

1 SENATE BILL NO. 463

2 INTRODUCED BY D. LENZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE REPORTING
5 OF CHILD ABUSE AND NEGLECT; REVISING THE DEFINITION OF AND CERTIFICATION
6 REQUIREMENTS FOR "PUBLIC SAFETY COMMUNICATIONS OFFICER"; REVISING INTAKE
7 PROCEDURES FOR REPORTS OF CHILD ABUSE AND NEGLECT; PROVIDING FOR REPORTS OF CHILD
8 ABUSE AND NEGLECT TO BE MADE TO PUBLIC SAFETY COMMUNICATIONS OFFICERS; PROVIDING
9 RULEMAKING AUTHORITY; AMENDING SECTIONS 5-11-222, 7-31-201, 7-31-203, 41-3-201, 41-3-202, 41-
10 3-205, 41-3-208, 41-3-211, AND 41-3-212, MCA; SUPERSEDING THE UNFUNDED MANDATE LAWS; AND
11 PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 **Section 1.** Section 5-11-222, MCA, is amended to read:

16 **"5-11-222. Reports to legislature.** (1) (a) Except as provided in subsections (1)(b) and (5), a report
17 to the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or
18 before September 1 of each year preceding the convening of a regular session of the legislature.

19 (b) If otherwise specified in law, a report may be required more or less frequently than the biennial
20 requirement in subsection (1)(a).

21 (2) Reports to the legislature include:

22 (a) annual reports on the unified investment program for public funds and public retirement
23 systems and state compensation insurance fund assets audits from the board of investments in accordance
24 with Article VIII, section 13, of the Montana constitution;

25 (b) federal mandates requirements from the governor in accordance with 2-1-407;

26 (c) activities of the state records committee in accordance with 2-6-1108;

27 (d) revenue studies from the director of revenue, if requested, in accordance with 2-7-104;

28 (e) legislative audit reports from the legislative audit division in accordance with 2-8-112 and 23-7-

1 410;

2 (f) the annual performance report of each department to the appropriate interim budget committee
3 and legislative policy interim committee in accordance with 2-12-105;

4 (g) progress on gender and racial balance from the governor in accordance with 2-15-108;

5 (h) a mental health report from the ombudsman in accordance with 2-15-210;

6 (i) policies related to children and families from the interagency coordinating council for state
7 prevention in accordance with 2-15-225;

8 (j) watercourse name changes, if any, from the secretary of state in accordance with 2-15-401;

9 (k) results of programs established in 2-15-3111 through 2-15-3113 from the livestock loss board
10 in accordance with 2-15-3113;

11 (l) the allocation of space report from the department of administration required in accordance
12 with 2-17-101;

13 (m) information technology activities in accordance with 2-17-512;

14 (n) state strategic information technology plan exceptions, if granted, from the department of
15 administration in accordance with 2-17-515;

16 (o) the state strategic information technology plan and biennial report from the department of
17 administration in accordance with 2-17-521 and 2-17-522;

18 (p) reports from standing, interim, and administrative committees, if prepared, in accordance with
19 2-17-825 and 5-5-216;

20 (q) statistical and other data related to business transacted by the courts from the court
21 administrator, if requested, in accordance with 3-1-702;

22 (r) the judicial standards commission report in accordance with 3-1-1126;

23 (s) an annual report on the actual cost of legislation that had a projected fiscal impact from the
24 office of budget and program planning in accordance with 5-4-208;

25 (t) a link to annual state agency reports on grants awarded in the previous fiscal year established
26 by the legislative finance committee in accordance with 5-12-208;

27 (u) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in
28 accordance with 5-12-302(4);

- 1 (v) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may
2 impair the independence of the legislative audit division in accordance with 5-13-305;
- 3 (w) if a waste of state resources occurs, a report from the legislative state auditor, in accordance
4 with 5-13-311;
- 5 (x) school funding commission reports each fifth interim in accordance with 5-20-301;
- 6 (y) a report of political committee operations conducted on state-owned property, if required, from
7 a political committee to the legislative services division in accordance with 13-37-404;
- 8 (z) a report concerning taxable value from the department of revenue in accordance with 15-1-
9 205;
- 10 (aa) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;
- 11 (bb) semiannual reports on the Montana heritage preservation and development account from the
12 Montana heritage preservation and development commission in accordance with 15-65-121;
- 13 (cc) general marijuana regulation reports and medical marijuana registry reports from the
14 department of revenue in accordance with 16-12-110;
- 15 (dd) annual reports on general fund and nongeneral fund encumbrances from the department of
16 administration in accordance with 17-1-102;
- 17 (ee) loans or loan extensions authorized for two consecutive fiscal years from the department of
18 administration and office of commissioner of higher education, including negative cash balances from the
19 commissioner of higher education, in accordance with 17-2-107;
- 20 (ff) a report of local government entities that have balances contrary to limitations provided for in
21 17-2-302 or that failed to reduce the charge from the department of administration in accordance with 17-2-304;
- 22 (gg) an annual report from the board of investments in accordance with 17-5-1650(2);
- 23 (hh) a quarterly report from the office of budget and program planning to the legislative finance
24 committee identifying the amount and the type of debt payoff or other expenditure from the debt and liability
25 free account in accordance with 17-6-214;
- 26 (ii) a report on retirement system trust investments and benefits from the board of investments in
27 accordance with 17-6-230;
- 28 (jj) recommendations for reductions in spending and related analysis, if required, from the office of

1 budget and program planning in accordance with 17-7-140;

2 (kk) a statewide facility inventory and condition assessment from the department of administration
3 in accordance with 17-7-202;

4 (ll) actuarial reports and investigations for public retirement systems from the public employees'
5 retirement board in accordance with 19-2-405;

6 (mm) a work report from the public employees' retirement board in accordance with 19-2-407;

7 (nn) annual actuarial reports and evaluations from the teachers' retirement board in accordance with
8 19-20-201;

9 (oo) reports from the state director of K-12 career and vocational and technical education, as
10 requested, in accordance with 20-7-308;

11 (pp) 5-year state plan for career and technical education reports from the board of regents in
12 accordance with 20-7-330;

13 (qq) a gifted and talented students report from the office of public instruction in accordance with 20-
14 7-904;

15 (rr) status changes for at-risk students from the office of public instruction in accordance with 20-9-
16 328;

17 (ss) status changes for American Indian students from the office of public instruction in accordance
18 with 20-9-330;

19 (tt) reports regarding the Montana Indian language preservation program from the office of public
20 instruction in accordance with 20-9-537;

21 (uu) proposals for funding community colleges from the board of regents in accordance with 20-15-
22 309;

23 (vv) expenditures and activities of the Montana agricultural experiment station and extension
24 service, as requested, in accordance with 20-25-236;

25 (ww) reports, if requested by the legislature, from the president of each of the units of the higher
26 education system in accordance with 20-25-305;

27 (xx) reports, if prepared by a public postsecondary institution, regarding free expression activities on
28 campus in accordance with 20-25-1506;

- 1 (yy) reports from the Montana historical society trustees in accordance with 22-3-107;
2 (zz) state lottery reports in accordance with 23-7-202;
3 (aaa) state fund reports, if required, from the commissioner in accordance with 33-1-115;
4 (bbb) reports from the department of labor and industry in accordance with 39-6-101;
5 (ccc) victim unemployment benefits reports from the department of labor and industry in accordance
6 with 39-51-2111;
7 (ddd) state fund business reports in accordance with 39-71-2363;
8 (eee) risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;
9 (fff) child custody reports from the office of the court administrator in accordance with 41-3-1004;
10 (ggg) reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the
11 governor in accordance with 46-23-316;
12 (hhh) annual statewide public defender reports from the office of state public defender in accordance
13 with 47-1-125;
14 (iii) a trauma care system report from the department of public health and human services in
15 accordance with 50-6-402;
16 (jjj) an annual report on chemical abortion data from the department of public health and human
17 services in accordance with 50-20-709;
18 (kkk) Montana criminal justice oversight council reports in accordance with 53-1-216;
19 (III) medicaid block grant reports from the department of public health and human services in
20 accordance with 53-1-611;
21 (mmm) reports on the approval and implementation status of medicaid section 1115 waivers in
22 accordance with 53-2-215;
23 (nnn) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
24 public health and human services in accordance with 53-6-101;
25 (ooo) medicaid funding reports from the department of public health and human services in
26 accordance with 53-6-110;
27 (ppp) proposals regarding managed care for medicaid recipients, if required, from the department of
28 public health and human services in accordance with 53-6-116;

