

SENATE BILL NO. 272

INTRODUCED BY D. EMRICH, T. MANZELLA

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

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Rules of conduct for child protection specialists. (1) A child protection specialist or applicant for certification as a child protection specialist pursuant to 41-3-127 through 41-3-130 may not:

- (a) threaten a person with criminal charges to deter the person from contesting any matter in a child abuse and neglect proceeding; or
- (b) prevent a person from becoming a foster placement or guardian for a child solely because that person has:
 - (i) offered advice to a parent or foster parent in opposition to the department;
 - (ii) recommended that a person being investigated by the department obtain a lawyer; or
 - (iii) offered testimony to a public body, including a legislative interim committee or standing

committee.

(2) A child protection specialist or applicant for certification as a child protection specialist pursuant to 41-3-127 through 41-3-130 shall, when coordinating services or evaluations for a parent or child, utilize unbiased professionals with qualifications relevant to the needs of the parent or child.

(3) A violation of any rule enumerated in this section is considered a breach of public duty. If a violation is alleged, the parent, guardian, or other person having physical or legal custody of a child may file a complaint with the child and family ombudsman pursuant to 41-3-216.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 41, chapter 3, part 1, and the provisions of Title 41, chapter 3, part 1, apply to [section 1].

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