

HOUSE BILL NO. 245

INTRODUCED BY YARDLEY

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

IN THE HOUSE

January 15, 1981	Introduced and referred to Committee on Human Services.
January 29, 1981	Committee recommend bill do pass. Report adopted.
January 30, 1981	Bill printed and placed on members' desks.
January 31, 1981	Second reading, do pass.
February 2, 1981	Considered correctly engrossed.
February 3, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 4, 1981	Introduced and referred to Committee on Judiciary.
March 23, 1981	Committee recommend bill be concurred in. Report adopted.
March 24, 1981	Motion pass consideration.
March 25, 1981	Second reading, concurred in.
March 27, 1981	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 28, 1981	Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1                    HOUSE    BILL NO. 246  
 2    INTRODUCED BY *[Signature]*  
 3                    BY REQUEST OF  
 4            THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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 6    A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE REFERENCE TO  
 7    THE COUNTY WELFARE DEPARTMENT AS A POTENTIAL INVESTIGATOR  
 8    FOR THE PURPOSES OF INVESTIGATING FAMILIES IN DISSOLUTION  
 9    CUSTODY DISPUTES AND PROVIDING FOR THE AWARDED OF THE COST  
 10    OF INVESTIGATION IN THE FINAL ORDER OF DISSOLUTION; AMENDING  
 11    SECTION 40-4-215, MCA."

12  
 13    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14            Section 1. Section 40-4-215, MCA, is amended to read:  
 15            "40-4-215. Investigations and reports. (1) In  
 16    contested custody proceedings and in other custody  
 17    proceedings if a parent or the child's custodian so  
 18    requests, the court may order an investigation and report  
 19    concerning custodial arrangements for the child. The cost of  
 20    the investigation and report ~~may--be--made--by--the--county~~  
 21    ~~welfare-department shall be paid according to the final~~  
 22    ~~order.~~

23            (2) In preparing his report concerning a child, the  
 24    investigator may consult any person who may have information  
 25    about the child and his potential custodial arrangements.

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

12            (3) The court shall mail the investigator's report to  
 13    counsel and to any party not represented by counsel at least  
 14    10 days prior to the hearing. The investigator shall make  
 15    available to counsel and to any party not represented by  
 16    counsel the investigator's file of underlying data and  
 17    reports, complete texts of diagnostic reports made to the  
 18    investigator pursuant to the provisions of subsection (2),  
 19    and the names and addresses of all persons whom the  
 20    investigator has consulted. Any party to the proceeding may  
 21    call the investigator and any person whom he has consulted  
 22    for cross-examination. A party may not waive his right of  
 23    cross-examination prior to the hearing."

-End-

-2- INTRODUCED BILL  
 HB 246

Approved by Comm. On Human Services

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INTRODUCED BY *[Signature]*

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THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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(2) In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodial arrangements.

Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he has reached the age of 16 unless the court finds that he lacks mental capacity to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive his right of cross-examination prior to the hearing."

-End-

SECOND READING

HB 246



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