

Toeing Not A Partisan Line
We Are
Down The Middle

Arguably the worst bill of the session just passed. House HB 218 was a mishmash of House amendments when delivered to the Senate. Even the sponsor helped delete inane amendments, but insisted that a youth with serious emotional, psychological, or drug abuse issues, must be given weekly, unmonitored, video communications with family or guardians. Unmonitored communications got amended back in on the Senate floor.

Youth inpatient care faculties rarely allow private calls until they are earned. A youth with a drug problem will try to get drugs smuggled in or arrange a runaway ride. If a child has been sexually abused in their home, pressure or reward for silence may be in the offing if the conversation is unmonitored.

If admitted under court order the youth may be delivered, by officers, in shackles. They never come from a place that allows private phone calls. If they wash out of the program they leave in shackles for a ride to a place that does not allow private phone calls. But Montana will now guarantee them unmonitored phone calls while in the custody of an inpatient treatment center so they can call their parents, once a week, if they are being abused.

THE Paris Hilton, referencing HB 218, tweeted that those opposed to private phone calls are in favor of child abuse. She said that as a teen, she was in a treatment facility in Montana at the request of her parents. Local press claimed that she was in youth treatment facilities four times. A letter Hilton had laid on Senator's desks talked of beatings, starvation and sexual abuse. No mention of an investigation or charges. Others that had been in youth treatment facilities contacted legislators stating support for not allowing private phone calls.

But the legislature knows best. One proponent for the bill could not pronounce the type of facility included in the proposed statute. None mentioned a covered institution by name or spoke of the licensure of the facilities to see the type of kids being treated. Hint: if they are court ordered they are often violent, criminal, and drug dependent.

Legislators that had worked in such facilities warned against the amendment and passage of the amended bill. SB 218 passed second reading 37-13. Or as one was overheard to say, "Paris Hilton 1, Commonsense 0."

HB 218 increased inspections to at least twice a year. But, they only need to interview half of the youth and none of the staff. Taxpayers invest millions of dollars into these programs. Perhaps interviews with all of the youth/staff would be prudent. Perhaps the inspectors should

be independent and not department staff. Perhaps the institution should decide phone privileges.

If a youth in treatment experiences sexual assault, the judge overseeing the lawsuit will want to know why the inspection did not uncover it. When the answer is, "Efficiency, the child was number 26 of 50" tax payers will be paying a hefty award. If a child uses private communications to bring in drugs, and gives them to another youth that overdoses, this statute will be re-written after yet another hefty award. And these treatment centers will leave as they will not want the liability we have imposed.

All Senate Democrats and 2/3 of Republicans voted for HB 218.

Senator Brad Molnar SD 28