

HOUSE BILL NO. 948

INTRODUCED BY R. JOHNSON, HALLIGAN, STRIZICH

IN THE HOUSE

FEBRUARY 19, 1991 INTRODUCTION AND REFERRED TO COMMITTEE  
ON HUMAN SERVICES & AGING.

FEBRUARY 20, 1991 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

FEBRUARY 25, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.  
AYES, 98; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCTION AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

MARCH 23, 1991 COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 27, 1991 SECOND READING, CONCURRED IN.

MARCH 28, 1991 THIRD READING, CONCURRED IN.  
AYES, 48; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 10, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 11, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL 948

Introduced by R. Johnson, et al.

2/19	Introduced
2/19	Referred to Human Services & Aging
2/20	First Reading
2/22	Hearing
2/23	Committee Report--Bill Passed as Amended
2/23	Placed on Consent Calendar
2/26	3rd Reading Passed
	Transmitted to Senate
2/27	First Reading
2/27	Referred to Public Health, Welfare & Safety
3/22	Hearing
3/23	Committee Report--Bill Concurred as Amended
3/27	2nd Reading Concurred
3/28	3rd Reading Concurred
	Returned to House with Amendments
4/10	2nd Reading Amendments Concurred
4/11	3rd Reading Amendments Concurred
4/16	Signed by Speaker
4/16	Signed by President
4/16	Transmitted to Governor
4/20	Signed by Governor
	Chapter Number 510

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House BILL NO. 948  
INTRODUCED BY *[Signature]*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE CREATION OF A COUNTY INTERDISCIPLINARY CHILD INFORMATION TEAM TO FACILITATE THE SHARING OF INFORMATION BY PERSONS AND ENTITIES DEALING WITH ABUSED, NEGLECTED, DEPENDENT, AND DELINQUENT CHILDREN; AND AMENDING SECTIONS 41-3-205, 41-5-602, AND 41-5-603, MCA."

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

**NEW SECTION. Section 1. County interdisciplinary child**

**information team.** (1) The following persons and agencies operating within a county may by contract form a county interdisciplinary child information team:

- (a) the youth court;
- (b) the county attorney;
- (c) the department of family services;
- (d) the superintendent of schools;
- (e) the sheriff; and
- (f) the chief of any police force.

(2) The persons and agencies signing a contract under subsection (1) may by majority vote allow the following persons to sign the contract and join the information team:

- (a) physicians, psychologists, psychiatrists, nurses,

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and other providers of medical and mental health care;

(b) entities operating private elementary and secondary schools;

(c) attorneys; and

(d) a person or entity that has or may have a legitimate interest in one or more children that the information team will serve.

(3) The members of the information team or their designees may form one or more auxiliary teams for the purpose of providing service to a single child, a group of children, or children with a particular type of problem or for any other purpose. Auxiliary teams are subject to the contract.

(4) The purpose of the team and contract is to facilitate the exchange and sharing in the easiest and quickest manner of a maximum of information of all types that one or more team members may be able to use in serving a child in the course of their professions and occupations, including but not limited to abused, neglected, dependent, and delinquent children. Information regarding a child that a team member supplies to other team members or that is disseminated to a team member under 41-3-205, 41-5-602, or 41-5-603 may not be disseminated beyond the team.

(5) The terms of the contract must provide for the rules under which the team will operate, the method by which



-2- INTRODUCED BILL  
HB 948

1 information will be shared, distributed, and managed, and  
2 any other matters necessary to the purpose and functions of  
3 the team.

4 **Section 2.** Section 41-3-205, MCA, is amended to read:

5 \*41-3-205. Confidentiality -- disclosure exceptions.  
6 (1) The case records of the department of social and  
7 rehabilitation services, the department of family services  
8 and its local affiliate, the county welfare department, the  
9 county attorney, and the court concerning actions taken  
10 under this chapter and all records concerning reports of  
11 child abuse and neglect shall be kept confidential except as  
12 provided by this section. Any person who permits or  
13 encourages the unauthorized dissemination of their contents  
14 is guilty of a misdemeanor.

15 (2) Records may be disclosed to a court for in camera  
16 inspection if relevant to an issue before it. The court may  
17 permit public disclosure if it finds such disclosure to be  
18 necessary for the fair resolution of an issue before it.

