

HOUSE BILL 890

Introduced by S. Rice

2/15	Introduced
2/15	Referred to Human Services & Aging
2/16	First Reading
2/22	Hearing
2/22	Tabled in Committee

1 HOUSE BILL NO. 890
2 INTRODUCED BY SB Rice

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE CLOSURE
5 OF A LICENSED DAY-CARE CENTER DURING AN INVESTIGATION OF
6 ABUSE OR NEGLECT UNLESS AN IMMEDIATE THREAT TO A CHILD'S
7 HEALTH OR WELFARE EXISTS; AND AMENDING SECTION 41-3-202,
8 MCA."

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

11 **Section 1.** Section 41-3-202, MCA, is amended to read:
12 **"41-3-202. Action on reporting.** (1) Upon receipt of a
13 report as required by 41-3-201 that a child is or has been
14 abused or neglected, a social worker or the county attorney
15 or a peace officer shall promptly conduct a thorough
16 investigation into the home of the child involved or any
17 other place where the child is present, into the
18 circumstances surrounding the injury of the child, and into
19 all other nonfinancial matters which in the discretion of
20 the investigator are relevant to the investigation. In
21 conducting an investigation under this section, a social
22 worker may not inquire into the financial status of the
23 child's family or of any other person responsible for the
24 child's care.
25 (2) The social worker is responsible for assessing the

1 family and planning for the child. If the child is treated
2 at a medical facility, the social worker, county attorney,
3 or peace officer shall, consistent with reasonable medical
4 practice, have the right of access to the child for
5 interviews, photographs, and securing physical evidence and
6 have the right of access to relevant hospital and medical
7 records pertaining to the child. If considered appropriate
8 by the social worker, county attorney, or peace officer
9 conducting an interview of the child, an employee of the
10 public school attended by the child involved may participate
11 in any interview of the child if the child is enrolled in
12 kindergarten through 8th grade.

13 (3) If from the investigation it appears that the child
14 suffered abuse or neglect, the department shall provide
15 protective services to the child and may provide protective
16 services to any other child under the same care. The
17 department will advise the county attorney of its
18 investigation.

19 (4) The investigating social worker, within 60 days of
20 commencing an investigation, shall also furnish a written
21 report to the department. The department shall maintain a
22 record system containing child abuse and neglect cases.

23 (5) Any person reporting abuse or neglect which
24 involves acts or omissions on the part of a public or
25 private residential institution, home, facility, or agency



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1 shall be responsible for ensuring that the report is made to
2 the department of family services, its local affiliate, and
3 the county attorney of the county in which the facility is
4 located.

5 (6) If the report required by 41-3-201 indicates that
6 the abuse or neglect occurred in a licensed day-care center,
7 the department may not close the center during the
8 investigation unless an immediate threat to a child's health
9 or welfare exists."

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