HOUSE BILL NO. 178

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INTRODUCED BY CODY

IN THE HOUSE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 14, 1989	FIRST READING.
JANUARY 25, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 26, 1989	PRINTING REPORT.
JANUARY 28, 1989	SECOND READING, DO PASS.
JANUARY 30, 1989	ENGROSSING REPORT.
JANUARY 31, 1989	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.
I	N THE SENATE
FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 3, 1989	SECOND READING, CONCURRED IN.
MARCH 6, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.
I	N THE HOUSE

MARCH 7, 1989 RECEIVED FROM SENATE.

SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.

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LC 0669/01

CMontana Legislative Counci

House BILL NO. 178 INTRODUCED BY Cody ł 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW 4 5 MANDATING THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT: 6 PROVIDING THAT PERSONS REQUIRED TO REPORT SHALL REPORT SUSPECTED ABUSE OR NEGLECT MADE KNOWN TO THEM IN THEIR 7 OFFICIAL CAPACITY; AND AMENDING SECTION 41-3-201, MCA." 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 41-3-201, MCA, is amended to read: "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 made known to them in their 14 professional or official capacity is an abused or neglected 15 16 child, they shall report the matter promptly to the department of family services or its local affiliate, which 17 then shall notify the county attorney of the county where 18 19 the child resides. 20 (2) Professionals and officials required to report 21 are: 22 (a) physician, resident, intern, or member of a 23 hospital's staff engaged in the admission, examination, 24 care, or treatment of persons; 25 (b) a nurse, osteopath, chiropractor, podiatrist,

1 medical examiner, coroner, dentist, optometrist, or any 2 other health or mental health professional;

3 (c) Christian Science practitioner and religious
4 healers;

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

16 (b) A person may make a report under this section if
17 as a result of a physician-patient or similar relationship,
18 he has reasonable cause to suspect a child is being or has

19 been abused or neglected.

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

25 (5) The reports referred to under this section shall

-2- INTRODUCED BILL HB178

LC 0669/01

l contain:

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

5 (b) to the extent known, the child's age, the nature 6 and extent of the child's injuries, including any evidence 7 of previous injuries;

8 (c) any other information that the maker of the report 9 believes might be helpful in establishing the cause of the 10 injuries or showing the willful neglect and the identity of 11 person or persons responsible therefor; and

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

-End-

-3-

APPROVED BY COMMITTEE DN JUDICIARY

HOUSE BILL NO. 178 1 INTRODUCED BY CODY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW 4 MANDATING THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT: 5 PROVIDING THAT PERSONS REQUIRED TO REPORT SHALL REPORT 6 SUSPECTED ABUSE OR NEGLECT MADE -- KNOWN -- TO -- THEM -- IN -- THEFR 7 OFFICIAL-CAPACITY; AND AMENDING SECTION 41-3-201, 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--made--known--to--them AS A 14 RESULT OF INFORMATION THEY RECEIVE in their professional or 15 official capacity, THAT A CHILD is an abused or neglected, 16 childy they shall report the matter promptly to the 17 department of family services or its local affiliate, which 18 then shall notify the county attorney of the county where 19 the child resides. 20

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

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

1 (b) a nurse, osteopath, chiropractor, podiatrist, 2 medical examiner, coroner, dentist, optometrist, or any 3 other health or mental health professional;

4 (c) Christian Science practitioner and religious 5 healers;

6 (d) school teachers, other school officials, and 7 employees who work during regular school hours;

(e) a social worker, operator or employee of any 8 9 registered or licensed day-care or substitute care facility, 10 or any other operator or employee of a child-care facility; 11 (f) foster care, residential, or institutional worker; 12 ٥r

13 (g) a peace officer or other law enforcement official. 14 (3) (a) Any person may make a report under this section if he knows or has reasonable cause to suspect that 15 16 a child is abused or neglected.

17 (b)--A--person--may-make-a-report-under-this-section-if

18 as-a-result-of-a-physician-patient-or-similar--relationship; he--has--reasonable-cause-to-suspect-a-child-is-being-or-has 19

20 been-abused-or-neglected-

21 (4) No person listed in subsection (2) may refuse to 22 make a report as required in this section on the grounds of 23 a physician-patient or similar privilege if-the-person--came into--possession--of--such--information--as--a-result-of-his 24 treatment-of-the-child. 25

-2-

Montana Legislative Council

SECOND READING

HB 178

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

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

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

9 (c) any other information that the maker of the report 10 believes might be helpful in establishing the cause of the 11 injuries or showing the willful neglect and the identity of 12 person or persons responsible therefor; and

