

HOUSE BILL NO. 178

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.

IN 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.

IN THE HOUSE

MARCH 7, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 178
2 INTRODUCED BY Cody
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW
5 MANDATING THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT;
6 PROVIDING THAT PERSONS REQUIRED TO REPORT SHALL REPORT
7 SUSPECTED ABUSE OR NEGLECT MADE KNOWN TO THEM IN THEIR
8 OFFICIAL CAPACITY; AND AMENDING SECTION 41-3-201, MCA."

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:

12 "41-3-201. Reports. (1) When the professionals and
13 officials listed in subsection (2) know or have reasonable
14 cause to suspect that a child made known to them in their
15 professional or official capacity is an abused or neglected
16 child, 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 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

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1 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-

APPROVED BY COMMITTEE
ON JUDICIARY

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RESULT OF INFORMATION THEY RECEIVE in their professional or
official capacity, THAT A CHILD is an abused or neglected,
~~child,~~ they shall report the matter promptly to the
department of family services or its local affiliate, which
then shall notify the county attorney of the county where
the child resides.

(2) Professionals and officials required to report
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other health or mental health professional;

(c) Christian Science practitioner and religious
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(d) school teachers, other school officials, and
employees who work during regular school hours;

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

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

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

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

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

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

1 (5) The reports referred to under this section shall
2 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
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~~(b)--A--person--may--make--a--report--under--this--section--if--as--a--result--of--a--physician--patient--or--similar--relationship,--he--has--reasonable--cause--to--suspect--a--child--is--being--or--has--been--abused--or--neglected--~~

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

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