

Montana Youth Court Act

A Legislative History Summary

LAW AND JUSTICE INTERIM COMMITTEE
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INTRODUCTION

The Montana Youth Court Act has significantly transformed the juvenile justice landscape in the state since its enactment, shifting from a punitive approach to one that prioritizes rehabilitation and community engagement.

Prior to the enactment of the Montana Youth Court Act, juvenile court proceedings were regarded as civil rather than criminal¹ and were generally dealt with informally.^{2 3} It was assumed that the judge, juvenile probation officer, and the youth's parents/guardians acted on behalf of the youth. Legal counsel were often left out of the deliberations because they were seen as unnecessary and even might "serve to disrupt the rehabilitative atmosphere of the proceedings."

However, the United States Supreme Court rejected the argument that a child did not need the aid of counsel in a delinquency proceeding, which "may result in commitment to an institution in which the juvenile's freedom is curtailed." In its 1967 *In re Gault* decision, the court held that due process protections applied in juvenile proceedings:

*"...the child and his parents must be notified of the child's right to be represented by counsel retained by them, or, if they are unable to afford counsel, that counsel will be appointed to represent the child."*⁴

With the increasing complication brought on by the establishment of new criminal offenses, questions of jurisdiction over juvenile proceedings, the *In re Gault* decision, and the landmark Juvenile Justice and Delinquency Prevention Act of 1974⁵ on the horizon, Montana policymakers implemented a new structure in the state explicitly for juvenile justice.

ENACTMENT

On July 1, 1974, the Montana Youth Court Act became effective⁶. Along with a separate court system within Montana District Courts, the act established key terms and procedures for various stages of the process: custody, detention, hearings, and disposition. It also provided that a youth may be represented by counsel in all stages of juvenile justice proceedings.⁷

¹ Palagi v. Freeman, 81 Mont. 132, 262 P. 168 (1927)

² Revised Codes of Montana (RCM) 10-611 (1947) provided that "the court may conduct the hearing in an informal manner and may adjourn the hearing from time to time." (Repealed July 1, 1974).

³ *Juvenile Crime, Juvenile Justice* (2001) National Academies Press

⁴ *In re Gault*, 387 U.S. 1 (1967). <https://supreme.justia.com/cases/federal/us/387/1/>

⁵ Pub. L. No. 93-415, 42 U.S.C. § 5601 et seq

⁶ R.C.M. 10-1201 through 10-1252 (Repealed, amended, and recodified in MCA Title 41, Chapter 5).

⁷ 41-5-331(1)(a), MCA

The 1974 Youth Court Act (YCA) gave Youth Courts original jurisdiction over all proceedings for a juvenile when a youth was considered delinquent, in need of supervision, or in need of care (see Figure 1). The Youth Court also had concurrent jurisdiction with justice, municipal, and police courts over traffic and fish and game violations committed by youth. However, the court had exclusive jurisdiction over three traffic offenses: driving while intoxicated, failing to stop at an accident, and repeated violations for driving without a valid license.

REVISIONS

The Montana YCA has undergone significant changes since its enactment, evolving from a system primarily focused on punishment to one emphasizing rehabilitation and community-based solutions. Naturally, initial revisions focused on the development of Youth Court procedures and were reactive to changing needs. As the Youth Court Act reached its own adolescence, revisions to the measure shifted from punishment to early intervention and community-based solutions.

Recent trends include a greater emphasis on trauma-informed case management, diversion programs, and collaboration between various agencies to address the root causes of juvenile delinquency.

1975

Within a few months of enactment, the YCA received its first revision – an increase in the salary of the chief probation officer from \$11,000, or \$40/day per diem, to a range of \$12,000 to \$16,000. The change also removed the requirement for police to immediately notify a probation officer in all cases of youth apprehension.⁸

1977

[House Bill 738](#) of the 45th Legislature amended the term “detention facility” to “state youth correction facility” and added two new terms to the act: “shelter care” and “detention”. This was in response to a new procedure that clarified when and how a youth taken into custody was to be detained. The purpose of the legislation was to differentiate between shelter care facilities and detention facilities. The sponsor, Representative Meloy, testified that, *“We need to find a less restrictive facility and only use the fail when we have to.”*⁹ The bill was endorsed by both the Montana Probation Officers Association and the Montana Corrections Association.¹⁰

As defined in the 1974 Montana Youth Court Act:

Delinquent youth – A youth who has committed an offense which, if committed by an adult, would constitute a criminal offense or who violates any condition of their probation.

Youth in need of supervision – A youth who violates any Montana municipal or state law regarding use of alcoholic beverages by minors; habitually disobeys the reasonable and lawful demands of his parents or guardian, or is ungovernable and beyond their control; being subject to compulsory school attendance is habitually truant from school; or has committed any of the acts of a delinquent youth but whom the youth court in its discretion chooses to regard as a youth in need of supervision.

