

SENATE BILL NO. 272

INTRODUCED BY D. EMRICH, T. MANZELLA

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING RULES OF CONDUCT FOR CHILD PROTECTION SPECIALISTS; PROVIDING FOR COMPLAINTS TO BE FILED WITH THE COMMISSIONER OF POLITICAL PRACTICES; AUTHORIZING THE COMMISSIONER OF POLITICAL PRACTICES TO INVESTIGATE COMPLAINTS; AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO DISCLOSE CASE INFORMATION TO THE COMMISSIONER OF POLITICAL PRACTICES FOR THE PURPOSE OF INVESTIGATING COMPLAINTS; ESTABLISHING THAT AN INFORMAL CONTESTED HEARING RELATED TO ALLEGED VIOLATIONS OF THE RULES OF CONDUCT IS NOT OPEN TO THE PUBLIC AND CERTAIN DOCUMENTS ARE NOT PUBLIC INFORMATION; AND AMENDING SECTIONS 2-2-136 AND 41-3-205, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. SECTION 1. RULES OF CONDUCT FOR CHILD PROTECTION SPECIALISTS. (1) A CHILD PROTECTION SPECIALIST OR APPLICANT FOR CERTIFICATION AS A CHILD PROTECTION SPECIALIST PURSUANT TO 41-3-127 THROUGH 41-3-130 MAY NOT:

(A) THREATEN A PERSON WITH CRIMINAL CHARGES TO DETER THE PERSON FROM CONTESTING ANY MATTER IN A CHILD ABUSE AND NEGLECT PROCEEDING; OR

(B) PREVENT A PERSON FROM BECOMING A FOSTER PLACEMENT OR GUARDIAN FOR A CHILD SOLELY BECAUSE THAT PERSON HAS:

(i) OFFERED ADVICE TO A PARENT OR FOSTER PARENT IN OPPOSITION TO THE DEPARTMENT;

(ii) RECOMMENDED THAT A PERSON BEING INVESTIGATED BY THE DEPARTMENT OBTAIN A LAWYER; OR

(iii) OFFERED TESTIMONY TO A PUBLIC BODY, INCLUDING A LEGISLATIVE INTERIM COMMITTEE OR STANDING

1 COMMITTEE.

2 (2) A CHILD PROTECTION SPECIALIST OR APPLICANT FOR CERTIFICATION AS A CHILD PROTECTION
3 SPECIALIST PURSUANT TO 41-3-127 THROUGH 41-3-130 SHALL, WHEN COORDINATING SERVICES OR EVALUATIONS FOR
4 A PARENT OR CHILD, UTILIZE UNBIASED PROFESSIONALS WITH QUALIFICATIONS RELEVANT TO THE NEEDS OF THE PARENT
5 OR CHILD.

6 (3) A VIOLATION OF ANY RULE ENUMERATED IN THIS SECTION IS CONSIDERED A BREACH OF PUBLIC DUTY.
7 IF A VIOLATION IS ALLEGED, THE PARENT, GUARDIAN, OR OTHER PERSON HAVING PHYSICAL OR LEGAL CUSTODY OF A
8 CHILD MAY FILE A COMPLAINT WITH THE CHILD AND FAMILY OMBUDSMAN PURSUANT TO 41-3-216.

9
10 NEW SECTION. SECTION 2. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN
11 INTEGRAL PART OF TITLE 41, CHAPTER 3, PART 1, AND THE PROVISIONS OF TITLE 41, CHAPTER 3, PART 1, APPLY TO
12 [SECTION 1].

13 - END -