(qqq) reports on toxicology and prescription drug registry information from the suicide prevention officer in accordance with 53-21-1101;

(rrr) suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

(sss) annual compliance reports from certifying organizations to the criminal justice oversight council in accordance with 53-24-311;

(ttt) a compliance and inspection report from the department of corrections in accordance with 53-30-604;

(uuu) emergency medical services grants from the department of transportation in accordance with 61-2-109;

(vvv) annual financial reports on the environmental contingency account from the department of environmental quality in accordance with 75-1-1101;

(www) a report from the land board, if prepared, in accordance with 76-12-109;

(xxx) an annual state trust land report from the land board in accordance with 77-1-223;

(yyy) a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-713;

(zzz) state water plans from the department of natural resources and conservation in accordance with 85-1-203;

(aaaa) reports on the allocation of renewable resources grants and loans for emergencies, if required, from the department of natural resources and conservation in accordance with 85-1-605;

(bbbb) water storage projects from the governor's office in accordance with 85-1-704;

(cccc) upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-338;

(dddd) upland game bird enhancement program reports in accordance with 87-1-250;

(eeee) private land/public wildlife advisory committee reports in accordance with 87-1-269;

(ffff) a future fisheries improvement program report from the department of fish, wildlife, and parks in accordance with 87-1-272;

(gggg) license revenue recommendations from the department of fish, wildlife, and parks in

- 1 accordance with 87-1-629;
- 2 (hhhh) reports from the department of fish, wildlife, and parks on conservation licenses sold and
- 3 revenue received in accordance with 87-2-201;
- 4 (iiii) hydrocarbon and geology investigation reports from the bureau of mines and geology in
- 5 accordance with 90-2-201;
- 6 (jjjj) coal ash markets investigation reports from the department of commerce in accordance with
- 7 90-2-202;
- 8 (kkkk) an annual report from the pacific northwest electric power and conservation planning council in
- 9 accordance with 90-4-403;
- 10 (IIII) community property-assessed capital enhancements program reports from the Montana facility
- 11 finance authority in accordance with 90-4-1303;
- 12 (mmmm) veterans' home loan mortgage loan reports from the board of housing in accordance
- 13 with 90-6-604;
- 14 (nnnn) matching infrastructure planning grant awards by the department of commerce in accordance
- 15 with 90-6-703(3); and
- 16 (oooo) Montana coal endowment program reports from the department of commerce in accordance
- 17 with 90-6-710.
- 18 (3) Reports to the legislature include reports made to an interim committee as follows:
- 19 (a) reports to the law and justice interim committee, including:
- 20 (i) a report on fentanyl-related mandatory minimums from the attorney general in accordance with
- 21 2-15-505;
- 22 (ii) findings of the domestic violence fatality review commission in accordance with 2-15-2017;
- 23 (iii) the report from the missing indigenous persons review commission in accordance with 2-15-
- 24 2018;
- 25 (iv) reports from the department of justice and public safety officer standards and training council in
- 26 accordance with 2-15-2029;
- 27 (v) reports on district court judge caseload and substitutions from the office of court administrator
- 28 in accordance with 3-1-713;

- 1 (vi) information on the Montana False Claims Act from the department of justice in accordance with
2 17-8-416;
- 3 (vii) annual case status reports from the attorney general in accordance with 41-3-210;
- 4 (viii) an annual report from the department of public health and human services on the number of
5 referrals to county attorneys pursuant to ~~41-3-202(1)(b)(i)~~ 41-3-202(1)(c)(i) in accordance with 41-3-211;
- 6 (ix) office of court administrator reports in accordance with 41-5-2003;
- 7 (x) reports on pending investigations from the public safety officer standards and training council in
8 accordance with 44-4-408;
- 9 (xi) statewide public safety communications system activities from the department of justice in
10 accordance with 44-4-1606;
- 11 (xii) the annual report on the activities of the sexual assault response network program and the
12 sexual assault response team committee from the department of justice in accordance with 44-4-1705;
- 13 (xiii) reports on the status of the crisis intervention team training program from the board of crime
14 control in accordance with 44-7-110;
- 15 (xiv) restorative justice grant program status and performance from the board of crime control in
16 accordance with 44-7-302;
- 17 (xv) law enforcement agency facial recognition technology use reports from the department of
18 justice in accordance with 44-15-111(3);
- 19 (xvi) reports on third-party vendors providing facial recognition services to state agencies reports in
20 accordance with 44-15-111(4)(b);
- 21 (xvii) reports on offenders under supervision with new offenses or violations from the department of
22 corrections in accordance with 46-23-1016;
- 23 (xviii) supervision responses grid reports from the department of corrections in accordance with 46-
24 23-1028;
- 25 (xix) statewide public defender reports and information from the office of state public defender in
26 accordance with 47-1-125;
- 27 (xx) every 5 years, a percentage change in public defender funding report from the legislative fiscal
28 analyst in accordance with 47-1-125;

- 1 (xxi) every 5 years, statewide public defender reports on the percentage change in funding from the
2 office of state public defender in accordance with 47-1-125; and
- 3 (xxii) a report from the quality assurance unit from the department of corrections in accordance with
4 53-1-211;
- 5 (b) reports to the state administration and veterans' affairs interim committee, including:
- 6 (i) a report that includes information technology activities and additional information from the
7 information technology board in accordance with 2-17-512 and 2-17-513;
- 8 (ii) a report from the capitol complex advisory council in accordance with 2-17-804;
- 9 (iii) a report on the employee incentive award program from the department of administration in
10 accordance with 2-18-1103;
- 11 (iv) a board of veterans' affairs report in accordance with 10-2-102;
- 12 (v) a report on the decennial veterans' long-term care needs study from the department of public
13 health and human services and the Montana veterans' affairs division in accordance with 10-2-903;
- 14 (vi) a report on grants to the Montana civil air patrol from the department of military affairs in
15 accordance with 10-3-802;
- 16 (vii) annual reports on statewide election security from the secretary of state in accordance with 13-
17 1-205;
- 18 (viii) reports on money received in the special account for implementing the Help America Vote Act
19 from the secretary of state in accordance with 13-1-209;
- 20 (ix) a report regarding the youth voting program, if requested, from the secretary of state in
21 accordance with 13-22-108;
- 22 (x) a report from the commissioner of political practices in accordance with 13-37-120;
- 23 (xi) a report on retirement system trust investments from the board of investments in accordance
24 with 17-6-230;
- 25 (xii) actuarial valuations and other reports from the public employees' retirement board in
26 accordance with 19-2-405 and 19-3-117;
- 27 (xiii) actuarial valuations and other reports from the teachers' retirement board in accordance with
28 19-20-201 and 19-20-216;

- 1 (xiv) a report on the reemployment of retired members of the teachers' retirement system from the
2 teachers' retirement board in accordance with 19-20-732; and
- 3 (xv) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the
4 secretary of state in accordance with 30-9A-527;
- 5 (c) reports to the children, families, health, and human services interim committee, including:
- 6 (i) a report from the department of public health and human services on the programs, grants, and
7 services funded under the healing and ending addiction through recovery and treatment account in 16-12-122;
- 8 (ii) Montana foster youth higher education assistance program grant reports from the
9 commissioner of higher education in accordance with 20-26-633;
- 10 (iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 11 (iv) Montana HELP Act workforce development reports from the department of public health and
12 human services in accordance with 39-12-103;
- 13 (v) reports from the department of public health and human services on the department's efforts
14 regarding the volunteer program to support child protective services activities in accordance with 41-3-132;
- 15 (vi) annual reports from the child and family ombudsman in accordance with 41-3-1211;
- 16 (vii) reports on activities and recommendations on child protective services activities, if required,
17 from the child and family ombudsman in accordance with 41-3-1215;
- 18 (viii) reports on the out-of-state placement of high-risk children with multiagency service needs from
19 the department of public health and human services in accordance with 52-2-311;
- 20 (ix) private alternative adolescent residential and outdoor programs reports from the department of
21 public health and human services in accordance with 52-2-803;
- 22 (x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
23 public health and human services in accordance with 53-6-101;
- 24 (xi) a report from the department of public health and human services on home and community-
25 based services provider information in 53-6-406;
- 26 (xii) a report concerning mental health managed care services, if managed care is in place, from the
27 advisory council in accordance with 53-6-710;
- 28 (xiii) quarterly medicaid reports related to expansion from the department of public health and