Youth in need of care - a youth who is dependent or is suffering from abuse or neglect.

Figure 1

⁸ Chapters 348 and 530 (1975)

⁹ [Montana House Judiciary Committee Minutes, Feb 17, Pg. 1 \(1977\)](#)

¹⁰ [Montana House Judiciary Committee Minutes, Feb 17, Pg. 2 \(1977\)](#)

1979

With the passage of [Senate Bill 1](#), the current format and structure of Montana's state laws, the Montana Code Annotated, was adopted. In this overhaul, the YCA was simplified and received its first statutory reconstruction.

In the same session, the YCA was revised to allow for restitution. [Senate Bill 293](#) sponsor Senator Thomas introduced the bill, stating, *"This is a restitution bill. The reason is, number one, to provide a mechanism for rehabilitating a youth who has destroyed property. And number two, if a youth causes some kind of vandalism, to make some kind of restitution to the person whose home has been broken into."*¹¹ This legislation, coupled with [House Bill 678](#), which allowed media and the general public access to certain Youth Court proceedings, and [House Bill 813](#), which clarified the role of the Department of Social Rehabilitation Services (DSRS), the County Welfare Department, and a youth offenders parents regarding financial obligations, reflected the 1979 legislature's attitude to structure accountability for a youth offender and their guardians.

1981 – 1989

The majority of the legislation introduced in the Montana Legislature during the 1980s that amended the YCA focused on the placement options of youth who fell under the jurisdiction of the court.

[Senate Bill 117 \(1981\)](#) permitted petitions for alternative placements outside of youth guidance homes when necessary. In 1983, [House Bill 24](#) and [Senate Bill 324](#) aimed to improve services for mentally ill youth by allowing state licensing of youth care facilities and establishing the Montana Youth Treatment Center. In contrast, [House Bill 272 \(1993\)](#) eliminated the Swan River Youth Forest Camp as a placement option to prevent the mixing of youthful and adult offenders.

In 1985, the Montana Legislature had enacted several pieces of legislation granting more control to state agencies and counties over the placement of youth residents. [House Bill 103](#) granted counties initial jurisdiction over youth within their borders, while [House Bill 489](#) provided guidance for the treatment of youth in need. House Bill 667 established Mountain View School as a placement option for delinquent youth, with associated costs paid by the counties.

The Montana Legislature held two special sessions in 1986. The first occurred in March to address the budget shortfall, and another occurred in June to address budget adjustments and state appropriations made three months prior.¹² During the June 1986 special session, two bills were enacted that removed placement options for youth under the YCA to address the budget shortfall: [House Bill 6](#), which eliminated the Mountain View School program for detention of delinquent youths, and [House Bill 36](#), which discontinued the Montana Youth Treatment Center and authorized the sale of the facility to the private market.

With the passage of [House Bill 152](#), the 1989 Legislature authorized the Youth Court to commit delinquent youth and youth in need of supervision to mental health facilities if the court found the youth was seriously mentally ill.

¹¹ [Montana House Judiciary Committee Minutes, Mar 6, Pg. 3 \(1979\)](#)

¹² Special Sessions 1889 – Present, Montana Legislative Services Division (<https://www.legmt.gov/statistics/special/>)

Additionally, during the same session, [House Bill 568](#), at the request of the Board of Crime Control, prohibited the detention of an alleged delinquent youth in an adult detention facility except under certain circumstances.

The 1987 Legislature also enacted [House Bill 325](#), which created a new state agency: the Department of Family Services (DFS). This moved custody transfer, commitment services, and youth correctional facilities administration provided by the Department of Social Rehabilitation Services, Department of Institutions, and Youth Court of the District Court under the YCA into the authority of the new department. The legislation resulted from a study conducted by the Governor's Council on Reorganization of Youth Services. The objective of the bill, as stated by council member Sen. Joe Mazurek, was to create a continuum of care for youth services at the state and local level.¹³

1991 – 1999

The next decade of revisions to the YCA shifted towards increased accountability, leading to more transfers of juveniles to adult courts, harsher sentencing, and a greater focus on punishment rather than rehabilitation. It wouldn't be until the late 1990s that a growing emphasis on restorative justice principles would lead to revisions that balance accountability with rehabilitation.

