

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CHILD ABUSE REPORTING PRACTICES FOR  
5 CHRISTIAN SCIENCE PRACTITIONERS; AND AMENDING SECTION 41-3-201, MCA."

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

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9 **Section 1.** Section 41-3-201, MCA, is amended to read:

10 **"41-3-201. Reports.** (1) When the professionals and officials listed in subsection (2) know or have  
11 reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that  
12 a child is abused or neglected, they shall report the matter promptly to the department of public health and human  
13 services.

14 (2) Professionals and officials required to report are:

15 (a) a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination,  
16 care, or treatment of persons;

17 (b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any  
18 other health or mental health professional;

19 (c) ~~Christian Science practitioners and religious healers;~~

20 (d) school teachers, other school officials, and employees who work during regular school hours;

21 (e) a social worker, operator or employee of any registered or licensed day-care or substitute care  
22 facility, staff of a resource and referral grant program organized under 52-2-711 or of a child and adult food care  
23 program, or an operator or employee of a child-care facility;

24 (f) a foster care, residential, or institutional worker;

25 (g) a peace officer or other law enforcement official;

26 (h) a member of the clergy;

27 (i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged  
28 abuse or neglect; or

29 (j) an employee of an entity that contracts with the department to provide direct services to children.

30 (3) Any person may make a report under this section if the person knows or has reasonable cause to

1 suspect that a child is abused or neglected.

2 (4) (a) Except as provided in subsection (4)(b) or (4)(c), a person listed in subsection (2) may not refuse  
3 to make a report as required in this section on the grounds of a physician-patient or similar privilege.

4 (b) A member of the clergy, a Christian Science practitioner, or a priest is not required to make a report  
5 under this section if:

6 (i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to the  
7 member of the clergy, the Christian Science practitioner, or the priest in that person's capacity as a member of  
8 the clergy or as a Christian Science practitioner or priest;

9 (ii) the statement was intended to be a part of a confidential communication between the member of the  
10 clergy, the Christian Science practitioner, or the priest and a member of the church or congregation; and

11 (iii) the person who made the statement or confession does not consent to the disclosure by the member  
12 of the clergy, the Christian Science practitioner, or the priest.

13 (c) A member of the clergy, a Christian Science practitioner, or a priest is not required to make a report  
14 under this section if the communication is required to be confidential by canon law, church doctrine, or established  
15 church practice.

16 (5) The reports referred to under this section must contain:

17 (a) the names and addresses of the child and the child's parents or other persons responsible for the  
18 child's care;

19 (b) to the extent known, the child's age and the nature and extent of the child's injuries, including any  
20 evidence of previous injuries;

21 (c) any other information that the maker of the report believes might be helpful in establishing the cause  
22 of the injuries or showing the willful neglect and the identity of person or persons responsible for the injury or  
23 neglect; and

24 (d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful  
25 neglect, within the meaning of this chapter."

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