19 (3) Records may also be disclosed to the following  
20 persons or entities in this state or any other state:

21 (a) a department, agency, or organization, including  
22 federal agencies, legally authorized to receive, inspect, or  
23 investigate reports of child abuse or neglect;

24 (b) a licensed youth care facility or a licensed  
25 child-placing agency that is providing services to the

1 family or child who is the subject of a report in the  
2 records;

3 (c) a licensed health or mental health professional who  
4 is treating the family or child who is the subject of a  
5 report in the records;

6 (d) a parent or guardian of the child who is the  
7 subject of a report in the records or other person  
8 responsible for the child's welfare, without disclosure of  
9 the identity of any person who reported or provided  
10 information on the alleged child abuse or neglect incident  
11 contained in the records;

12 (e) a child named in the records who was allegedly  
13 abused or neglected or his guardian ad litem;

14 (f) the members of an interdisciplinary child  
15 protective team authorized under 41-3-108 for the purposes  
16 of assessing the needs of the child and family, formulating  
17 a treatment plan, and monitoring the plan;

18 (g) a department or agency investigating an applicant  
19 for a license to operate a youth care facility, day-care  
20 facility, or child-placing agency if the investigation is  
21 based on a substantiated report and the applicant is  
22 notified of the investigation;

23 (h) an employee of the department if disclosure of the  
24 records is necessary for administration of programs designed  
25 to benefit the child;

1 (i) an agency of an Indian tribe or the relatives of an  
2 Indian child if disclosure of the records is necessary to  
3 meet requirements of the federal Indian Child Welfare Act;

4 (j) a youth probation officer who is working in an  
5 official capacity with the child who is the subject of a  
6 report in the records;

7 (k) a county attorney or peace officer if disclosure is  
8 necessary for the investigation or prosecution of a case  
9 involving child abuse or neglect;

10 (l) a foster care review committee established under  
11 41-3-1115; or

12 (m) a school employee participating in an interview of  
13 a child by a social worker, county attorney, or peace  
14 officer as provided in 41-3-202; or

15 (n) a member of a county interdisciplinary child  
16 information team formed under [section 1] who is not listed  
17 in subsection (3).

18 (4) A person who is authorized to receive records under  
19 this section shall maintain the confidentiality of the  
20 records and may not disclose information in the records to  
21 anyone other than the persons described in subsection  
22 (3)(a).

23 (5) Nothing in this section is intended to affect the  
24 confidentiality of criminal court records or records of law  
25 enforcement agencies."

1 **Section 3.** Section 41-5-602, MCA, is amended to read:

2 **"41-5-602. Law enforcement records.** (1) No law  
3 enforcement records concerning a youth, except traffic  
4 records, may be open to public inspection or their contents  
5 disclosed to the public unless the records are directly  
6 related to an offense to which publicity must be allowed  
7 under subsection (2) of 41-5-601 or unless inspection is  
8 ordered by the court.

9 (2) Inspection of law enforcement records concerning a  
10 youth, which records are not open to public inspection under  
11 subsection (1), is permitted prior to the sealing of the  
12 records by:

13 (a) a youth court having the youth currently before it  
14 in any proceeding;

15 (b) the department if it is investigating, supervising,  
16 or providing services to the youth;

17 (c) the officers of agencies having legal custody of  
18 the youth and those responsible for his supervision after  
19 release;

20 (d) any other person, by order of the court, having a  
21 legitimate interest in the case or in the work of the law  
22 enforcement agency;

23 (e) law enforcement officers of Montana, when necessary  
24 for the discharge of their immediate duties;

25 (f) a district court in which the youth is convicted of

1 a criminal offense, for the purpose of a presentence  
2 investigation;

3 (g) the county attorney; ~~or~~

4 (h) the youth, his parent, guardian, or counsel; or

5 (i) a member of a county interdisciplinary child  
6 information team formed under [section 1] who is not listed  
7 in subsection (2)."

8 **Section 4.** Section 41-5-603, MCA, is amended to read:

9 **"41-5-603. Youth court and department records. (1)**

10 Youth court and youth court-related department records,  
11 including social, medical, and psychological records,  
12 reports of preliminary inquiries, predispositional studies,  
13 and supervision records of probationers, are open to  
14 inspection prior to the sealing of the records only to the  
15 following:

16 (a) the youth court and its professional staff;

17 (b) representatives of any agency providing supervision  
18 and having legal custody of a youth;

19 (c) any other person, by order of the court, having a  
20 legitimate interest in the case or in the work of the court;

21 (d) any court and its probation and other professional  
22 staff or the attorney for a convicted party who had been a  
23 party to proceedings in the youth court when considering the  
24 sentence to be imposed upon such party;

25 (e) the county attorney;

1 (f) the youth who is the subject of the report or  
2 record, after he has been emancipated or reaches the age of  
3 majority; and

4 (g) a member of a county interdisciplinary child  
5 information team formed under [section 1] who is not listed  
6 in subsection (1).

