

SENATE BILL 69

IN THE SENATE

January 5, 1979

Introduced and referred to
Committee on Judiciary.

January 8, 1979

Rereferred to Committee on
Local Government.

February 16, 1979

Committee recommend bill, do
not pass.

1 *Anti* BILL NO. *69*
2 INTRODUCED BY *McCallum*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY
5 COMMISSIONERS AUTHORITY TO CONSIDER THE BUDGETS OF COURTS OF
6 CONCILIATION; AMENDING SECTIONS 40-3-114 AND 40-4-215, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 40-3-114, MCA, is amended to read:
10 "40-3-114. Budget. The provisions of the county budget
11 system, Title 7, chapter 6, part 23, shall, except as
12 provided by 40-3-125(3), be applicable to expenditures for
13 the court of conciliation; provided, however, that the court
14 may submit to the board of county commissioners the
15 information required by 7-6-2311 on or before July 1 of each
16 year. ~~The county commissioners may make any revisions,
17 reductions, or changes that they consider advisable in the
18 budget for the court of conciliation.~~"

19 Section 2. Section 40-4-215, MCA, is amended to read:
20 "40-4-215. Investigations and reports. (1) In
21 contested custody proceedings and in other custody
22 proceedings if a parent or the child's custodian so
23 requests, the court may order an investigation and report
24 concerning custodial arrangements for the child. The
25 investigation and report may be made by the county welfare

1 department.

2 (2) In preparing his report concerning a child, the
3 investigator may consult any person who may have information
4 about the child and his potential custodial arrangements.
5 Upon order of the court, the investigator may refer the
6 child to professional personnel for diagnosis. The
7 investigator may consult with and obtain information from
8 medical, psychiatric, or other expert persons who have
9 served the child in the past without obtaining the consent
10 of the parent or the child's custodian; but the child's
11 consent must be obtained if he has reached the age of 16
12 unless the court finds that he lacks mental capacity to
13 consent. If the requirements of subsection (3) are
14 fulfilled, the investigator's report may be received in
15 evidence at the hearing.

16 (3) The court shall mail the investigator's report to
17 counsel and to any party not represented by counsel at least
18 10 days prior to the hearing. The investigator shall make
19 available to counsel and to any party not represented by
20 counsel the investigator's file of underlying data and
21 reports, complete texts of diagnostic reports made to the
22 investigator pursuant to the provisions of subsection (2),
23 and the names and addresses of all persons whom the
24 investigator has consulted. Any party to the proceeding may
25 call the investigator and any person whom he has consulted

1 for cross-examination. A party may not waive his right of
2 cross-examination prior to the hearing.

3 ~~(4) The budget for the expenses of the court~~
4 ~~investigator as authorized in this section and sections~~
5 ~~40-1-213 and 40-4-214 is subject to any revisions,~~
6 ~~reductions, or changes the county commissioners consider~~
7 ~~advisable."~~

-End-