- 1 human services in accordance with 53-6-1325;
- 2 (xiv) annual Montana developmental center reports from the department of public health and human
3 services in accordance with 53-20-225; and
- 4 (xv) annual children's mental health outcomes from the department of public health and human
5 services in accordance with 53-21-508;
- 6 (xvi) suicide reduction plans from the department of public health and human services in
7 accordance with 53-21-1102;
- 8 (d) reports to the economic affairs interim committee, including:
- 9 (i) the annual state compensation insurance fund budget from the board of directors in
10 accordance with 5-5-223 and 39-71-2363;
- 11 (ii) medical marijuana registry reports from the department of revenue in accordance with 16-12-
12 110;
- 13 (iii) general marijuana regulation reports from the department of revenue in accordance with 16-12-
14 110(3);
- 15 (iv) annual reports on complaints against physicians certifying medical marijuana use from the
16 board of medical examiners in accordance with 16-12-110(6);
- 17 (v) an annual report on the administrative rate required from the department of commerce from the
18 Montana heritage preservation and development commission in accordance with 22-3-1002;
- 19 (vi) biennial reports from the department of labor and industry on weighing device license fees and
20 cost increases in accordance with 30-12-203;
- 21 (vii) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;
- 22 (viii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-
23 71-2375;
- 24 (ix) annual reinsurance reports from the Montana reinsurance association board required in
25 accordance with 33-22-1308;
- 26 (x) reports from the department of labor and industry concerning board attendance in accordance
27 with 37-1-107;
- 28 (xi) annual reports on physician complaints related to medical marijuana from the board of medical

- 1 examiners in accordance with 37-3-203;
- 2 (xii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 3 (xiii) status reports on the special revenue account and fees charged as a funding source from the
- 4 board of funeral service in accordance with 37-19-204;
- 5 (xiv) unemployment insurance program integrity act reports from the department of labor and
- 6 industry in accordance with 39-51-706;
- 7 (xv) law enforcement agency facial recognition technology use reports from the department of
- 8 justice in accordance with 44-15-111(3);
- 9 (xvi) reports on third-party vendors providing facial recognition services to state agencies reports in
- 10 accordance with 44-15-111(4)(b);
- 11 (xvii) status reports on the distressed wood products industry revolving loan program from the
- 12 department of commerce in accordance with 90-1-503;
- 13 (e) reports to the education interim committee, including:
- 14 (i) reemployment of retired teachers, specialists, and administrators reports from the retirement
- 15 board in accordance with 19-20-732;
- 16 (ii) a report on participation in the interstate compact on educational opportunity for military
- 17 children in accordance with 20-1-231;
- 18 (iii) grow your own grant program reports from the commissioner of higher education in accordance
- 19 with 20-4-601;
- 20 (iv) reports on out-of-district attendance from the superintendent of public instruction in accordance
- 21 with 20-5-324;
- 22 (v) reports from the education and workforce data governing board in accordance with 20-7-138;
- 23 (vi) state-level strengthening career and technical student organizations program reports from the
- 24 superintendent of public instruction in accordance with 20-7-320;
- 25 (vii) a report from the superintendent of public instruction concerning educational programs for
- 26 eligible children receiving in-state inpatient treatment of serious emotional disturbances in accordance with 20-
- 27 7-435;
- 28 (viii) reports from the Montana digital academy governing board in accordance with 20-7-1201;

- 1 (ix) advanced opportunity program reports from the board of public education in accordance with
2 20-7-1506;
- 3 (x) progress on transformational learning plans from the board of public education in accordance
4 with 20-7-1602;
- 5 (xi) reports on early literacy targeted interventions from the superintendent of public instruction in
6 accordance with 20-7-1804;
- 7 (xii) budget amendments, if needed, from school districts in accordance with 20-9-161;
- 8 (xiii) reports regarding the Montana Indian language preservation program from the office of public
9 instruction in accordance with 20-9-537;
- 10 (xiv) annual Montana resident student financial aid program reports from the commissioner of higher
11 education in accordance with 20-26-105;
- 12 (xv) Montana foster youth higher education assistance program grant reports from the
13 commissioner of higher education in accordance with 20-26-633;
- 14 (xvi) a historic preservation office report from the historic preservation officer in accordance with 22-
15 3-423; and
- 16 (xvii) interdisciplinary child information agreement reports from the office of public instruction in
17 accordance with 52-2-211;
- 18 (f) reports to the energy and telecommunications interim committee, including:
- 19 (i) the high-performance building report from the department of administration in accordance with
20 17-7-214;
- 21 (ii) an annual report from the consumer counsel in accordance with 69-1-222;
- 22 (iii) annual universal system benefits reports from utilities, electric cooperatives, and the
23 department of revenue in accordance with 69-8-402;
- 24 (iv) small-scale hydroelectric power generation reports from the department of natural resources
25 and conservation in accordance with 85-1-501; and
- 26 (v) geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-
27 1301;
- 28 (g) reports to the revenue interim committee, including:

- 1 (i) use of the qualified endowment tax credit report from the department of revenue in accordance
2 with 15-1-230;
- 3 (ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with
4 15-7-111;
- 5 (iii) information about job growth incentive tax credits from the department of revenue in
6 accordance with 15-30-2361;
- 7 (iv) student scholarship contributions from the department of revenue in accordance with 15-30-
8 3112;
- 9 (v) media production tax credit economic impact reports from the department of commerce in
10 accordance with 15-31-1011; and
- 11 (vi) reports that actual or projected receipts will result in less revenue than estimated from the office
12 of budget and program planning, if necessary, in accordance with 17-7-140;
- 13 (h) reports to the transportation interim committee, including:
- 14 (i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;
- 15 (ii) cooperative agreement negotiations from the department of transportation in accordance with
16 15-70-450; and
- 17 (iii) a special fuels inspection report from the department of transportation in accordance with 61-
18 10-154;
- 19 (i) reports to the environmental quality council, including:
- 20 (i) compliance and enforcement reports required in accordance with 75-1-314;
- 21 (ii) the state solid waste management and resource recovery plan, every 5 years, from the
22 department of environmental quality in accordance with 75-10-111;
- 23 (iii) annual orphan share reports from the department of environmental quality in accordance with
24 75-10-743;
- 25 (iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;
- 26 (v) annual subdivision sanitation reports from the department of environmental quality in
27 accordance with 76-4-116;
- 28 (vi) quarterly reports from the department of environmental quality on the number and percentage

- 1 of overdue files in accordance with 76-4-116;
- 2 (vii) state trust land accessibility reports from the department of natural resources and conservation
- 3 in accordance with 77-1-820;
- 4 (viii) biennial land banking reports and annual state land cabin and home site sales reports from the
- 5 department of natural resources and conservation in accordance with 77-2-366;
- 6 (ix) biennially invasive species reports from the departments of fish, wildlife, and parks and natural
- 7 resources and conservation in accordance with 80-7-1006;
- 8 (x) annual invasive species council reports in accordance with 80-7-1203;
- 9 (xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;
- 10 (xii) reports from the western Montana conservation commission in accordance with 85-1-904;
- 11 (xiii) annual sage grouse population reports from the department of fish, wildlife, and parks in
- 12 accordance with 87-1-201;
- 13 (xiv) annual gray wolf management reports from the department of fish, wildlife, and parks in
- 14 accordance with 87-1-901;
- 15 (xv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in
- 16 accordance with 87-2-702;
- 17 (xvi) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in
- 18 accordance with 87-5-807; and
- 19 (xvii) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;
- 20 (j) reports to the water policy interim committee, including:
- 21 (i) drought and water supply advisory committee reports in accordance with 2-15-3308;
- 22 (ii) total maximum daily load reports from the department of environmental quality in accordance
- 23 with 75-5-703;
- 24 (iii) state water plans from the department of natural resources and conservation in accordance
- 25 with 85-1-203;
- 26 (iv) small-scale hydroelectric power generation reports from the department of natural resources
- 27 and conservation in accordance with 85-1-501;
- 28 (v) renewable resource grant and loan program reports from the department of natural resources

