

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CHILD ABUSE AND NEGLECT LAWS; REVISING THE
5 DECLARATION OF POLICY; REVISING PLACEMENT PREFERENCES TO PROVIDE THAT PLACEMENTS
6 OUTSIDE OF THE UNITED STATES ARE DISFAVORED; AND AMENDING SECTIONS 41-3-101 AND 41-3-
7 450, MCA."

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

Section 1. Section 41-3-101, MCA, is amended to read:

"41-3-101. Declaration of policy. (1) It is the policy of the state of Montana to:

13 (a) provide for the protection of children whose health and welfare are or may be adversely
14 affected by child abuse or neglect and further threatened by the conduct of those responsible for the children's
15 care and protection;

16 (b) achieve these purposes in a family environment and preserve the unity and welfare of the
17 family whenever possible;

18 (c) support the efforts of parents whose children have been removed to reunify the family,
19 including by taking into account whether those efforts may be impeded by court-ordered support payments;

20 (d) ensure that there is no forced removal of a child from the family based solely on an allegation
21 of abuse or neglect unless the department has reasonable cause to suspect that the child is at imminent risk of
22 harm:

23 (e) return a child to the parent or guardian as soon as possible after removal if a finding of abuse
24 or neglect cannot be established at the hearing:

25 (f) ensure that the department does not maintain custody of a child absent a finding of abuse or
26 neglect;

27 (e)(g) recognize that a parent and child is are entitled to assert the individual parent's or child's

1 constitutional rights;

2 ~~(f)(h)~~ ensure that all children have a right to a healthy and safe childhood in a permanent placement;

3 and

4 ~~(g)(i)~~ ensure that whenever removal of a child from the home is necessary, the child is entitled to
5 maintain ethnic, cultural, and religious heritage whenever appropriate.

6 (2) It is intended that the mandatory reporting of abuse or endangerment cases by professional
7 people and other community members to the appropriate authority will cause the protective services of the state
8 to seek to prevent further abuses, protect and enhance the welfare of these children, and preserve family life
9 whenever appropriate.

10 (3) In implementing this chapter, whenever it is necessary to remove a child from the child's home
11 due to child abuse or neglect, the department shall, when it is in the best interests of the child, place the child in
12 accordance with 41-3-450 and 41-3-451. Prior to approving a placement, the department shall investigate
13 whether anyone living in the home has been convicted of a crime involving serious harm to children.

14 (4) (a) The department shall create a registry for voluntary registration by close relatives of a child
15 for purposes of notifying those relatives when a child that is related has been removed from the child's home
16 pursuant to this chapter.

17 (b) The registry must contain the names of the child and the child's parents and may contain the
18 names of the child's grandparents, aunts, uncles, adult brothers, and adult sisters and must contain the contact
19 information for the child and parents and any of the relatives whose names appear in the registry.

20 (5) The department shall consult the registry and notify the relatives on the registry on the first
21 working day after placing the child in accordance with 41-3-301.

22 (6) The department may charge a fee commensurate with the cost of operating the registry. The
23 fee may be charged only to those persons whose names are voluntarily entered in the registry.

24 (7) In implementing the policy of this section, the child's health and safety are of paramount
25 concern."

26

27 **Section 2.** Section 41-3-450, MCA, is amended to read: