

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 REPORT--BILL PASSED AS AMENDED
1/10 2ND READING PASSED 44 0
1/13 3RD READING PASSED 49 0

 TRANSMITTED TO HOUSE
2/04 REFERRED TO JUDICIARY
3/03 HEARING
3/10 COMMITTEE REPORT--BILL NOT PASSED
3/11 ADVERSE COMMITTEE REPORT ADOPTED 64 7
3/11 RETURNED TO SENATE NOT CONCURRED

1 SENATE BILL NO. 24
2 INTRODUCED BY HALLIGAN

3
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.

1 (c) The order shall require the person served to
2 comply immediately with the terms thereof or to appear
3 before the court issuing the order on the date specified and
4 show cause why he has not complied with the order. The show
5 cause hearing must be conducted within 20 days of the
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.

13 (d) Upon a failure to comply or show cause the court
14 may hold the person in contempt or place temporary legal
15 custody of the youth with the department of social and
16 rehabilitation services until further order.

17 (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;

20 (b) medical and psychological evaluation of youth or
21 parents, 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
5 required in the best interest of the youth."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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