1 and conservation in accordance with 85-1-621;

2 (vi) reports from the western Montana conservation commission in accordance with 85-1-904;

3 (vii) quarterly adjudication reports from the department of natural resources and conservation and
4 the water court in accordance with 85-2-281;

5 (viii) water reservation reports from the department of natural resources and conservation in
6 accordance with 85-2-316;

7 (ix) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-
8 436; and

9 (x) ground water investigation program reports from the bureau of mines and geology in
10 accordance with 85-2-525;

11 (k) reports to the local government interim committee, including:

12 (i) reports from the local government center on petitions received that resulted in the development
13 and delivery of training in accordance with 7-1-206;

14 (ii) sand and gravel, if an investigation is completed, in accordance with 82-2-701;

15 (iii) assistance to local governments on federal land management proposals from the department
16 of commerce in accordance with 90-1-182; and

17 (iv) emergency financial assistance to local government reports from the department of commerce,
18 if requests are made, in accordance with 90-6-703(2);

19 (l) reports to the state-tribal relations committee, including:

20 (i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;

21 (ii) the Montana Indian language preservation program report from the office of public instruction in
22 accordance with 20-9-537;

23 (iii) reports from the missing indigenous persons task force in accordance with 44-2-411;

24 (iv) a report from the department of justice on missing persons response team training grants
25 awarded in accordance with 44-2-416;

26 (v) state-tribal economic development commission activities reports from the state-tribal economic
27 development commission in accordance with 90-1-132; and

28 (vi) state-tribal economic development commission reports provided regularly by the state director

1 of Indian affairs in accordance with 90-11-102.

2 (4) Reports to the legislature include multistate compact and agreement reports, including:

3 (a) multistate tax compact reports in accordance with 15-1-601;

4 (b) interstate compact on educational opportunity for military children reports in accordance with
5 20-1-230 and 20-1-231;

6 (c) compact for education reports in accordance with 20-2-501;

7 (d) Western regional higher education compact reports in accordance with 20-25-801;

8 (e) interstate insurance product regulation compact reports in accordance with 33-39-101;

9 (f) interstate medical licensure compact reports in accordance with 37-3-356;

10 (g) interstate compact on juveniles reports in accordance with 41-6-101;

11 (h) interstate compact for adult offender supervision reports in accordance with 46-23-1115;

12 (i) vehicle equipment safety compact reports in accordance with 61-2-201;

13 (j) multistate highway transportation agreement reports in accordance with 61-10-1101; and

14 (k) western interstate nuclear compact reports in accordance with 90-5-201.

15 (5) Reports, transfers, statements, assessments, recommendations and changes required under
16 17-7-138, 17-7-139, 17-7-140, 19-2-405, 19-2-407, 19-3-117, 19-20-201, 19-20-216, 23-7-202, 33-1-115, and
17 39-71-2375 must be provided as soon as the report is published and publicly available. Reports required in
18 subsections (2)(a), (2)(gg), (2)(ii), and (3)(b)(xi) must be provided following issuance of reports issued under
19 Title 5, chapter 13."

20

21 **Section 2.** Section 7-31-201, MCA, is amended to read:

22 **"7-31-201. Definitions.** As used in this part, the following definitions apply:

23 (1) "Council" means the Montana public safety officer standards and training council provided for in
24 2-15-2029.

25 (2) "Public safety communications officer" means a person who:

26 (a) receives requests for emergency services, as defined in 10-4-101; ;

27 (b) dispatches the appropriate emergency service units; ;

28 (c) receives reports of child abuse and neglect under Title 41, chapter 3, part 2; and

1 (d) is certified under 7-31-203."

2

3 **Section 3.** Section 7-31-203, MCA, is amended to read:

4 **"7-31-203. Certification of public safety communications officers -- suspension or revocation --**
5 **penalty -- notification requirements.** (1) A local government shall require that a person, unless exempt under
6 subsection (3), appointed to receive requests for emergency services, as defined in 10-4-101, and to dispatch
7 the appropriate emergency service units be certified by the council as a public safety communications officer.

8 (2) (a) The council shall determine the certification standards for public safety communications
9 officers as provided in 7-31-202.

10 (b) The certification standards must contain a requirement that an applicant for certification attend
11 and successfully complete a basic course for public safety communications officers conducted by the Montana
12 law enforcement academy within 1 year of date of hire.

13 (c) The certification standards must contain a requirement that an applicant for certification
14 complete child abuse and neglect training, including:

15 (i) the statutory and regulatory framework governing reporting and response;

16 (ii) the role of law enforcement and the department of public health and human services during
17 investigations; and

18 (iii) crisis intervention techniques.

19 (3) (a) A person certified by the council prior to July 1, 2001, and employed as a public safety
20 communications officer as of July 1, 2001, is not subject to the requirement of subsection (2)(b).

21 (b) A person under permanent appointment as a public safety communications officer as of July 1,
22 2001, is not subject to the requirements of subsection (2).

23 (4) A public safety communications officer who has successfully met the certification standards set
24 by the council, or who is exempt from certain certification standards pursuant to subsection (3), who has met
25 the qualification requirements in 7-31-202, and who has completed a 6-month probationary term and 1 year of
26 employment must, upon application to the council, be issued a basic public safety communications officer
27 certificate.

28 (5) Failure by any person appointed as a public safety communications officer after July 1, 2001,

1 unless exempt under the provisions of subsection (3), to meet the minimum requirements in 7-31-202 or to
2 satisfy the certification requirements provided for in subsection (2) of this section is cause to terminate that
3 person's employment as a public safety communications officer.

4 (6) It is unlawful for a person whose certification as a public safety communications officer has
5 been suspended or revoked by the council to act as a public safety communications officer. A person convicted
6 of violating this subsection is guilty of a misdemeanor, punishable by a term of imprisonment not to exceed 6
7 months in the county jail or by a fine in an amount not to exceed \$500, or both.

8 (7) Within 10 days of the appointment, termination, resignation, or death of any public safety
9 communications officer, written notice must be given to the council by the employing authority."
10

11 **Section 4.** Section 41-3-201, MCA, is amended to read:

12 **"41-3-201. Reports.** (1) When the professionals and officials listed in subsection (2) know or have
13 reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that
14 a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or
15 neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to
16 the department or a public safety communications officer using a 9-1-1 system. The department and a public
17 safety communications officer shall follow the provisions of 41-3-212 in taking the report.

18 (2) Professionals and officials required to report are:

19 (a) a physician, resident, intern, or member of a hospital's staff engaged in the admission,
20 examination, care, or treatment of persons;

21 (b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or
22 any other health or mental health professional;

23 (c) religious healers;

24 (d) school teachers, other school officials, and employees who work during regular school hours;

25 (e) a social worker licensed pursuant to Title 37, child protection specialist, operator or employee
26 of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program
27 organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care
28 facility;

1 (f) a foster care, residential, or institutional worker;
2 (g) a peace officer or other law enforcement official;
3 (h) a member of the clergy, as defined in 15-6-201(2)(b);
4 (i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of
5 alleged abuse or neglect;

6 (j) an employee of an entity that contracts with the department to provide direct services to
7 children; and

8 (k) an employee of the department while in conduct of the employee's duties.

9 (3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant
10 shall report to the department or a public safety communications officer any infant known to the professional to
11 be affected by a dangerous drug, as defined in 50-32-101.