7 (2) All or any part of records information secured from  
8 records listed in subsection (1) of this section, when  
9 presented to and used by the court in a proceeding under  
10 this chapter, shall also be made available to the counsel  
11 for the parties to the proceedings.

12 (3) Petitions, motions, and other pleadings filed in a  
13 case, including findings, verdicts, orders, and decrees,  
14 shall be open to public inspection only when related to an  
15 offense for which access must be allowed under 41-5-601.

16 (4) All information obtained in discharge of an  
17 official duty by any officer or other employee of the youth  
18 court or the department shall be privileged and shall not be  
19 disclosed to anyone other than the judge and others entitled  
20 under this chapter to receive such information, unless  
21 otherwise ordered by the judge.

22 (5) After youth court and department records, reports  
23 of preliminary inquiries, predispositional studies, and  
24 supervision records of probationers are sealed, they are not  
25 open to inspection except, upon order of the youth court,

1 for good cause to:

2 (a) those persons and agencies listed in subsection  
3 (1); and

4 (b) adult probation professional staff preparing a  
5 presentence report on a youth who has reached the age of  
6 majority."

-End-



## 1 HOUSE BILL NO. 948

2 INTRODUCED BY R. JOHNSON, HALLIGAN, STRIZICH

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
5 CREATION OF A COUNTY INTERDISCIPLINARY CHILD INFORMATION  
6 TEAM TO FACILITATE THE SHARING OF INFORMATION BY PERSONS AND  
7 ENTITIES DEALING WITH ABUSED, NEGLECTED, DEPENDENT, AND  
8 DELINQUENT CHILDREN AND YOUTH IN NEED OF SUPERVISION; AND  
9 AMENDING SECTIONS 41-3-205, 41-5-602, AND 41-5-603, MCA."

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

12 NEW SECTION. Section 1. County interdisciplinary child  
13 information team. (1) The following persons and agencies  
14 operating within a county may by contract WRITTEN AGREEMENT  
15 form a county interdisciplinary child information team:

- 16 (a) the youth court;  
17 (b) the county attorney;  
18 (c) the department of family services;  
19 (d) the COUNTY superintendent of schools;  
20 (e) the sheriff; and  
21 (f) the chief of any police force; AND  
22 (G) THE SUPERINTENDENTS OF PUBLIC SCHOOL DISTRICTS.

23 (2) The persons and agencies signing a contract WRITTEN  
24 AGREEMENT under subsection (1) may by majority vote allow  
25 the following persons to sign the contract WRITTEN AGREEMENT

1 and join the information team:

2 (a) physicians, psychologists, psychiatrists, nurses,  
3 and other providers of medical and mental health care;

4 (b) entities operating private elementary and secondary  
5 schools;

6 (c) attorneys; and

7 (d) a person or entity that has or may have a  
8 legitimate interest in one or more children that the  
9 information team will serve.

10 (3) The members of the information team or their  
11 designees may form one or more auxiliary teams for the  
12 purpose of providing service to a single child, a group of  
13 children, or children with a particular type of problem or  
14 for any other purpose. Auxiliary teams are subject to the  
15 contract WRITTEN AGREEMENT.

16 (4) The purpose of the team and contract WRITTEN  
17 AGREEMENT is to facilitate the exchange and sharing in ~~the~~  
18 ~~easiest-and-quickest-manner-of-a-maximum~~ of information of  
19 ~~all-types~~ that one or more team members may be able to use  
20 in serving a child in the course of their professions and  
21 occupations, including but not limited to abused, neglected,  
22 dependent, and delinquent children AND YOUTH IN NEED OF  
23 SUPERVISION. Information regarding a child that a team  
24 member supplies to other team members or that is  
25 disseminated to a team member under 41-3-205, 41-5-602, or

1 41-5-603 may not be disseminated beyond the team.

