

SENATE BILL 79

Introduced by Gage

12/31	Introduced
1/02	Referred to State Administration
1/04	First Reading
1/05	Rereferred to Education & Cultural Resources
1/13	Hearing
1/25	Committee Report--Bill Not Passed
1/25	Adverse Committee Report Adopted

## SENATE BILL NO. 79

INTRODUCED BY GAGE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FAMILY SERVICES TO NOTIFY THE SUPERINTENDENT OF A SCHOOL DISTRICT IF AN EMPLOYEE OF THE DISTRICT IS UNDER INVESTIGATION FOR CHILD ABUSE; REQUIRING THAT THE SUPERINTENDENT BE NOTIFIED OF THE INVESTIGATION RESULTS; AMENDING SECTION 41-3-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 41-3-202, MCA, is amended to read:

"41-3-202. Action on reporting. (1) Upon receipt of a report as required by 41-3-201 that a child is or has been abused or neglected, a social worker or the county attorney or a peace officer shall promptly conduct a thorough investigation into the home of the child involved or any other place where the child is present, into the circumstances surrounding the injury of the child, and into all other nonfinancial matters which in the discretion of the investigator are relevant to the investigation. In conducting an investigation under this section, a social worker may not inquire into the financial status of the child's family or of any other person responsible for the

child's care.

(2) The social worker is responsible for assessing the family and planning for the child. If the child is treated at a medical facility, the social worker, county attorney, or peace officer shall, consistent with reasonable medical practice, have the right of access to the child for interviews, photographs, and securing physical evidence and have the right of access to relevant hospital and medical records pertaining to the child. If considered appropriate by the social worker, county attorney, or peace officer conducting an interview of the child, an employee of the public school attended by the child involved may participate in any interview of the child if the child is enrolled in kindergarten through 8th grade.

(3) If from the investigation it appears that the child suffered abuse or neglect, the department shall provide protective services to the child and may provide protective services to any other child under the same care. The department will advise the county attorney of its investigation.

(4) The investigating social worker, within 60 days of commencing an investigation, shall also furnish a written report to the department. The department shall maintain a record system containing child abuse and neglect cases.

(5) If the person suspected of abuse is an employee of

1 a school district, the department shall notify the  
2 superintendent of the district of the investigation and,  
3 upon completion of the investigation, shall also notify the  
4 superintendent of the results of the investigation.

5 ~~†5†~~(6) Any person reporting abuse or neglect which  
6 involves acts or omissions on the part of a public or  
7 private residential institution, home, facility, or agency  
8 shall be responsible for ensuring that the report is made to  
9 the department of family services, its local affiliate, and  
10 the county attorney of the county in which the facility is  
11 located."

12 NEW SECTION. **Section 2.** Effective date. [This act] is  
13 effective on passage and approval.

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