12 (4) Any person may make a report under this section if the person knows or has reasonable cause
13 to suspect that a child is abused or neglected. The department and a public safety communications officer shall
14 follow the provisions of 41-3-212 when taking the report.

15 (5) (a) When a professional or official required to report under subsection (2) makes a report, the
16 department:

17 (i) may share information with:

18 (A) that professional or official; or

19 (B) other individuals with whom the professional or official works in an official capacity if the
20 individuals are part of a team that responds to matters involving the child or the person about whom the report
21 was made and the professional or official has asked that the information be shared with the individuals; and
22 (ii) shall share information with the individuals listed in subsections (5)(a)(i)(A) and (5)(a)(i)(B) on
23 specific request. Information shared pursuant to this subsection (5)(a)(ii) may be limited to the outcome of the
24 investigation and any subsequent action that will be taken on behalf of the child who is the subject of the report.

25 (b) The department may provide information in accordance with 41-3-202(8) and also share
26 information about the investigation, limited to its outcome and any subsequent action that will be taken on
27 behalf of the child who is the subject of the report.

28 (c) Individuals who receive information pursuant to this subsection (5) shall maintain the

1 confidentiality of the information as required by 41-3-205.

2 (6) (a) Except as provided in subsection (6)(b) or (6)(c), a person listed in subsection (2) may not
3 refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

4 (b) A member of the clergy or a priest is not required to make a report under this section if:

5 (i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made
6 to the member of the clergy or the priest in that person's capacity as a member of the clergy or as a priest;

7 (ii) the statement was intended to be a part of a confidential communication between the member
8 of the clergy or the priest and a member of the church or congregation; and

9 (iii) the person who made the statement or confession does not consent to the disclosure by the
10 member of the clergy or the priest.

11 (c) A member of the clergy or a priest is not required to make a report under this section if the
12 communication is required to be confidential by canon law, church doctrine, or established church practice.

13 (7) The reports referred to under this section must contain:

14 (a) the names and addresses of the child and the child's parents or other persons responsible for
15 the child's care;

16 (b) to the extent known, the child's age and the nature and extent of the child's injuries, including
17 any evidence of previous injuries;

18 (c) any other information that the maker of the report believes might be helpful in establishing the
19 cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the
20 injury or neglect; and

21 (d) the facts that led the person reporting to believe that the child has suffered injury or injuries or
22 willful neglect, within the meaning of this chapter."

23

24 **Section 5.** Section 41-3-201, MCA, is amended to read:

25 **"41-3-201. Reports.** (1) When the professionals and officials listed in subsection (2) know or have
26 reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that
27 a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or
28 neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to

1 ~~the department~~ a public safety communications officer using a 9-1-1 system. The department public safety
2 communications officer shall follow the provisions of 41-3-212 in taking the report.

3 (2) Professionals and officials required to report are:

4 (a) a physician, resident, intern, or member of a hospital's staff engaged in the admission,
5 examination, care, or treatment of persons;

6 (b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or
7 any other health or mental health professional;

8 (c) religious healers;

9 (d) school teachers, other school officials, and employees who work during regular school hours;

10 (e) a social worker licensed pursuant to Title 37, child protection specialist, operator or employee
11 of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program
12 organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care
13 facility;

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

15 (g) a peace officer or other law enforcement official;

16 (h) a member of the clergy, as defined in 15-6-201(2)(b);

17 (i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of
18 alleged abuse or neglect;

19 (j) an employee of an entity that contracts with the department to provide direct services to
20 children; and

21 (k) an employee of the department while in conduct of the employee's duties.

22 (3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant
23 shall report to ~~the department~~ a public safety communications officer any infant known to the professional to be
24 affected by a dangerous drug, as defined in 50-32-101.

25 (4) Any person may make a report under this section if the person knows or has reasonable cause
26 to suspect that a child is abused or neglected. ~~The department~~ A public safety communications officer shall
27 follow the provisions of 41-3-212 when taking the report.

28 (5) (a) When a professional or official required to report under subsection (2) makes a report, the

1 department:

2 (i) may share information with:

3 (A) that professional or official; or

4 (B) other individuals with whom the professional or official works in an official capacity if the
5 individuals are part of a team that responds to matters involving the child or the person about whom the report
6 was made and the professional or official has asked that the information be shared with the individuals; and

7 (ii) shall share information with the individuals listed in subsections (5)(a)(i)(A) and (5)(a)(i)(B) on
8 specific request. Information shared pursuant to this subsection (5)(a)(ii) may be limited to the outcome of the
9 investigation and any subsequent action that will be taken on behalf of the child who is the subject of the report.

10 (b) The department may provide information in accordance with 41-3-202(8) and also share
11 information about the investigation, limited to its outcome and any subsequent action that will be taken on
12 behalf of the child who is the subject of the report.

13 (c) Individuals who receive information pursuant to this subsection (5) shall maintain the
14 confidentiality of the information as required by 41-3-205.

15 (6) (a) Except as provided in subsection (6)(b) or (6)(c), a person listed in subsection (2) may not
16 refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

17 (b) A member of the clergy or a priest is not required to make a report under this section if:

18 (i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made
19 to the member of the clergy or the priest in that person's capacity as a member of the clergy or as a priest;

20 (ii) the statement was intended to be a part of a confidential communication between the member
21 of the clergy or the priest and a member of the church or congregation; and

22 (iii) the person who made the statement or confession does not consent to the disclosure by the
23 member of the clergy or the priest.

24 (c) A member of the clergy or a priest is not required to make a report under this section if the
25 communication is required to be confidential by canon law, church doctrine, or established church practice.

26 (7) The reports referred to under this section must contain:

27 (a) the names and addresses of the child and the child's parents or other persons responsible for
28 the child's care;

(b) to the extent known, the child's age and the nature and extent of the child's injuries, including any evidence of previous injuries;

(c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the injury or neglect; and

(d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter."

Section 6. Section 41-3-202, MCA, is amended to read:

"41-3-202. Action on reporting. (1) (a) Upon receipt of a report that a child is or has been abused or neglected, the department or a public safety communications officer shall promptly assess the information contained in the report and make a determination regarding the level of response required and the timeframe within which action must be initiated.

(b) A public safety communications officer shall immediately transmit an audio recording of the report and any information or data related to the report to the department using the procedure established by administrative rule. The transmission shall include:

(i) the information required under 41-3-201(7);

(ii) information collected under 41-3-212(2) and (4);

(iii) the public safety communications officer's determination regarding the level and timeframe of response required under subsection(1)(a);

(iv) information regarding whether the public safety communications officer made a report to a county attorney or the attorney general under subsection (1)(c) and, if so, the office where the report was made; and

(v) all other information available to the public safety communications officer related to the report.

(b)(c) (i) Except as provided in subsections ~~(1)(b)(ii)~~ (1)(c)(ii) and ~~(1)(b)(iii)~~ (1)(c)(iii), upon receipt of a report that includes an allegation of sexual abuse or sexual exploitation when the alleged perpetrator of the sexual abuse or sexual exploitation was 12 years of age or older or if the department determines during any investigation that the circumstances surrounding an allegation of child abuse or neglect include an allegation of

sexual abuse or sexual exploitation when the alleged perpetrator of the sexual abuse or sexual exploitation was 12 years of age or older, the department or a public safety communications officer shall immediately report the allegation to the county attorney of the county in which the acts that are the subject of the report occurred.

(ii) If a victim of sexual abuse or sexual exploitation has attained the age of 14 and has sought services from a contractor as described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault, conditioned upon an understanding that the criminal conduct will not be reported by the department to the county attorney in the jurisdiction in which the alleged crime occurred, the department may not report pursuant to 41-3-205(5)(d) and subsection ~~(1)(b)(i)~~ (1)(c)(i) of this section.

(iii) If a public safety communications officer, the department, or law enforcement determines that the allegation involves the county attorney or an employee in the county attorney's office in the county in which the acts that are subject to reporting occurred, the department or law enforcement shall report as required in subsection ~~(1)(b)(i)~~ (1)(c)(i) to the attorney general.