2 (5) The terms of the contract WRITTEN AGREEMENT must  
3 provide for the rules under which the team will operate, the  
4 method by which information will be shared, distributed, and  
5 managed, and any other matters necessary to the purpose and  
6 functions of the team.

7 **Section 2.** Section 41-3-205, MCA, is amended to read:

8 "41-3-205. Confidentiality -- disclosure exceptions.

9 (1) The case records of the department of social and  
10 rehabilitation services, the department of family services  
11 and its local affiliate, the county welfare department, the  
12 county attorney, and the court concerning actions taken  
13 under this chapter and all records concerning reports of  
14 child abuse and neglect shall be kept confidential except as  
15 provided by this section. Any person who permits or  
16 encourages the unauthorized dissemination of their contents  
17 is guilty of a misdemeanor.

18 (2) Records may be disclosed to a court for in camera  
19 inspection if relevant to an issue before it. The court may  
20 permit public disclosure if it finds such disclosure to be  
21 necessary for the fair resolution of an issue before it.

22 (3) Records may also be disclosed to the following  
23 persons or entities in this state or any other state:

24 (a) a department, agency, or organization, including  
25 federal agencies, legally authorized to receive, inspect, or

1 investigate reports of child abuse or neglect;

2 (b) a licensed youth care facility or a licensed  
3 child-placing agency that is providing services to the  
4 family or child who is the subject of a report in the  
5 records;

6 (c) a licensed health or mental health professional who  
7 is treating the family or child who is the subject of a  
8 report in the records;

9 (d) a parent or guardian of the child who is the  
10 subject of a report in the records or other person  
11 responsible for the child's welfare, without disclosure of  
12 the identity of any person who reported or provided  
13 information on the alleged child abuse or neglect incident  
14 contained in the records;

15 (e) a child named in the records who was allegedly  
16 abused or neglected or his guardian ad litem;

17 (f) the members of an interdisciplinary child  
18 protective team authorized under 41-3-108 for the purposes  
19 of assessing the needs of the child and family, formulating  
20 a treatment plan, and monitoring the plan;

21 (g) a department or agency investigating an applicant  
22 for a license to operate a youth care facility, day-care  
23 facility, or child-placing agency if the investigation is  
24 based on a substantiated report and the applicant is  
25 notified of the investigation;

1 (h) an employee of the department if disclosure of the  
 2 records is necessary for administration of programs designed  
 3 to benefit the child;

4 (i) an agency of an Indian tribe or the relatives of an  
 5 Indian child if disclosure of the records is necessary to  
 6 meet requirements of the federal Indian Child Welfare Act;

7 (j) a youth probation officer who is working in an  
 8 official capacity with the child who is the subject of a  
 9 report in the records;

10 (k) a county attorney or peace officer if disclosure is  
 11 necessary for the investigation or prosecution of a case  
 12 involving child abuse or neglect;

13 (l) a foster care review committee established under  
 14 41-3-1115; or

15 (m) a school employee participating in an interview of  
 16 a child by a social worker, county attorney, or peace  
 17 officer as provided in 41-3-202; or

18 (n) a member of a county interdisciplinary child  
 19 information team formed under [section 1] who is not listed  
 20 in subsection (3).

21 (4) A person who is authorized to receive records under  
 22 this section shall maintain the confidentiality of the  
 23 records and may not disclose information in the records to  
 24 anyone other than the persons described in subsection  
 25 (3)(a).

1 (5) Nothing in this section is intended to affect the  
 2 confidentiality of criminal court records or records of law  
 3 enforcement agencies."

4 **Section 3.** Section 41-5-602, MCA, is amended to read:

5 "41-5-602. Law enforcement records. (1) No law  
 6 enforcement records concerning a youth, except traffic  
 7 records, may be open to public inspection or their contents  
 8 disclosed to the public unless the records are directly  
 9 related to an offense to which publicity must be allowed  
 10 under subsection (2) of 41-5-601 or unless inspection is  
 11 ordered by the court.

