

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

- 2025

69th Legislature 2025

Drafter: Chanan Brown,

SB0206.001.001

SENATE BILL NO. 206

INTRODUCED BY D. LENZ

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO CHILD ABUSE AND NEGLECT PROCEEDINGS AND INVESTIGATIONS; PROVIDING FOR A CHILD PROTECTION INVESTIGATOR AND CHILD REUNIFICATION SPECIALIST; ESTABLISHING THE AUTHORITY OF AND CERTIFICATION REQUIREMENTS FOR CHILD PROTECTION INVESTIGATORS AND CHILD REUNIFICATION SPECIALISTS; AMENDING SECTIONS 41-3-102, 41-3-108, 41-3-127, 41-3-128, 41-3-129, 41-3-130, 41-3-201, 41-3-202, 41-3-205, 41-3-216, 41-3-301, 41-3-307, 41-3-427, AND 41-3-445, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Child protection investigator and child reunification specialist -- scope of authority. (1) The role of a child protection investigator is to investigate allegations of child abuse or neglect. A child protection investigator serves as the primary representative of the department in child abuse and neglect investigations and proceedings prior to the removal of a child. The authority of a child protection investigator includes:

- (a) investigating reported allegations of child abuse or neglect under the requirements 41-3-202;
- (b) removing a child under the requirements of 41-3-301;
- (c) participating in a prehearing conference under 41-3-307;
- (d) furnishing an affidavit to support a petition filed under 41-3-422 for the relief available under 41-3-422(1)(a);
- (e) testifying to the facts surrounding an investigation of child abuse or neglect and removal of a child or reasonable efforts to prevent removal of a child at:
 - (i) an emergency protective services hearing, as provided in 41-3-306;
 - (ii) a show cause hearing, as provided in 41-3-432;

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- 1 (iii) an adjudicatory hearing, as provided in 41-3-437;
- 2 (iv) a dispositional hearing, as provided in 41-3-438;
- 3 (v) a permanency hearing, as provided in 41-3-445; or
- 4 (vi) proceedings held to consider the termination of a parent-child relationship, as provided in 41-3-
- 5 607;
- 6 (f) engaging in reasonable efforts to prevent the necessity of removal of a child, as provided in 41-
- 7 3-423; and
- 8 (g) participating on behalf of the department in formal or informal proceedings related to an
- 9 investigation of child abuse or neglect or removal of a child in which the facts surrounding an investigation or
- 10 removal are at issue and the facts surrounding an investigation or removal are not prohibited from disclosure.
- 11 (2) The role of a child reunification specialist is to coordinate reunification services for a child after
- 12 removal. A child reunification specialist serves as the primary representative of the department in child abuse
- 13 and neglect investigations and proceedings after the removal of a child. The authority of a child reunification
- 14 specialist includes:
- 15 (a) participating in a prehearing conference under 41-3-307;
- 16 (b) testifying to the facts surrounding a temporary or permanent placement of a child or reasonable
- 17 efforts to reunify a family at:
- 18 (i) an emergency protective services hearing, as provided in 41-3-306;
- 19 (ii) a show cause hearing, as provided in 41-3-432;
- 20 (iii) an adjudicatory hearing, as provided in 41-3-437;
- 21 (iv) a dispositional hearing, as provided in 41-3-438;
- 22 (v) a permanency hearing, as provided in 41-3-445;
- 23 (vi) a review hearing, as provided in 41-3-441; or
- 24 (vii) proceedings held to consider the termination of a parent-child relationship, as provided in 41-3-
- 25 607;
- 26 (c) engaging in reasonable efforts to reunify families that are separated by the state, as provided in
- 27 41-3-423;

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- 1 (d) determining the appropriate placement for a child, as provided in 41-3-440;
- 2 (e) documenting and reporting the requirements of a treatment plan and the progress of a parent
- 3 or parents toward completion of a treatment plan, as provided in 41-3-443;
- 4 (f) investigating and evaluating the availability of placement preferences and exceptions to
- 5 placement preferences, as provided in 41-3-450 and 41-3-451; and
- 6 (g) participating on behalf of the department in formal or informal proceedings related to a
- 7 placement or reunification of a child in which the facts surrounding a placement or reunification are at issue and
- 8 the facts surrounding a placement or reunification are not prohibited from disclosure.
- 9 (3) The role of child protection investigator and the role of child reunification specialist may not be
- 10 performed by the same person in a single matter involving the same child or children except as necessary
- 11 when an individual office does not have sufficient employees available for the department to perform its
- 12 required duties under Title 41, chapter 3.

13

14 **Section 2.** Section 41-3-102, MCA, is amended to read:

15 **"41-3-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:

- 16 (1) (a) "Abandon", "abandoned", and "abandonment" mean:
- 17 (i) ~~leaving a child under circumstances that make reasonable the belief that the parent does not~~
- 18 ~~intend to resume care of the child in the future;~~
- 19 (ii) ~~willfully surrendering physical custody for a period of 6 months and during that period not~~
- 20 ~~manifesting to the child and the person having physical custody of the child a firm intention to resume physical~~
- 21 ~~custody or to make permanent legal arrangements for the care of the child;~~
- 22 (iii) ~~that the parent is unknown and has been unknown for a period of 90 days and that reasonable~~
- 23 ~~efforts to identify and locate the parent have failed; or~~
- 24 (iv) ~~the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than~~
- 25 ~~30 days old to an emergency services provider, as defined in 40-6-402.~~
- 26 (b) ~~The terms do not include the voluntary surrender of a child to the department solely because of~~
- 27 ~~parental inability to access publicly funded services.~~