~~(e)(d)~~ If the department or a public safety communications officer determines that an investigation and a safety and risk assessment are required, a child protection specialist shall promptly conduct a thorough investigation into the circumstances surrounding the allegations of abuse or neglect of the child and perform a safety and risk assessment to determine whether the living arrangement presents an unsafe environment for the child. The safety and risk assessment may include an investigation at the home of the child involved, the child's school or day-care facility, or any other place where the child is present and into all other nonfinancial matters that in the discretion of the investigator are relevant to the safety and risk assessment. In conducting a safety and risk assessment under this section, a child protection specialist may not inquire into the financial status of the child's family or of any other person responsible for the child's care, except as necessary to ascertain eligibility for state or federal assistance programs or to comply with the provisions of 41-3-446.

(2) An initial investigation of alleged abuse or neglect may be conducted when an anonymous report is received. However, if the initial investigation does not within 48 hours result in the development of independent, corroborative, and attributable information indicating that there exists a current risk of physical or psychological harm to the child, a child may not be removed from the living arrangement. If independent, corroborative, and attributable information indicating an ongoing risk results from the initial investigation, the department shall then conduct a safety and risk assessment.

(3) The child protection specialist is responsible for conducting the safety and risk assessment. If the child is treated at a medical facility, the child protection specialist, county attorney, or peace officer, consistent with reasonable medical practice, has the right of access to the child for interviews, photographs, and securing physical evidence and has the right of access to relevant hospital and medical records pertaining to the child. If an interview of the child is considered necessary, the child protection specialist, county attorney, or peace officer may conduct an interview of the child. The interview may be conducted in the presence of the parent or guardian or an employee of the school or day-care facility attended by the child.

(4) Subject to 41-3-205(3), if the child's interview is audiotaped or videotaped, an unedited audiotape or videotape with audio track must be made available, upon request, for unencumbered review by the family.

(5) (a) If from the safety and risk assessment the department has reasonable cause to suspect that the child is suffering abuse or neglect, the department may provide emergency protective services to the child, pursuant to 41-3-301, or enter into a written prevention plan, pursuant to 41-3-302, and may provide protective services to any other child under the same care. The department shall:

(i) after interviewing the parent or guardian, if reasonably available, document the determinations of the safety and risk assessment; and

(ii) notify the child's family of the determinations of the safety and risk assessment, unless the notification can reasonably be expected to result in harm to the child or other person.

(b) Except as provided in subsection (5)(c), the department shall destroy all safety and risk assessment determinations and associated records, except for medical records, within 30 days after the end of the 3-year period starting from the date of completion of the safety and risk assessment.

(c) Safety and risk assessment determinations and associated records may be maintained for a reasonable time as defined by department rule under the following circumstances:

(i) the safety and risk assessment determines that abuse or neglect occurred;

(ii) there had been a previous or there is a subsequent report and investigation resulting in a safety and risk assessment concerning the same person; or

(iii) an order has been issued by a court of competent jurisdiction adjudicating the child as a youth in need of care based on the circumstances surrounding the initial allegations.

(6) The investigating child protection specialist, within 60 days of commencing an investigation, shall also furnish a written safety and risk assessment to the department and, upon request, to the family. Subject to time periods set forth in subsections (5)(b) and (5)(c), the department shall maintain a record system documenting investigations and safety and risk assessment determinations. Unless records are required to be destroyed under subsections (5)(b) and (5)(c), the department shall retain records relating to the safety and risk assessment, including case notes, correspondence, evaluations, videotapes, and interviews, for 25 years.

(7) Any person reporting abuse or neglect that involves acts or omissions on the part of a public or private residential institution, home, facility, or agency is responsible for ensuring that the report is made to the department.

(8) The department shall, upon request from any reporter of alleged child abuse or neglect, verify whether the report has been received, describe the level of response and timeframe for action that the department has assigned to the report, and confirm that it is being acted upon."

Section 7. Section 41-3-202, MCA, is amended to read:

"41-3-202. Action on reporting. (1) (a) Upon receipt of a report that a child is or has been abused or neglected, ~~the department~~ a public safety communications officer shall promptly assess the information contained in the report and make a determination regarding the level of response required and the timeframe within which action must be initiated.

(b) A public safety communications officer shall immediately transmit an audio recording of the report and any information or data related to the report to the department using the procedure established by administrative rule. The transmission shall include:

- (i) the information required under 41-3-201(7);
- (ii) information collected under 41-3-212(2) and (4);
- (iii) the public safety communications officer's determination regarding the level and timeframe of response required under subsection (1)(a);
- (iv) information regarding whether the public safety communications officer made a report to a county attorney or the attorney general under subsection (1)(c) and, if so, the office where the report was made;
and

1 (v) all other information available to the public safety communications officer related to the report.

2 ~~(b)(c)~~ (i) Except as provided in subsections ~~(1)(b)(ii)~~ (1)(c)(ii) and ~~(1)(b)(iii)~~ (1)(c)(iii), upon receipt of a
3 report that includes an allegation of sexual abuse or sexual exploitation when the alleged perpetrator of the
4 sexual abuse or sexual exploitation was 12 years of age or older or if the department determines during any
5 investigation that the circumstances surrounding an allegation of child abuse or neglect include an allegation of
6 sexual abuse or sexual exploitation when the alleged perpetrator of the sexual abuse or sexual exploitation was
7 12 years of age or older, a public safety communications officer or the department shall immediately report the
8 allegation to the county attorney of the county in which the acts that are the subject of the report occurred.

9 (ii) If a victim of sexual abuse or sexual exploitation has attained the age of 14 and has sought
10 services from a contractor as described in 41-3-201(2)(j) that provides confidential services to victims of sexual
11 assault, conditioned upon an understanding that the criminal conduct will not be reported by the department to
12 the county attorney in the jurisdiction in which the alleged crime occurred, the department may not report
13 pursuant to 41-3-205(5)(d) and subsection ~~(1)(b)(i)~~ (1)(c)(i) of this section.

14 (iii) If a public safety communications officer, the department, or law enforcement determines that
15 the allegation involves the county attorney or an employee in the county attorney's office in the county in which
16 the acts that are subject to reporting occurred, the department or law enforcement shall report as required in
17 subsection ~~(1)(b)(i)~~ (1)(c)(i) to the attorney general.

18 ~~(c)(d)~~ If ~~the department~~ a public safety communications officer determines that an investigation and a
19 safety and risk assessment are required, a child protection specialist shall promptly conduct a thorough
20 investigation into the circumstances surrounding the allegations of abuse or neglect of the child and perform a
21 safety and risk assessment to determine whether the living arrangement presents an unsafe environment for
22 the child. The safety and risk assessment may include an investigation at the home of the child involved, the
23 child's school or day-care facility, or any other place where the child is present and into all other nonfinancial
24 matters that in the discretion of the investigator are relevant to the safety and risk assessment. In conducting a
25 safety and risk assessment under this section, a child protection specialist may not inquire into the financial
26 status of the child's family or of any other person responsible for the child's care, except as necessary to
27 ascertain eligibility for state or federal assistance programs or to comply with the provisions of 41-3-446.

28 (2) An initial investigation of alleged abuse or neglect may be conducted when an anonymous

1 report is received. However, if the initial investigation does not within 48 hours result in the development of
2 independent, corroborative, and attributable information indicating that there exists a current risk of physical or
3 psychological harm to the child, a child may not be removed from the living arrangement. If independent,
4 corroborative, and attributable information indicating an ongoing risk results from the initial investigation, the
5 department shall then conduct a safety and risk assessment.

6 (3) The child protection specialist is responsible for conducting the safety and risk assessment. If
7 the child is treated at a medical facility, the child protection specialist, county attorney, or peace officer,
8 consistent with reasonable medical practice, has the right of access to the child for interviews, photographs,
9 and securing physical evidence and has the right of access to relevant hospital and medical records pertaining
10 to the child. If an interview of the child is considered necessary, the child protection specialist, county attorney,
11 or peace officer may conduct an interview of the child. The interview may be conducted in the presence of the
12 parent or guardian or an employee of the school or day-care facility attended by the child.