12 (2) Inspection of law enforcement records concerning a  
 13 youth, which records are not open to public inspection under  
 14 subsection (1), is permitted prior to the sealing of the  
 15 records by:

16 (a) a youth court having the youth currently before it  
 17 in any proceeding;

18 (b) the department if it is investigating, supervising,  
 19 or providing services to the youth;

20 (c) the officers of agencies having legal custody of  
 21 the youth and those responsible for his supervision after  
 22 release;

23 (d) any other person, by order of the court, having a  
 24 legitimate interest in the case or in the work of the law  
 25 enforcement agency;

- 1 (e) law enforcement officers of Montana, when necessary
- 2 for the discharge of their immediate duties;
- 3 (f) a district court in which the youth is convicted of
- 4 a criminal offense, for the purpose of a presentence
- 5 investigation;
- 6 (g) the county attorney; or
- 7 (h) the youth, his parent, guardian, or counsel; or
- 8 (i) a member of a county interdisciplinary child
- 9 information team formed under [section 1] who is not listed
- 10 in subsection (2)."

11 **Section 4.** Section 41-5-603, MCA, is amended to read:

12 **\*41-5-603. Youth court and department records.** (1)

13 Youth court and youth court-related department records,

14 including social, medical, and psychological records,

15 reports of preliminary inquiries, predispositional studies,

16 and supervision records of probationers, are open to

17 inspection prior to the sealing of the records only to the

18 following:

- 19 (a) the youth court and its professional staff;
- 20 (b) representatives of any agency providing supervision
- 21 and having legal custody of a youth;
- 22 (c) any other person, by order of the court, having a
- 23 legitimate interest in the case or in the work of the court;
- 24 (d) any court and its probation and other professional
- 25 staff or the attorney for a convicted party who had been a

- 1 party to proceedings in the youth court when considering the
- 2 sentence to be imposed upon such party;
- 3 (e) the county attorney;
- 4 (f) the youth who is the subject of the report or
- 5 record, after he has been emancipated or reaches the age of
- 6 majority; and
- 7 (g) a member of a county interdisciplinary child
- 8 information team formed under [section 1] who is not listed
- 9 in subsection (1).
- 10 (2) All or any part of records information secured from
- 11 records listed in subsection (1) of this section, when
- 12 presented to and used by the court in a proceeding under
- 13 this chapter, shall also be made available to the counsel
- 14 for the parties to the proceedings.
- 15 (3) Petitions, motions, and other pleadings filed in a
- 16 case, including findings, verdicts, orders, and decrees,
- 17 shall be open to public inspection only when related to an
- 18 offense for which access must be allowed under 41-5-601.
- 19 (4) All information obtained in discharge of an
- 20 official duty by any officer or other employee of the youth
- 21 court or the department shall be privileged and shall not be
- 22 disclosed to anyone other than the judge and others entitled
- 23 under this chapter to receive such information, unless
- 24 otherwise ordered by the judge.
- 25 (5) After youth court and department records, reports

1 of preliminary inquiries, predispositional studies, and  
2 supervision records of probationers are sealed, they are not  
3 open to inspection except, upon order of the youth court,  
4 for good cause to:

5 (a) those persons and agencies listed in subsection  
6 (1); and

7 (b) adult probation professional staff preparing a  
8 presentence report on a youth who has reached the age of  
9 majority."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 23, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 948 (third reading copy -- blue), respectfully report that House Bill No. 948 be amended and as so amended be concurred in:

1. Title, line 8.

Following: ";"

Strike: "AND"

2. Title, line 9.

Following: "MCA"

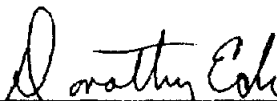
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 9, line 10.

Insert: "NEW SECTION. Section 5. Codification instruction -- coordination. (1) [Section 1] is intended to be codified as an integral part of Title 53, chapter 4, and the provisions of Title 53, chapter 4, apply to [section 1]. (2) If Senate Bill No. 205 is passed and approved, [section 1 of this act] is intended to be codified in the same part of Title 53, chapter 4, as [sections 1 through 3] of Senate Bill No. 205.

NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1991."

Signed, \_\_\_\_\_



Dorothy Eck, Chairman

M 3-23-91  
Adv. Coord.

8B 3-23 9:20  
Sec. of Senate

SENATE  
HB 948

HOUSE BILL NO. 948

INTRODUCED BY R. JOHNSON, HALLIGAN, STRIZICH

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE CREATION OF A COUNTY INTERDISCIPLINARY CHILD INFORMATION TEAM TO FACILITATE THE SHARING OF INFORMATION BY PERSONS AND ENTITIES DEALING WITH ABUSED, NEGLECTED, DEPENDENT, AND DELINQUENT CHILDREN AND YOUTH IN NEED OF SUPERVISION; AND AMENDING SECTIONS 41-3-205, 41-5-602, AND 41-5-603, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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(b) the county attorney;
(c) the department of family services;
(d) the COUNTY superintendent of schools;
(e) the sheriff; and
(f) the chief of any police force; AND
(G) THE SUPERINTENDENTS OF PUBLIC SCHOOL DISTRICTS.

