

HB 596 INTRODUCED BY HARPER, ET AL.
CLARIFY PROFESSIONALS' DUTIES IN REPORTING CHILD
ABUSE AND NEGLECT

2/04 INTRODUCED
2/04 REFERRED TO HUMAN SERVICES & AGING
2/10 HEARING
2/14 TABLED IN COMMITTEE

1 *House* BILL NO. *596*
 2 INTRODUCED BY *Thayer* *J. Bryan Mercer*
 3 *Study*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 5 REPORTING OF CHILD ABUSE OR NEGLECT BY CERTAIN
 6 PROFESSIONALS; TO DELETE THE REQUIREMENT THAT THE REPORTING
 7 PROFESSIONAL KNOW THE CHILD; TO PROVIDE THAT KNOWLEDGE OF AN
 8 OFFENSE MAY COME FROM THE OFFENDER OR OTHER PERSONS UNDER
 9 TREATMENT, AS WELL AS FROM THE CHILD VICTIM; AND AMENDING
 10 SECTION 41-3-201, MCA."

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

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

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

21 (2) Professionals and officials required to report
22 are:

23 (a) physician, resident, intern, or member of a
24 hospital's staff engaged in the admission, examination,
25

1 care, or treatment of persons;
 2 (b) a nurse, osteopath, chiropractor, podiatrist,
 3 medical examiner, coroner, dentist, optometrist, or any
 4 other health or mental health professional;
 5 (c) Christian Science practitioner and religious
 6 healers;
 7 (d) school teachers, other school officials, and
 8 employees who work during regular school hours;
 9 (e) a social worker, operator or employee of any
 10 registered or licensed day-care or substitute care facility,
 11 or any other operator or employee of a child-care facility;
 12 (f) foster care, residential, or institutional worker;
 13 or
 14 (g) a peace officer or other law enforcement official.
 15 (3) Any person may make a report under this section if
 16 he knows or has reasonable cause to suspect that a child is
 17 abused or neglected.
 18 (4) No person listed in subsection (2) may refuse to
 19 make a report as required in this section on the grounds of
 20 a physician-patient or similar privilege if the person came
 21 into possession of such information as a result of his
 22 treatment of the child, a possible offender, or any other
 23 person.
 24 (5) The reports referred to under this section shall
 25 contain:



1 (a) the names and addresses of the child and his or
2 her parents or other persons responsible for his or her
3 care;

4 (b) to the extent known, the child's age, the nature
5 and extent of the child's injuries, including any evidence
6 of previous injuries;

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

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

14 NEW SECTION. Section 2. Severability. If a part of
15 this act is invalid, all valid parts that are severable from
16 the invalid part remain in effect. If a part of this act is
17 invalid in one or more of its applications, the part remains
18 in effect in all valid applications that are severable from
19 the invalid applications.

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