13 (4) Subject to 41-3-205(3), if the child's interview is audiotaped or videotaped, an unedited
14 audiotape or videotape with audio track must be made available, upon request, for unencumbered review by
15 the family.

16 (5) (a) If from the safety and risk assessment the department has reasonable cause to suspect that
17 the child is suffering abuse or neglect, the department may provide emergency protective services to the child,
18 pursuant to 41-3-301, or enter into a written prevention plan, pursuant to 41-3-302, and may provide protective
19 services to any other child under the same care. The department shall:

20 (i) after interviewing the parent or guardian, if reasonably available, document the determinations
21 of the safety and risk assessment; and

22 (ii) notify the child's family of the determinations of the safety and risk assessment, unless the
23 notification can reasonably be expected to result in harm to the child or other person.

24 (b) Except as provided in subsection (5)(c), the department shall destroy all safety and risk
25 assessment determinations and associated records, except for medical records, within 30 days after the end of
26 the 3-year period starting from the date of completion of the safety and risk assessment.

27 (c) Safety and risk assessment determinations and associated records may be maintained for a
28 reasonable time as defined by department rule under the following circumstances:

1 (i) the safety and risk assessment determines that abuse or neglect occurred;

2 (ii) there had been a previous or there is a subsequent report and investigation resulting in a
3 safety and risk assessment concerning the same person; or

4 (iii) an order has been issued by a court of competent jurisdiction adjudicating the child as a youth
5 in need of care based on the circumstances surrounding the initial allegations.

6 (6) The investigating child protection specialist, within 60 days of commencing an investigation,
7 shall also furnish a written safety and risk assessment to the department and, upon request, to the family.

8 Subject to time periods set forth in subsections (5)(b) and (5)(c), the department shall maintain a record system
9 documenting investigations and safety and risk assessment determinations. Unless records are required to be
10 destroyed under subsections (5)(b) and (5)(c), the department shall retain records relating to the safety and risk
11 assessment, including case notes, correspondence, evaluations, videotapes, and interviews, for 25 years.

12 (7) Any person reporting abuse or neglect that involves acts or omissions on the part of a public or
13 private residential institution, home, facility, or agency is responsible for ensuring that the report is made to the
14 department.

15 (8) The department shall, upon request from any reporter of alleged child abuse or neglect, verify
16 whether the report has been received, describe the level of response and timeframe for action that the
17 department has assigned to the report, and confirm that it is being acted upon."

18
19 **Section 8.** Section 41-3-205, MCA, is amended to read:

20 **"41-3-205. Confidentiality -- disclosure exceptions.** (1) The case records of the department and its
21 local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken
22 under this chapter and all records concerning reports of child abuse and neglect must be kept confidential
23 except as provided by this section. Except as provided in subsections (9) and (10), a person who purposely or
24 knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a
25 misdemeanor.

26 (2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it.
27 The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue
28 before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, must, upon request, be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project

1 and that is authorized by the department to conduct the research or evaluation;

2 (k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a
3 family engagement meeting for the purposes of assessing the needs of the child and family, formulating a
4 treatment plan, and monitoring the plan;

5 (l) the coroner or medical examiner when determining the cause of death of a child;

6 (m) a child fatality review team recognized by the department;

7 (n) a department or agency investigating an applicant for a license or registration that is required to
8 operate a youth care facility, day-care facility, or child-placing agency;

9 (o) a person or entity who is carrying out background, employment-related, or volunteer-related
10 screening of current or prospective employees or volunteers who have or may have unsupervised contact with
11 children through employment or volunteer activities. A request for information under this subsection (3)(o) must
12 be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to
13 children posed by the person about whom the information is sought, as determined by the department.

14 (p) the news media, if disclosure is limited to confirmation of factual information regarding how the
15 case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or
16 guardian, as determined by the department;

17 (q) an employee of the department or other state agency if disclosure of the records is necessary
18 for administration of programs designed to benefit the child;

19 (r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if
20 disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act [or the
21 Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13];

22 (s) a juvenile probation officer who is working in an official capacity with the child who is the
23 subject of a report in the records;

24 (t) an attorney who is hired by or represents the department if disclosure is necessary for the
25 investigation, defense, or prosecution of a case involving child abuse or neglect;

26 (u) a foster care review committee established under 41-3-115 or, when applicable, a citizen
27 review board established under Title 41, chapter 3, part 10;

28 (v) a school employee participating in an interview of a child by a child protection specialist, county

1 attorney, or peace officer, as provided in 41-3-202;

2 (w) a member of a county or regional interdisciplinary child information and school safety team
3 formed under the provisions of 52-2-211;

4 (x) members of a local interagency staffing group provided for in 52-2-203;

5 (y) a member of a youth placement committee formed under the provisions of 41-5-121; or

6 (z) a principal of a school or other employee of the school district authorized by the trustees of the
7 district to receive the information with respect to a student of the district who is a client of the department.

8 (4) (a) The records described in subsection (3) must be disclosed to a member of the United
9 States congress or a member of the Montana legislature if all of the following requirements are met:

10 (i) the member receives a written inquiry regarding a child and whether the laws of the United
11 States or the state of Montana that protect children from abuse or neglect are being complied with or whether
12 the laws need to be changed to enhance protections for children;

13 (ii) the member submits a written request to the department requesting to review the records
14 relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the
15 child whose records are to be reviewed, and any other information that will assist the department in locating the
16 records.

17 (iii) before reviewing the records, the member:

18 (A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties
19 for unauthorized release of the information; and

20 (B) receives from the department an orientation of the content and structure of the records. The
21 orientation must include a checklist of documents that are regularly included in records, including but not limited
22 to the following:

23 (I) any petition filed pursuant to Title 41, chapter 3, part 4, including any supporting affidavits and
24 evidence;

25 (II) any court orders issued pursuant to Title 41, chapter 3, parts 4 and 6;

26 (III) notes from family engagement meetings and foster care review meetings; and

27 (IV) notes included in electronic case records or in case files maintained in local offices regarding
28 staffing and interactions with parents or legal guardians, providers, or attorneys.

1 (b) (i) Without disclosing the identity of a person who reported the alleged child abuse or neglect,
2 the department shall make available to the member all records concerning the child who is the subject of the
3 written inquiry.

4 (ii) Except as provided in subsection (4)(b)(iii), records disclosed pursuant to this subsection (4)
5 are confidential, may not be copied, photographed, or otherwise replicated by the member, and must remain
6 solely in the department's possession. The member must be allowed to view the records in the local office
7 where the case is or was active.

8 (iii) A member may take notes to discuss the records with a parent or legal guardian about whom a
9 report of alleged child abuse or neglect is made.

10 (c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date
11 the written request to review records was received by the department.

12 (5) (a) The records described in subsection (3) must be promptly released to any of the following
13 individuals upon a written request by the individual to the department or the department's designee:

14 (i) the attorney general;

15 (ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect
16 occurred;

17 (iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect
18 occurred; or

19 (iv) the office of the child and family ombudsman.

20 (b) The records described in subsection (3) must be promptly disclosed by the department to an
21 appropriate individual described in subsection (5)(a) or to a county or regional interdisciplinary child information
22 and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating
23 that any of the following has occurred:

24 (i) the death of the child as a result of child abuse or neglect;

25 (ii) a sexual offense, as defined in 46-23-502, against the child;

26 (iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502;
27 or

28 (iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances

1 constituting the criminal manufacture or distribution of dangerous drugs.

2 (c) (i) The department shall promptly disclose the results of an investigation to an individual
3 described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety
4 team established pursuant to 52-2-211 upon the determination that:

5 (A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or
6 Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

7 (B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession
8 of a Schedule I or Schedule II drug that is prohibited by state law.

9 (ii) For the purposes of this subsection (5)(c), exposure occurs when a child is caused or permitted
10 to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law or have
11 contact with drug paraphernalia as defined in 45-10-101.

