

Amendment - 1st Reading-white - Requested by: Dennis Lenz - (S) Public Health, Welfare and Safety

69th Legislature - 2025

Drafter: Milly Allen,

SJ0030.001.001

SENATE JOINT RESOLUTION NO. 30

INTRODUCED BY D. LENZ

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF MONTANA'S CHILD ABUSE AND NEGLECT REGISTRY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the federal Child Abuse Prevention and Treatment Act requires states to maintain a child abuse and neglect registry and establish a an expungement process for ~~an individual to be expunged from the registry records of unsubstantiated reports of child abuse and neglect~~; and

~~WHEREAS, for decades, Montana has listed people without substantiated cases of child abuse and neglect on the registry; and~~

WHEREAS, Montana has not provided individuals who are the subject of a substantiated report of child abuse and neglect with an expungement process, ~~in violation of federal law, for decades~~; and

WHEREAS, inclusion on the child abuse and neglect registry negatively affects an individual's ability to gain employment and engage in volunteer opportunities indefinitely; and

WHEREAS, parental involvement in their children's activities contributes to a healthy family life and benefits both the family and the family's community; and

WHEREAS, children deserve protection from adults whose unsupervised contact with children is not safe; and

WHEREAS, an up-to-date registry that lists unsafe adults allows employers and volunteer organizations to accurately screen applicants, which protects children and strengthens communities and the economy by giving safe adults access to employment and volunteer opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory

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1 committee, pursuant to section 5-5-217, MCA, to study the state's child abuse and neglect registry.

2 BE IT FURTHER RESOLVED, that the interim committee:

3 (1) monitor the implementation of the expungement process provided for in SB 468 (2025),
4 including rulemaking by the Department of Public Health and Human Services;

5 (2) examine the department's notice and hearing process, including an individual's right to appeal
6 before the individual is added to the registry;

7 (3) consider the minimum and maximum time a listing remains in the registry and the timeframe for
8 the destruction of records, and determine if these time periods are sufficient to protect both the safety of
9 children and the rights of individuals listed in the registry;

10 (4) explore the idea of applications for concurrent hearings and adjudication when determining
11 whether an individual should be added to the registry, and consider an individual's right to counsel through the
12 process of the individual's addition to the registry;

13 (5) provide input to the Department of Public Health and Human Services regarding its rules for the
14 child abuse and neglect registry; and

15 (6) craft legislation to codify and refine aspects of the child abuse and neglect registry, including an
16 expungement process.

17 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
18 requirements, be concluded prior to September 15, 2026.

19 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
20 comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

21 - END -