

HOUSE BILL NO. 664

2/04 Introduced  
2/04 Referred to Judiciary  
2/07 Hearing  
2/08 Adverse Committee Report  
2/11 Bill Killed

1                                    HOUSE BILL NO. 664  
 2    INTRODUCED BY Fitz, Steingard, Hennes, Keenan  
 3                                    Kadoo  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE REPORTING  
 5    REQUIREMENTS AND ACCESS TO INFORMATION IN CASES OF SUSPECTED  
 6    ABUSE OR NEGLECT OF CHILDREN; AMENDING SECTIONS 41-3-201 AND  
 7    41-3-202, MCA."  
 8

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

10        Section 1. Section 41-3-201, MCA, is amended to read:

11        "41-3-201. Reports. (1) When the professionals and  
 12    officials listed in subsection (2) know or have reasonable  
 13    cause to suspect that a child known to them in their  
 14    professional or official capacity is an abused or neglected  
 15    child, they shall report the matter promptly to the  
 16    department of social and rehabilitation services or its  
 17    local affiliate, which then shall notify the county attorney  
 18    of the county where the child resides.

19        (2) Professionals and officials required to report  
20    are:

21        (a) physician, resident, intern, or member of a  
 22    hospital's staff engaged in the admission, examination,  
 23    care, or treatment of persons;

24        (b) a nurse, osteopath, chiropractor, podiatrist,  
 25    medical examiner, coroner, dentist, optometrist, or any

1    other health or mental health professional;

2                    (c) a minister, church leader, church counselor,  
 3    Christian Science practitioner and, or religious healers  
 4    healer;

5                    (d) school teachers, other school officials, and  
 6    employees who work during regular school hours;

7                    (e) a social worker, operator or employee of any  
 8    registered or licensed day-care or substitute care facility,  
 9    or any other operator or employee of a child-care facility;

10                    (f) foster care, residential, or institutional worker;  
 11    or

12                    (g) a peace officer or other law enforcement official.

13                    (3) Any person may make a report under this section if  
 14    he knows or has reasonable cause to suspect that a child is  
 15    abused or neglected.

16                    (4) No person listed in subsection (2) may refuse to  
 17    make a report as required in this section on the grounds of  
 18    a physician-patient or similar privilege if the person came  
 19    into possession of such information as a result of his  
 20    treatment of the child.

21                    (5) The reports referred to under this section shall  
22    contain:

23                    (a) the names and addresses of the child and his or  
 24    her parents or other persons responsible for his or her  
 25    care;



1 (b) to the extent known, the child's age, the nature  
2 and extent of the child's injuries, including any evidence  
3 of previous injuries;

4 (c) any other information that the maker of the report  
5 believes might be helpful in establishing the cause of the  
6 injuries or showing the willful neglect and the identity of  
7 person or persons responsible therefor; and

8 (d) the facts which led the person reporting to  
9 believe that the child has suffered injury or injuries or  
10 willful neglect, within the meaning of this chapter."

11 Section 2. 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 or if suspected abuse or neglect is  
3 reported, the social worker, county attorney, or peace  
4 officer shall, consistent with reasonable medical practice,  
5 have the right of access to the child for interviews,  
6 photographs, and securing physical evidence and have the  
7 right of access to relevant hospital and medical records  
8 pertaining to the child and his siblings.

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

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

19 (5) Any person reporting abuse or neglect which  
20 involves acts or omissions on the part of a public or  
21 private residential institution, home, facility, or agency  
22 shall be responsible for ensuring that the report is made to  
23 the department of social and rehabilitation services, its  
24 local affiliate, and the county attorney of the county in  
25 which the facility is located."

LC 1717/01

1        NEW SECTION. Section 3. Extension of authority. Any  
2 existing authority of the department of social and  
3 rehabilitation services to make rules on the subject of the  
4 provisions of this act is extended to the provisions of this  
5 act.

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