12 (d) (i) Except as provided in subsection (5)(d)(ii), the records described in subsection (3) must be
13 released within 5 business days to the county attorney of the county in which the acts that are the subject of a
14 report occurred upon the department's receipt of a report that includes an allegation of sexual abuse or sexual
15 exploitation. The department shall also report to any other appropriate individual described in subsection (5)(a)
16 and to a county or regional interdisciplinary child information and school safety team established pursuant to
17 52-2-211.

18 (ii) If the exception in ~~41-3-202(1)(b)~~ 41-3-202(1)(c) applies, a contractor described in 41-3-
19 201(2)(j) that provides confidential services to victims of sexual assault shall report to the department as
20 provided in this part without disclosing the names of the victim and the alleged perpetrator of sexual abuse or
21 sexual exploitation.

22 (iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of
23 sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual
24 exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a
25 request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as
26 described in Title 7, chapter 32, in the jurisdiction where the alleged abuse occurred.

27 (6) A school or school district may disclose, without consent, personally identifiable information
28 from the education records of a pupil to the department, the court, a review board, and the child's assigned

1 attorney, guardian ad litem, or special advocate.

2 (7) Information that identifies a person as a participant in or recipient of substance abuse treatment
3 services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the
4 consent provisions of the law.

5 (8) The confidentiality provisions of this section must be construed to allow a court of this state to
6 share information with other courts of this state or of another state when necessary to expedite the interstate
7 placement of children.

8 (9) A person who is authorized to receive records under this section shall maintain the
9 confidentiality of the records and may not disclose information in the records to anyone other than the persons
10 described in subsections (3)(a), (4)(b)(iii), and (5). However, this subsection may not be construed to compel a
11 family member to keep the proceedings confidential.

12 (10) A news organization or its employee, including a freelance writer or reporter, is not liable for
13 reporting facts or statements made by an immediate family member under subsection (9) if the news
14 organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the
15 proceeding.

16 (11) This section is not intended to affect the confidentiality of criminal court records, records of law
17 enforcement agencies, or medical records covered by state or federal disclosure limitations.

18 (12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to
19 this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or
20 guardian's attorney must be provided without cost. (Bracketed language in subsection (3)(r) terminates June
21 30, 2025--sec. 55, Ch. 716, L. 2023.)"

22

23 **Section 9.** Section 41-3-208, MCA, is amended to read:

24 **"41-3-208. Rulemaking authority.** (1) The department of public health and human services shall
25 adopt rules to govern the procedures used by department personnel in preparing and processing reports and in
26 conducting investigations and safety and risk assessments authorized by this chapter.

27 (2) The department shall adopt rules to govern the transmission of reports from public safety
28 communications officers to the department. The rules must:

1 (a) facilitate the immediate transmission of an audio recording of a report, and any related
2 information, from a public safety communications officer to the department;

3 (b) account for the types of data and file formats generally collected and utilized by a 9-1-1 system;
4 and

5 (c) achieve the requirements of 41-3-202(1)(b) by practicable means that are minimally onerous to
6 a public safety communications officer.

7 (2)(3) The department shall adopt rules to govern the retention period and disclosure of safety and
8 risk assessments and associated case records containing information related to reports and investigations of
9 child abuse and neglect.

10 (3)(4) The department shall adopt rules specifying the procedure to be used for the release and
11 disclosure of records as provided in 41-3-205(5). In adopting the rule, the department shall collaborate with the
12 attorney general, the office of the child and family ombudsman, and appropriate county attorneys, law
13 enforcement agencies, and county or regional interdisciplinary child information and school safety teams
14 established pursuant to 52-2-211."

15
16 **Section 10.** Section 41-3-211, MCA, is amended to read:

17 **"41-3-211. Department report to attorney general.** By July 15 of each year, the department shall
18 report to the attorney general and the law and justice interim committee in accordance with 5-11-210 the
19 number of referrals to county attorneys pursuant to 41-3-202(1)(b)(i) 41-3-202(1)(c)(i) that the department made
20 for each county in the previous fiscal year."

21
22 **Section 11.** Section 41-3-212, MCA, is amended to read:

23 **"41-3-212. ~~Department procedures~~ Procedures for reports -- recording -- notifications.** (1) A
24 department employee or a public safety communications officer receiving a report of abuse or neglect pursuant
25 to this part shall:

26 (a) obtain the information and provide the notifications specified in this section; and

27 (b) make an audio recording when a report is made by phone. The public safety communications
28 officer shall immediately transmit the recording to the department as required under 41-3-202(1)(b) and the

department shall retain the recording in the same manner as provided for safety and risk assessments in 41-3-202.

(2) A department employee or a public safety communications officer receiving a report of abuse or neglect shall request the following information:

(a) the specific facts giving rise to the reasonable suspicion of child abuse or neglect and the source or sources of the information; and

(b) (i) if the person making the report is required under 41-3-201 to report suspected abuse or neglect, the person's name and telephone number and the capacity that makes the person a mandatory reporter under 41-3-201; or

(ii) if the person making the report is not a mandatory reporter under 41-3-201, the person's name and telephone number. If the person is unwilling to provide the information, :

(A) the person a department employee receiving the report shall notify the caller that if the caller suspects the child is at serious risk of imminent harm, to call 9-1-1 so the call will be prioritized as an emergency; or

(B) a public safety communications officer receiving the report shall inquire if the caller suspects the child is at serious risk and determine whether the call should be considered an emergency.

(3) Reports made under this part are confidential as provided in 41-3-205. The privacy of the person making the report must be protected as provided in 41-3-205(3)(d) and (3)(h).

(4) A department employee or a public safety communications officer receiving a report pursuant to 41-3-201 shall:

(a) to the greatest extent possible, attempt to obtain the name and phone number of the person making the report and document any other identifying information available, including but not limited to the caller's phone number when identified by the phone system; and

(b) if the report is being made by phone, notify the caller that the report is being recorded and the person's identity will be kept confidential."

Section 12. Section 41-3-212, MCA, is amended to read:

"41-3-212. ~~Department procedures~~ Procedures for reports -- recording -- notifications. (1) A

department ~~employee~~ public safety communications officer receiving a report of abuse or neglect pursuant to this part shall:

(a) obtain the information and provide the notifications specified in this section; and

(b) make an audio recording when a report is made by phone. The public safety communications officer shall immediately transmit the recording to the department as required under 41-3-202(1)(b), and the department shall retain the recording in the same manner as provided for safety and risk assessments in 41-3-202.

(2) A ~~department employee~~ public safety communications officer receiving a report of abuse or neglect shall request the following information:

(a) the specific facts giving rise to the reasonable suspicion of child abuse or neglect and the source or sources of the information; and

(b) (i) if the person making the report is required under 41-3-201 to report suspected abuse or neglect, the person's name and telephone number and the capacity that makes the person a mandatory reporter under 41-3-201; or

(ii) if the person making the report is not a mandatory reporter under 41-3-201, the person's name and telephone number. If the person is unwilling to provide the information, the ~~person~~ public safety communication officer receiving the report shall ~~notify the caller that if the caller suspects the child is at serious risk of imminent harm, to call 9-1-1 so the call will be prioritized as an emergency~~ inquire if the caller suspects the child is at serious risk and determine whether the call should be considered an emergency.

(3) Reports made under this part are confidential as provided in 41-3-205. The privacy of the person making the report must be protected as provided in 41-3-205(3)(d) and (3)(h).

(4) A ~~department employee~~ public safety communications officer receiving a report pursuant to 41-3-201 shall:

(a) to the greatest extent possible, attempt to obtain the name and phone number of the person making the report and document any other identifying information available, including but not limited to the caller's phone number when identified by the phone system; and

(b) if the report is being made by phone, notify the caller that the report is being recorded and the person's identity will be kept confidential."

1

2 NEW SECTION. **Section 13. Unfunded mandate laws superseded.** The provisions of [this act]

3 expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

4

5 NEW SECTION. **Section 14. Effective dates.** (1) Except as provided in subsection (2), [this act] is

6 effective October 1, 2025.

7 (2) [Sections 5, 7, and 12] are effective October 1, 2030.

8

9 NEW SECTION. **Section 15. Termination.** [Sections 4, 6, and 11] terminate September 30, 2030.

10

- END -