In 1991, [House Bill 148](#) marked a pivotal shift by formalizing the use of home arrest for juveniles. [House Bill 286](#) redefined what it means for a youth to be 'in need of supervision' with behaviors, such as underage drinking and habitual truancy. This change was raised by probation officers who have felt that the court system was sometimes misused by parents evading their responsibilities.¹⁴

Further changes in 1991 included [Senate Bill 37](#), which mandated counties provide adequate youth detention services and introduced regional detention facilities. Additionally, [House Bill 581](#) enhanced law enforcement's capabilities by allowing the use of youth fingerprint records across judicial districts for identification purposes, improving investigative efficiency. County oversight was increased with the passage of [House Bill 948](#), allowing the creation of a County Interdisciplinary Child Information Team in each county to facilitate the sharing of information by persons and entities dealing with abused, neglected, dependent, and delinquent children and youth in need of supervision.

Notably, the 1991 Montana Legislature also passed [House Bill 109](#), which ensures that victims and witnesses of juvenile felony offenses receive the same essential services and financial assistance as those affected by adult crimes.

Timeline of Montana state agency changes that impacted the YCA

1987

Dept. of Family Services created

1991

Dept. of Institutions renamed Dept. of Corrections and Human Services

1995

Dept. of Public Health and Human Services created, consolidating Dept. of Family Services and Dept. of Social and Rehabilitation Services

Dept. of Corrections and Human Services renamed the Dept. of Corrections

¹³ [Joint Minutes of the meeting of the State Administration Committee, Human Services Subcommittee, Institutions Subcommittee \(Jan 23, 1987\)](#)

¹⁴ [House Judiciary Committee Minutes, Jan 31, Pg. 6 \(1991\)](#)

In the 1993 Regular Session, [House Bill 638](#) prohibited the placement of status offenders and mentally ill youth in state correctional facilities. This initiative followed a two-year study by the DFS, which indicated that many youths are being incarcerated for inappropriate reasons. Meanwhile, [House Bill 429](#) created a new offense related to the criminal production or manufacture of dangerous drugs. For youths aged 16 and older charged with this crime, the Youth Court was granted the authority to transfer the case to District Court for prosecution. [Senate Bill 108](#), requested by the Department of Justice, allowed for the use of juveniles' fingerprints and photographs for investigative purposes.

By 1995, revisions to the YCA reflected a concerted effort to improve services, standardize practices and training, and enhance public safety. One notable change was the establishment of grant funding through [Senate Bill 26](#), which allowed the Board of Crime Control to support youth detention services in counties experiencing extreme financial hardship. The legal landscape has also expanded with [House Bill 380](#), which established the Extended Jurisdiction Prosecution Act and allowed Youth Courts to impose adult criminal sentences under certain circumstances, reflecting a shift towards more serious considerations for youthful offenders.

In a significant revision of the YCA, [House Bill 240 \(1995\)](#) created the Juvenile Justice and Mental Health Commission, tasked with assessing the state's juvenile justice system and mental health services delivery system for youth. This was considered by supporters of the legislation to be a crucial step toward ensuring that the juvenile justice system meets the evolving needs of Montana's youth and creates a single, seamless continuum of care and treatment.

Legislation aimed at clarifying and reorganizing the Montana Youth Court Act

[Senate Bill 1](#) (1979)

[House Bill 240](#) (1995)

[House Bill 114](#) (1997)

[Study Joint Resolution 23](#) (2025)

The Juvenile Justice and Mental Health Commission presented the YCA's second statutory revision to the 1997 Montana Legislature. [House Bill 114 \(1997\)](#) reorganized and amended the YCA to make it more readable, understandable, and usable. Additionally, [Senate Bill 48 \(1997\)](#) updated the YCA by redefining terms like "delinquent youth," replacing "youth in need of supervision" with "youth in need of intervention," and defining "habitual truancy," "victim," and "youth in need of intervention". The bill also created youth assessment placements, family assessments, and assessment officers.

That same session, [Senate Bill 99](#) revised the Extended Jurisdiction Prosecution Act (EJPA) enacted by the immediately prior Legislature. Under the framework of the EJPA, a juvenile received a juvenile disposition plus an adult sentence. If the juvenile violated the terms of the juvenile disposition, the youth could serve a longer term of detention or imprisonment than an adult who has committed the same offense. The legislation extended Youth Court jurisdiction until an individual's 21st birthday, or until an individual's 25th birthday if the youth was convicted as an extended jurisdiction juvenile.

Other notable changes by the 1999 Montana Legislature included [House Bill 374](#), which required District Court to hold a hearing before making its decision that a youth should be tried as an adult and abolished the death penalty for offenders who were less than 18 years of age at the time of the commission of a capital offense. [Senate Bill 54](#) granted the District Court greater authority over certain juveniles, allowed emergency capacity for state youth correctional facilities under the Department of Corrections (DOC), and created the Criminally Convicted Youth Act, which grants additional due process to juvenile criminal offenders.