(2) The persons and agencies signing a contract WRITTEN AGREEMENT under subsection (1) may by majority vote allow

the following persons to sign the contract WRITTEN AGREEMENT and join the information team:

- (a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental health care;
(b) entities operating private elementary and secondary schools;
(c) attorneys; and
(d) a person or entity that has or may have a legitimate interest in one or more children that the information team will serve.

(3) The members of the information team or their designees may form one or more auxiliary teams for the purpose of providing service to a single child, a group of children, or children with a particular type of problem or for any other purpose. Auxiliary teams are subject to the contract WRITTEN AGREEMENT.

(4) The purpose of the team and contract WRITTEN AGREEMENT is to facilitate the exchange and sharing in the easiest-and-quickest-manner-of-a-maximum of information of all-types that one or more team members may be able to use in serving a child in the course of their professions and occupations, including but not limited to abused, neglected, dependent, and delinquent children AND YOUTH IN NEED OF SUPERVISION. Information regarding a child that a team member supplies to other team members or that is



1 disseminated to a team member under 41-3-205, 41-5-602, or  
2 41-5-603 may not be disseminated beyond the team.

3 (5) The terms of the contract WRITTEN AGREEMENT must  
4 provide for the rules under which the team will operate, the  
5 method by which information will be shared, distributed, and  
6 managed, and any other matters necessary to the purpose and  
7 functions of the team.

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10 (1) The case records of the department of social and  
11 rehabilitation services, the department of family services  
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13 county attorney, and the court concerning actions taken  
14 under this chapter and all records concerning reports of  
15 child abuse and neglect shall be kept confidential except as  
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20 inspection if relevant to an issue before it. The court may  
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22 necessary for the fair resolution of an issue before it.

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24 persons or entities in this state or any other state:

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3 (b) a licensed youth care facility or a licensed  
4 child-placing agency that is providing services to the  
5 family or child who is the subject of a report in the  
6 records;

7 (c) a licensed health or mental health professional who  
8 is treating the family or child who is the subject of a  
9 report in the records;

10 (d) a parent or guardian of the child who is the  
11 subject of a report in the records or other person  
12 responsible for the child's welfare, without disclosure of  
13 the identity of any person who reported or provided  
14 information on the alleged child abuse or neglect incident  
15 contained in the records;

16 (e) a child named in the records who was allegedly  
17 abused or neglected or his guardian ad litem;

18 (f) the members of an interdisciplinary child  
19 protective team authorized under 41-3-108 for the purposes  
20 of assessing the needs of the child and family, formulating  
21 a treatment plan, and monitoring the plan;

22 (g) a department or agency investigating an applicant  
23 for a license to operate a youth care facility, day-care  
24 facility, or child-placing agency if the investigation is  
25 based on a substantiated report and the applicant is



1 notified of the investigation;

2 (h) an employee of the department if disclosure of the  
3 records is necessary for administration of programs designed  
4 to benefit the child;

5 (i) an agency of an Indian tribe or the relatives of an  
6 Indian child if disclosure of the records is necessary to  
7 meet requirements of the federal Indian Child Welfare Act;

8 (j) a youth probation officer who is working in an  
9 official capacity with the child who is the subject of a  
10 report in the records;

11 (k) a county attorney or peace officer if disclosure is  
12 necessary for the investigation or prosecution of a case  
13 involving child abuse or neglect;

14 (l) a foster care review committee established under  
15 41-3-1115; or

16 (m) a school employee participating in an interview of  
17 a child by a social worker, county attorney, or peace  
18 officer as provided in 41-3-202; or

19 (n) a member of a county interdisciplinary child  
20 information team formed under [section 1] who is not listed  
21 in subsection (3).

22 (4) A person who is authorized to receive records under  
23 this section shall maintain the confidentiality of the  
24 records and may not disclose information in the records to  
25 anyone other than the persons described in subsection

1 (3)(a).

2 (5) Nothing in this section is intended to affect the  
3 confidentiality of criminal court records or records of law  
4 enforcement agencies."

