it seeks to simplify the process for a parent with physical custody of a child to access treatment services. This bill does not intend to limit the authority of involved parents who do not have physical custody as the law would

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10/15/03

Date

continue to provide them the option of a judicial determination, should they disagree with the child's treatment. Further, the Department of Human Services will implement a policy that requires it send notice of the involvement with this program to the parent without physical custody, when location is known.

I would like to thank the committee for the opportunity to present this information regarding the voluntary treatment program. If you have any questions, I will try to answer them at this time.

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2069  
J.H.

**Voluntary Treatment Program  
Program Agreement Description**

3	Situations with legal restrictions on contact with children/parents: <ul style="list-style-type: none"><li>➤ Restraining order/no contact order in place for child and parent-1 child</li><li>➤ Restraining order in place for child- 2 children</li></ul>
12	Both parents signed voluntary treatment agreement.
2	Certified mail sent with no response.
1	Internet search with no results.
11	Child involved prior to law change. One parent's signature is contained on the agreement.
1	Identify of parent unknown
30	<b>Total number of children in program</b>

Department of Human Services  
1-2003

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Date



TESTIMONY  
SB 2069 - DEPARTMENT OF HUMAN SERVICES  
HOUSE JUDICIARY  
DUANE DEKREY, CHAIRMAN  
MARCH 4, 2003

Chairman Dekrey, and members of the Judiciary committee, my name is JoAnne Hoesel and I serve as the administrator for children's mental health programs for the Department of Human Services. I am here to provide information and support of Senate Bill 2069, relating to treatment services for children with serious emotional disturbances.

The Voluntary Treatment Program is designed to provide parents the option to seek out-of-home treatment services for children who have emotional or behavioral issues without giving custody to an agency solely for payment purposes.

This program began in 1995 when Senate Bill 2044 directed the Department of Human Services to establish a program in up to three regions. In 1997, House Bill 1036 made adjustments to the law including an appropriation, limiting the program to children covered by Medicaid and the program was established in all eight human service regions. In 2001, House Bill 1385 made further adjustments to eliminate the involvement of the court unless there was a parental disagreement and added that both parents must consent to voluntary treatment.

Under the current law, the Department makes reasonable efforts to contact an absent parent in order to obtain consent for voluntary treatment. In situations where an absent parent has never had involvement with the child

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but continues to have legal rights to the child, if an absent parent's location is unknown or the court restricts them from contact with their child, the child's treatment is delayed.

In the current biennium, we have had the following parental situations:

- 11 children were involved prior to the law change and one parent's consent was obtained.
- 13 children had both parent's consent.
- 4 had situations where the court prohibited a parent's contact with the child and no consent was obtained.
- 2 did not respond to a certified letter.
- 2 could not be found after Internet searches and their location is unknown.
- 1 identity of the parent is unknown.

In twenty-seven percent (27%) of the situations an absent parent's consent could not be obtained.

The Department supports the proposed amendment to the law, as it seeks to simplify the process for a parent with physical custody of a child to access treatment services. This bill does not intend to limit the options of involved parents who do not have physical custody as the law would continue to provide them the option of a judicial determination, should they disagree with the child's treatment. Further, the Department of Human Services will implement a policy that requires it send notice of the involvement with this program to the parent without physical custody, when location is known.

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I would like to thank the committee for the opportunity to present this information regarding the voluntary treatment program. I am available to answer your questions.

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