

INTRODUCED BY PECK, HALLIGAN

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 127
2 INTRODUCED BY Perle
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF
5 HEARSAY EVIDENCE AT A TEMPORARY INVESTIGATIVE HEARING IN A
6 CHILD ABUSE, NEGLECT, OR DEPENDENCY PROCEEDING; AND AMENDING
7 SECTION 41-3-403, MCA."
8

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

10 **Section 1.** Section 41-3-403, MCA, is amended to read:

11 **"41-3-403. Order for immediate protection of youth.**

12 (1) (a) Upon the filing of a petition for temporary
13 investigative authority and protective services, the court
14 may issue an order granting such relief as that may be
15 required for the immediate protection of the youth.

16 (b) The order, along with the petition and supporting
17 documents, ~~shall~~ must be served by a peace officer or a
18 representative of the department of family services on the
19 person or persons named ~~therein~~ in the order. When the youth
20 is placed in a medical facility or protective facility, the
21 department shall notify the parents or parent, guardian, or
22 other person having legal custody of the youth, at the time
23 the placement is made or as soon thereafter as possible.

24 (c) The order ~~shall~~ must require the person served to
25 comply immediately with the terms ~~thereof~~ of the order or to

1 appear before the court issuing the order on the date
2 specified and show cause why ~~he~~ the person has not complied
3 with the order. The show cause hearing must be conducted
4 within 20 days of the issuance of the order by the judge or
5 a master appointed by the judge. The person filing the
6 petition has the burden of presenting evidence establishing
7 probable cause for the issuance of the order. Except as
8 otherwise provided ~~herein~~ in this part, the rules of civil
9 procedure ~~shall~~ apply. Hearsay evidence is admissible at the
10 hearing.

11 (d) Upon a failure to comply or show cause, the court
12 may hold the person in contempt or place temporary legal
13 custody of the youth with the department of family services
14 until further order.

15 (2) The court may grant the following kinds of relief:

16 (a) right of entry by a peace officer or department of
17 family services worker;

18 (b) medical and psychological evaluation of the youth
19 or parents, guardians, or person having legal custody;

20 (c) require requirement that the youth, parents,
21 guardians, or person having legal custody ~~to~~ receive
22 counseling services;

23 (d) place placement of the youth in temporary medical
24 facility or facility for protection of the youth;

25 (e) require requirement that the parents, guardian, or

1 other person having custody to furnish such services as that
2 the court may designate;

3 (f) ~~inquire~~ inquiry into the financial ability of the
4 parents, guardian, or other person having custody of the
5 youth to contribute to the costs for the care, custody, and
6 treatment of the youth and order requirement for a
7 contribution for those costs pursuant to the requirements of
8 41-3-406(3) through (6);

9 (g) such other temporary disposition as that may be
10 required in the best interest of the youth."

-End-

HOUSE BILL NO. 127

INTRODUCED BY PECK, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF
HEARSAY EVIDENCE OF THE YOUTH'S STATEMENTS AT A TEMPORARY
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other person having legal custody of the youth, at the time
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otherwise provided herein in this part, the rules of civil
procedure shall apply. Hearsay evidence OF STATEMENTS MADE
BY THE AFFECTED YOUTH is admissible at the hearing.

(d) Upon a failure to comply or show cause, the court
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