5 **Section 3.** Section 41-5-602, MCA, is amended to read:

6 **\*41-5-602. Law enforcement records.** (1) No law  
7 enforcement records concerning a youth, except traffic  
8 records, may be open to public inspection or their contents  
9 disclosed to the public unless the records are directly  
10 related to an offense to which publicity must be allowed  
11 under subsection (2) of 41-5-601 or unless inspection is  
12 ordered by the court.

13 (2) Inspection of law enforcement records concerning a  
14 youth, which records are not open to public inspection under  
15 subsection (1), is permitted prior to the sealing of the  
16 records by:

17 (a) a youth court having the youth currently before it  
18 in any proceeding;

19 (b) the department if it is investigating, supervising,  
20 or providing services to the youth;

21 (c) the officers of agencies having legal custody of  
22 the youth and those responsible for his supervision after  
23 release;

24 (d) any other person, by order of the court, having a  
25 legitimate interest in the case or in the work of the law

1 enforcement agency;

2 (e) law enforcement officers of Montana, when necessary

3 for the discharge of their immediate duties;

4 (f) a district court in which the youth is convicted of

5 a criminal offense, for the purpose of a presentence

6 investigation;

7 (g) the county attorney; or

8 (h) the youth, his parent, guardian, or counsel; or

9 (i) a member of a county interdisciplinary child

10 information team formed under [section 1] who is not listed

11 in subsection (2)."

12 **Section 4.** Section 41-5-603, MCA, is amended to read:

13 **"41-5-603. Youth court and department records.** (1)

14 Youth court and youth court-related department records,

15 including social, medical, and psychological records,

16 reports of preliminary inquiries, predispositional studies,

17 and supervision records of probationers, are open to

18 inspection prior to the sealing of the records only to the

19 following:

- 20 (a) the youth court and its professional staff;
- 21 (b) representatives of any agency providing supervision
- 22 and having legal custody of a youth;
- 23 (c) any other person, by order of the court, having a
- 24 legitimate interest in the case or in the work of the court;
- 25 (d) any court and its probation and other professional

1 staff or the attorney for a convicted party who had been a

2 party to proceedings in the youth court when considering the

3 sentence to be imposed upon such party;

- 4 (e) the county attorney;
- 5 (f) the youth who is the subject of the report or
- 6 record, after he has been emancipated or reaches the age of
- 7 majority; and
- 8 (g) a member of a county interdisciplinary child
- 9 information team formed under [section 1] who is not listed
- 10 in subsection (1).

11 (2) All or any part of records information secured from

12 records listed in subsection (1) of this section, when

13 presented to and used by the court in a proceeding under

14 this chapter, shall also be made available to the counsel

15 for the parties to the proceedings.

16 (3) Petitions, motions, and other pleadings filed in a

17 case, including findings, verdicts, orders, and decrees,

18 shall be open to public inspection only when related to an

19 offense for which access must be allowed under 41-5-601.

20 (4) All information obtained in discharge of an

21 official duty by any officer or other employee of the youth

22 court or the department shall be privileged and shall not be

23 disclosed to anyone other than the judge and others entitled

24 under this chapter to receive such information, unless

25 otherwise ordered by the judge.

1 (5) After youth court and department records, reports  
2 of preliminary inquiries, predispositional studies, and  
3 supervision records of probationers are sealed, they are not  
4 open to inspection except, upon order of the youth court,  
5 for good cause to:

6 (a) those persons and agencies listed in subsection  
7 (1); and

8 (b) adult probation professional staff preparing a  
9 presentence report on a youth who has reached the age of  
10 majority."

11 NEW SECTION. SECTION 5. CODIFICATION INSTRUCTION --  
12 COORDINATION. (1) [SECTION 1] IS INTENDED TO BE CODIFIED AS  
13 AN INTEGRAL PART OF TITLE 53, CHAPTER 4, AND THE PROVISIONS  
14 OF TITLE 53, CHAPTER 4, APPLY TO [SECTION 1].

15 (2) IF SENATE BILL NO. 205 IS PASSED AND APPROVED,  
16 [SECTION 1 OF THIS ACT] IS INTENDED TO BE CODIFIED IN THE  
17 SAME PART OF TITLE 53, CHAPTER 4, AS [SECTIONS 1 THROUGH 3]  
18 OF SENATE BILL NO. 205.

19 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS  
20 EFFECTIVE JULY 1, 1991.

-End-