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

-End-

-3-

1	HOUSE BILL NO. 178	1 (b) a nurse, osteopath, chiropractor, podiatrist,	
2	INTRODUCED BY CODY	2 medical examiner, coroner, dentist, optometrist, or any	
3		3 other health or mental health professional;	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW	4 (c) Christian Science practitioner and religious	
5	MANDATING THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT;	5 healers;	
6	PROVIDING THAT PERSONS REQUIRED TO REPORT SHALL REPORT	6 (d) school teachers, other school officials, and	
7	SUSPECTED ABUSE OR NEGLECT MADEKNOWNTOTHEMINTHEIR	7 employees who work during regular school hours;	
8	OPPICIAL-CAPACITY; AND AMENDING SECTION 41-3-201, MCA."	8 (e) a social worker, operator or employee of any	
9		9 registered or licensed day-care or substitute care facility,	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	<pre>10 or any other operator or employee of a child-care facility;</pre>	
11	Section 1. Section 41-3-201, MCA, is amended to read:	<pre>11 (f) foster care, residential, or institutional worker;</pre>	
12	"41-3-201. Reports. (1) When the professionals and	12 or	
13	officials listed in subsection (2) know or have reasonable	13 (g) a peace officer or other law enforcement official.	
14	cause to suspect, that-a-childmadeknowntothem AS A	14 (3) <u>(a)</u> Any person may make a report under this	
15	RESULT OF INFORMATION THEY RECEIVE in their professional or	15 section if he knows or has reasonable cause to suspect that	
16	official capacity, THAT A CHILD is an abused or neglected,	16 a child is abused or neglected.	
17	child; they shall report the matter promptly to the	17 <u>(b)Apersonmay-make-a-report-under-this-section-if</u>	
18	department of family services or its local affiliate, which	18 as-a-result-of-a-physician-patient-or-similarrelationship,	
19	then shall notify the county attorney of the county where	19 hehasreasonable-cause-to-suspect-a-child-is-being-or-has	
20	the child resides.	20 been-abused-or-neglected.	
21	(2) Professionals and officials required to report	21 (4) No person listed in subsection (2) may refuse to	
22	are:	22 make a report as required in this section on the grounds of	
23	(a) physician, resident, intern, or member of a	23 a physician-patient or similar privilege if-the-personcame	
24	hospital's staff engaged in the admission, examination,	24 intopossessionofsuchinformationasa-result-of-his	
25	care, or treatment of persons;	25 treatment-of-the-child.	

Linongana Legislative Council

THIRD READING

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-2-

HB 178

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

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

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

9 (c) any other information that the maker of the report 10 believes might be helpful in establishing the cause of the 11 injuries or showing the willful neglect and the identity of 12 person or persons responsible therefor; and

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

-End-

-3--

Slst Legislature

HB 0178/02

1 HOUSE BILL NO. 178 1 (b) a nurse, osteopath, chiropractor, podiatrist, INTRODUCED BY CODY 2 2 medical examiner, coroner, dentist, optometrist, or any 3 3 other health or mental health professional; A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW 4 4 (c) Christian Science practitioner and religious MANDATING THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT: 5 5 healers: PROVIDING THAT PERSONS REQUIRED TO REPORT SHALL REPORT 6 6 (d) school teachers, other school officials, and 7 SUSPECTED ABUSE OR NEGLECT MADE--KNOWN--TO--THEM--IN--THEFR employees who work during regular school hours; 7 OPPICIAL-CAPACITY; AND AMENDING SECTION 41-3-201, MCA." 8 8 (e) a social worker, operator or employee of any 9 registered or licensed day-care or substitute care facility, 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 10 or any other operator or employee of a child-care facility; 11 Section 1. Section 41-3-201, MCA, is amended to read: 11 (f) foster care, residential, or institutional worker; "41-3-201. Reports. (1) When the professionals and 12 or 12 officials listed in subsection (2) know or have reasonable 13 (g) a peace officer or other law enforcement official. 13 14 (3) tat Any person may make a report under this 14 cause to suspect, that-a-child--made--known--to--them AS A 15 section if he knows or has reasonable cause to suspect that 15 RESULT OF INFORMATION THEY RECEIVE in their professional or 16 official capacity, THAT A CHILD is an abused or neglected, 16 a child is abused or neglected. 17 child, they shall report the matter promptly to the (b)--A--person--may-make-s-report-under-this-section-if 17 18 18 department of family services or its local affiliate, which <u>as-a-result-of-a-physician-patient-or-similar--relationship;</u> 19 19 then shall notify the county attorney of the county where he--has--reasonable-cause-to-suspect-a-child-is-being-or-has 20 been-abused-or-neglected-20 the child resides. (4) No person listed in subsection (2) may refuse to 21 (2) Professionals and officials required to report 21 22 make a report as required in this section on the grounds of 22 are: a physician-patient or similar privilege if-the-person--come 23 23 (a) physician, resident, intern, or member of a into--possession--of--such--information--as--a-result-of-his hospital's staff engaged in the admission, examination, 24 24 treatment-of-the-child. 25 25 care, or treatment of persons;

tana Leuislative Council

REFERENCE BILL

HB 178

-2-

HB 0178/02

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

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

6 (b) to the extent known, the child's age, the nature 7 and extent of the child's injuries, including any evidence 8 of previous injuries;

9 (c) any other information that the maker of the report 10 believes might be helpful in establishing the cause of the 11 injuries or showing the willful neglect and the identity of 12 person or persons responsible therefor; and

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

-End-

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