



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE STANDARDIZATION OF PROSECUTION IN MATTERS OF DEPENDENT NEGLECT; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the handling of dependent neglect and child abuse cases in Montana varies across judicial districts, leading to inconsistencies in prosecution, defense representation, and case outcomes for children and families; and

WHEREAS, the Montana Standards of Practice for Attorneys Representing Parents and Children in Dependent Neglect Cases, established by the Montana Office of the State Public Defender, provide comprehensive guidelines to ensure high-quality legal representation, but no equivalent statewide standards exist for the prosecution of these cases; and

WHEREAS, a standardized framework for both the prosecution and defense of dependent neglect and child abuse cases would promote uniformity, fairness, equity, and due process protections for all parties involved, aligning with Montana's constitutional provisions and national best practices; and

WHEREAS, the Montana Department of Justice's Child Protection Unit currently prosecutes a limited number of child abuse and dependent neglect cases in certain judicial districts and in certain situations but could potentially expand to provide statewide prosecution services, ensuring consistency, specialized expertise, and equitable resource distribution in all counties and judicial districts; and

WHEREAS, expanding the Child Protection Unit's jurisdiction to handle all child abuse and dependent neglect cases would require an evaluation of the financial, logistical, and structural feasibility of an expansion, including the necessary legislative, budgetary, and operational changes; and

WHEREAS, creating a structure in which two state agencies, the Department of Justice's Child

Protection Unit and the Department of Public Health and Human Services' Child and Family Services Division, work in a coordinated fashion could result in more consistent, applicable, and enforceable policies, enhancing legal outcomes and child protection outcomes; and

WHEREAS, Montana's existing public defender system and specific unit for dependent neglect cases emphasizes early and active engagement, best advocacy for the needs of the child, and adherence to client-directed representation, and any prosecution standardization efforts should incorporate corresponding principles to ensure balanced and just proceedings; and

WHEREAS, a legislative study is necessary to assess the need for standardized prosecution practices, the potential expansion of the Child Protection Unit, and the impact of these changes on the efficiency, fairness, and effectiveness of Montana's child welfare system.

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 committee, pursuant to section 5-5-217, MCA, to evaluate the standardization of prosecution in dependent neglect cases and the feasibility of expanding the Child Protection Unit's jurisdiction to handle all dependent neglect and child abuse cases statewide, with the goal of improving outcomes for children, ensuring due process for all parties, and enhancing the overall effectiveness, consistency, and equity of Montana's child welfare system.

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

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

- END -

I hereby certify that the within bill,
SJ 36, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2025.

Speaker of the House

Signed this _____ day
of _____, 2025.

SENATE JOINT RESOLUTION NO. 36

INTRODUCED BY D. LENZ

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