

1 *House* BILL NO. *63* *Williams*  
 2 INTRODUCED BY *Lynch Zurlini Bradley Murphy*  
*lines* 3 *Fisher Manuel Gregorio McArthur Nolan Kelly*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE  
 5 DEPARTMENT OF SOCIAL AND REHABILITATIVE SERVICES FROM  
 6 MAINTAINING RECORDS IN CHILD ABUSE OR NEGLECT CASES IN WHICH  
 7 THE COURT HAS DETERMINED THAT THE DEFENDANT IS NOT GUILTY OF  
 8 THE ABUSE OR NEGLECT; AMENDING SECTION 10-1305, R.C.M.  
 9 1947." *-MULAR- Russell Stutz Menahan*  
*Kondruch*

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

12 Section 1. Section 10-1305, R.C.M. 1947, is amended to  
 13 read as follows:

14 "10-1305. Action on reporting. If from said report it  
 15 shall appear that the child suffered such injury or injuries  
 16 or willful neglect, the social worker shall conduct a  
 17 thorough investigation into the home of the child involved  
 18 and into the circumstances surrounding the injury of the  
 19 child and into all other matters which, in the discretion of  
 20 the social worker, shall be relevant and material to the  
 21 investigation. If from the investigation it shall appear  
 22 that the child suffered such injury or injuries or willful  
 23 neglect, the department shall provide protective services to  
 24 protect the child and preserve the family. The department  
 25 will advise the county attorney of its investigation.

1 The investigating social worker shall also furnish a  
 2 written report to the department of social and  
 3 rehabilitation services who shall have the responsibility of  
 4 maintaining a central registry on child abuse or willful  
 5 neglect cases. However, where a court determines that a  
 6 defendant is not guilty of child abuse or neglect, the  
 7 department shall destroy all records relating to that  
 8 alleged abuse or neglect."

-End-

*H.L.C.*

Approved by Committee  
on Public Health, Welfare  
& Safety

HOUSE BILL NO. 63

INTRODUCED BY LYNCH, QUILICI, BRADLEY, MURPHY, WILLIAMS,  
HOLMES, HARPER, MANUEL, TROPILA, MCKITTRICK,  
MELOY, KELLY, GERKE, MULAR, DUSSAULT,  
STOLTZ, MENAHAN, KANDUCH, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE  
DEPARTMENT OF SOCIAL AND REHABILITATIVE SERVICES FROM  
MAINTAINING RECORDS IN CONCERNING INVALID CHILD ABUSE OR  
NEGLECT CASES--IN--WHICH--THE--COURT--HAS--DETERMINED--THAT--THE  
DEFENDANT--IS--NOT--GUILTY--OF--THE--ABUSE--OR--NEGLECT COMPLAINTS,  
AND FROM FORWARDING SUCH COMPLAINTS TO ANOTHER AGENCY;  
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alleged--abuse--or--neglect. HOWEVER, WHERE A DETERMINATION IS  
MADE EITHER BY THE SOCIAL WORKER OR BY THE COURT THAT A  
CHILD ABUSE OR NEGLECT COMPLAINT IS INVALID, THE DEPARTMENT  
SHALL, AFTER A PERIOD OF ONE YEAR, DESTROY ALL RECORDS  
RELATING TO THAT COMPLAINT.

SECTION 2. IN NO INSTANCE MAY THE DEPARTMENT FORWARD  
RECORDS RELATING TO A COMPLAINT OF CHILD ABUSE OR NEGLECT TO  
ANOTHER AGENCY UNLESS THAT COMPLAINT IS PROVEN VALID. ANY  
REASONABLE GROUNDS FOR BELIEF THAT A PERSON HAS VIOLATED THE  
PROVISIONS OF THIS ACT SHALL BE GROUNDS FOR DISMISSAL."

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-End-

March 27, 1975

SENATE COMMITTEE OF THE WHOLE

AMENDMENTS TO HOUSE BILL NO. 63

That House Bill No. 63, third reading, be amended as follows:

1. Amend page 2, section 1, lines 12 and 13.

Following: "WHERE"

Strike: "A DETERMINATION IS MADE EITHER BY THE SOCIAL WORKER  
OR BY"

2. Amend page 2, section 1, line 13.

Following: "COURT"

Insert: "determines"

3. Amend page 2, section 1, line 16.

Following: "COMPLAINT."

Insert: "In all other cases the records relating to child  
abuse or neglect shall be destroyed after five  
years."

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 11 ~~DEFENDANT-IS-NOT-GUILTY-OF-THE-ABUSE-OR-NEGLECT COMPLAINTS,~~  
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 13 MADE EITHER BY THE SOCIAL WORKER OR BY THE COURT DETERMINES  
 14 THAT A CHILD ABUSE OR NEGLECT COMPLAINT IS INVALID, THE  
 15 DEPARTMENT SHALL, AFTER A PERIOD OF ONE YEAR, DESTROY ALL  
 16 RECORDS RELATING TO THAT COMPLAINT. IN ALL OTHER CASES THE  
 17 RECORDS RELATING TO CHILD ABUSE OR NEGLECT SHALL BE  
 18 DESTROYED AFTER FIVE YEARS.

19 SECTION 2. IN NO INSTANCE MAY THE DEPARTMENT FORWARD  
 20 RECORDS RELATING TO A COMPLAINT OF CHILD ABUSE OR NEGLECT TO  
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