HOUSE BILL NO. 127

INTRODUCED BY PECK, HALLIGAN

	IN THE HOUSE
JANUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 22, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 23, 1993	PRINTING REPORT.
JANUARY 25, 1993	SECOND READING, DO PASS.
JANUARY 26, 1993	ENGROSSING REPORT.
JANUARY 27, 1993	THIRD READING, PASSED. AYES, 94; NOES, 5.
	TRANSMITTED TO SENATE.
	IN THE SENATE
JANUARY 27, 1993	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
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JANUARY 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE
JANUARY 27, 1993 MARCH 3, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 27, 1993 MARCH 3, 1993 MARCH 4, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
JANUARY 27, 1993 MARCH 3, 1993 MARCH 4, 1993 MARCH 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 44; NOES, 4.
JANUARY 27, 1993 MARCH 3, 1993 MARCH 4, 1993 MARCH 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 44; NOES, 4. RETURNED TO HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1 House BILL NO. 127
2 INTRODUCED BY Perk rolling

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF HEARSAY EVIDENCE AT A TEMPORARY INVESTIGATIVE HEARING IN A CHILD ABUSE, NEGLECT, OR DEPENDENCY PROCEEDING; AND AMENDING SECTION 41-3-403, MCA."

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

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

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

- (1) (a) Upon the filing of a petition for temporary investigative authority and protective services, the court may issue an order granting such relief as that may be required for the immediate protection of the youth.
- (b) The order, along with the petition and supporting documents, shall must be served by a peace officer or a representative of the department of family services on the person or persons named therein in the order. When the youth is placed in a medical facility or protective facility, the department shall notify the parents or parent, guardian, or other person having legal custody of the youth, at the time the placement is made or as soon thereafter as possible.
- (c) The order shall must require the person served to comply immediately with the terms thereof of the order or to

appear before the court issuing the order on the date specified and show cause why he the person 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 in this part, the rules of civil procedure shall apply. Hearsay evidence is admissible at the hearing.

- (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 family services until further order.
- (2) The court may grant the following kinds of relief:
- 16 (a) right of entry by a peace officer or department of17 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

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

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- (f) inquire inquiry into the financial ability of the parents, guardian, or other person having custody of the youth to contribute to the costs for the care, custody, and treatment of the youth and order requirement for a contribution for those costs pursuant to the requirements of 41-3-406(3) through (6);
- 9 (g) such other temporary disposition as that may be required in the best interest of the youth."

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HB 0127/02 APPROVED BY COMMITTEE ON JUDICIARY

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1	HOUSE BILL NO. 127
2	INTRODUCED BY PECK, HALLIGAN
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF
5	HEARSAY EVIDENCE OF THE YOUTH'S STATEMENTS AT A TEMPORARY
6	INVESTIGATIVE HEARING IN A CHILD ABUSE, NEGLECT, OR
7	DEPENDENCY PROCEEDING; AND AMENDING SECTION 41-3-403, MCA."
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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, quardian, or

other person having legal custody of the youth, at the time

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6	petition has the burden of presenting evidence establishing
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8	otherwise provided herein in this part, the rules of civil
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