SB 24 INTRODUCED BY HALLIGAN ALLOW HEARSAY AT DEPENDENT AND NEGLECT INVESTIGATIVE AUTHORITY HEARINGS

1/05	INTRODUCED		
1/05	REFERRED TO JUDICIARY		
1/06	HEARING		
1/07	COMMITTEE REPORTBILL PASSED AS AMENDED		
1/10	2ND READING PASSED 4	4	0
1/13	3RD READING PASSED 4	9	0
	TRANSMITTED TO HOUSE		
2/04	REFERRED TO JUDICIARY		
3/03	HEARING		
3/10	COMMITTEE REPORTBILL NOT PASSED		
3/11	ADVERSE COMMITTEE REPORT ADOPTED 6	4	7
3/11	RETURNED TO SENATE NOT CONCURRED		

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2	INTRODUCED BY HALLIGAN
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT HEARSAY
5	TESTIMONY IS ALLOWED AT TEMPORARY INVESTIGATIVE AUTHORITY
6	HEARINGS IN DEPENDENCY AND NEGLECT ACTIONS BY PROVIDING THAT
7	ARTICLE VIII, MONTANA RULES OF EVIDENCE, DOES NOT APPLY TO
8	SUCH ACTIONS; AND AMENDING SECTION 41-3-403, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 41-3-403, MCA, is amended to read:
12	"41-3-403. Order for immediate protection of youth.
13	(1) (a) Upon the filing of a petition for temporary
14	investigative authority and protective services, the court
15	may issue an order granting such relief as may be required
16	for the immediate protection of the youth.
17	(b) The order, along with the petition and supporting
18	documents, shall be served by a peace officer or a
19	representative of the department of social and
20	rehabilitation services on the person or persons named
21	therein. When the youth is placed in a medical facility or
22	protective facility, the department shall notify the parents
23	or parent, guardian, or other person having legal custody of
24	the youth, at the time the placement is made or as soon
25	thereafter as possible.

SENATE BILL NO. 24

(c) The order shall require the person served to
comply immediately with the terms thereof or to appear
before the court issuing the order on the date specified and
show cause why he has not complied with the order. The show
cause hearing must be conducted within 20 days of the
issuance of the order by the judge or a master appointed by
the judge. The person filing the petition has the burden of
presenting evidence establishing probable cause for the
issuance of the order. Except as otherwise provided herein,
the rules of civil procedure shall apply, and Article VIII,
Montana Rules of Evidence, limiting the admissibility of
hearsay evidence, does not apply.
(d) Upon a failure to comply or show cause the court
may hold the person in contempt or place temporary legal
custody of the youth with the department of social and

- (2) The court may grant the following kinds of relief:
- 18 (a) right of entry by a peace officer or department of 19 social and rehabilitation services worker;

rehabilitation services until further order.

- (b) medical and psychological evaluation of youth orparents, guardians, or person having legal custody;
- 22 (c) require the youth, parents, guardians, or person
 23 having legal custody to receive counseling services;
- 24 (d) place the youth in temporary medical facility or 25 facility for protection of the youth;

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1 (e) require the parents, guardian, or other person
2 having custody to furnish such services as the court may
3 designate;

4 (f) such other temporary disposition as may be required in the best interest of the youth."

-End-

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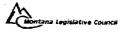
APPROVED BY COMMITTEE ON JUDICIARY

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1	(c) The order shall require the person served to
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4	show cause why he has not complied with the order. The show
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6	issuance of the order by the judge or a master appointed by
7	the judge. The person filing the petition has the burden of
8	presenting evidence establishing probable cause for the
9	issuance of the order. Except as otherwise provided herein,
10	the rules of civil procedure shall apply -and. Article VIII,
11	Montana Rules of Evidence, limiting the admissibility of
12	hearsay evidence, does not apply.

- (d) Upon a failure to comply or show cause the court may hold the person in contempt or place temporary legal custody of the youth with the department of social and rehabilitation services until further order.
 - (2) The court may grant the following kinds of relief:
- 18 (a) right of entry by a peace officer or department of 19 social and rehabilitation services worker;
- (b) medical and psychological evaluation of youth orparents, guardians, or person having legal custody;
- (c) require the youth, parents, guardians, or person having legal custody to receive counseling services;
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1	(e)	regui	re the	parents,	guardia	in, or	other pe	rso
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3	designate	ı;						
4	(£)	auch	other	temporary	, dispo	sition	as may	, b
5	required	in the	best in	terest of t	he yout	h."		

-End-

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thereafter as possible.

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