2001 – 2009

At the start of the century, a series of legislative changes shaped the framework of youth justice in Montana, addressing various aspects related to the detention, placement, and rights of juveniles.

In 2001, [Senate Bill 386](#) established the Montana Juvenile Delinquency Intervention Act, making the prior pilot programs permanent through a state-funded initiative. These measures aimed to enhance accountability while ensuring support for youth in the system by providing resources to Youth Courts for placements and services related to delinquent youth. Additionally, the 57th Legislature enacted emergency placement ([House Bill 146](#)) and the transfer of certain serious crimes committed by youth aged 16 and older from Youth Court to District Court ([Senate Bill 29](#)).

By 2003, the focus of legislation shifted towards clarifying custody and court processes. [Senate Bill 164](#) clarified nonrestrictive custody terms in shelter care, while [Senate Bill 238](#) prohibited the secure detention of youth for status offenses, aligning state law with federal standards. In 2005, changes continued with the establishment of a Youth Court intervention and prevention account through [House Bill 414](#), facilitating funding for juvenile programs. In 2007, [Senate Bill 119](#) allowed the sharing of youth records with detention centers to ensure immediate access to crucial information upon a youth's placement.

The developments culminated in 2009 with [Senate Bill 91](#), which mandated that youth have legal representation at detention hearings, reinforcing the rights of young offenders within the judicial process.

2011 – 2019

The next decade witnessed various legislative measures to reform and clarify the juvenile justice system, particularly focusing on sentencing and treatment of youth offenders.

In 2011, [House Bill 126](#) allowed District Courts to impose sentences for additional offenses committed during the original offense. And 2013's [House Bill 313](#) outlined the potential consequences for habitually truant children and their parents.

In 2015, [House Bill 134](#) prohibited the placement of a youth with only misdemeanor offenses in a state prison. Otherwise, a youth, after reaching the age of 18, could be placed in a boot camp, prerelease center, or supervised by DOC. This year also saw [House Bill 233](#) revise the Juvenile Delinquency Intervention Act to better allocate funds for out-of-home placements and allow parental contributions for youth court costs.

Further developments in 2017 included [House Bill 111](#), which made changes to the handling of minor in possession data, and [House Bill 135](#), which emphasized information sharing and sealed informal records. [Senate Bill 17](#) provided relief for juvenile offenders with no sexual offense history from mandatory registration as sexual offenders.

By 2019, [House Bill 111](#) shifted the responsibility for parole supervision of certain youth to the Youth Court, introducing new procedural frameworks for dealing with conditional releases.

2021 – CURRENT

In recent legislative developments, legislation, though more varied, ultimately focused on improving the state's juvenile justice system by removing physical and financial barriers to rehabilitation.

2021's [Senate Bill 344](#) allows DOC to repurpose correctional facilities serving youth and adult offenders. The legislation allows the department to hold adult inmates at Pine Hills Youth Correctional Facility, subject to sight and sound separation as required in 28 CFR 115.14.

The 2023 Legislature enacted [House Bill 425](#), which extended the restitution jurisdiction of youth courts up to a youth's 25th birthday. The bill ensures that restitution is not subject to subrogation, relieves individuals of payment obligations at the end of the court's jurisdiction in certain cases, and allows youths to petition the court for modifications to their restitution orders.

In a move to alleviate financial burdens on youths, [House Bill 500 \(2023\)](#) eliminated various youth court fees, costs, and fines, shifting responsibility to the Youth Court itself. Additionally, [House Bill 742](#) restricts the use of restraints during Youth Court proceedings, specifically prohibiting their use on youths under the age of 10, except in limited circumstances.

Most recently, the 69th Legislature enacted [House Bill 332](#), which revises the YCA to enumerate additional offenses by a youth that may be filed in District Court. This legislation allows a county attorney to transfer a case to youth court for good cause, and expands requirements to detain a youth in jail or other adult detention facility pending final disposition.

CONCLUSION

Revisions made to the YCA over the years underscore a commitment to addressing not only the behaviors of youth but also the underlying factors that contribute to those behaviors.

As of August 2025, the Montana Legislature continues its efforts to improve youth justice by again studying the YCA through [Study Joint Resolution 23 \(2025\)](#). The measure requests a review of the YCA to determine ways of simplifying and streamlining the act. Any recommendations from the study are to be reported to the 70th Montana Legislature in 2027.

By fostering collaboration among various agencies and implementing trauma-informed practices, the Montana Youth Court continues to evolve, striving to create a supportive environment that guides at-risk youth toward positive futures.

For a detailed list of the Montana Youth Court Act, please see the supplemental resource "[Legislative History: Montana Youth Court Act](#)".