

1 SENATE BILL NO. 229

2 INTRODUCED BY D. EMRICH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TEMPORARY INVESTIGATIVE AUTHORITY OF
5 THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IN CHILD ABUSE AND NEGLECT
6 PROCEEDINGS; PROHIBITING THE REMOVAL OF A CHILD PURSUANT TO TEMPORARY
7 INVESTIGATIVE AUTHORITY; AND AMENDING SECTION 41-3-433, MCA."

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

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11 **Section 1.** Section 41-3-433, MCA, is amended to read:

12 **"41-3-433. Temporary investigative authority -- prohibition of removal under temporary**

13 **investigative authority.** (1) The department may petition the court for authorization to conduct an investigation
14 into allegations of child abuse, neglect, or abandonment when necessary. An order for temporary investigative
15 authority may not be issued for a period longer than 90 days. The petition must be served as provided in 41-3-
16 422.

17 (2) If granted, the department's temporary investigative authority under subsection (1) may not
18 include the authority to remove a child. If the department seeks removal of a child outside of the immediate
19 removal provisions of 41-3-301 and in addition to its temporary investigative authority, the department shall
20 petition the court for immediate protection and emergency protective services as provided in 41-3-427."

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