

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LEGISLATORS TO REVIEW RECORDS OF
5 CASES INVESTIGATED BY THE OFFICE OF THE CHILD AND FAMILY OMBUDSMAN; ESTABLISHING
6 PROCEDURES FOR REVIEW; REQUIRING CONFIDENTIALITY; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **NEW SECTION. Section 1. Legislator access to ombudsman records.** (1) Records of
11 ombudsman investigations, including case notes, correspondence, and interviews, must be disclosed to a
12 member of the legislature if:

13 (a) the legislator receives a written request from a person who has requested assistance from the
14 ombudsman about whether laws protecting children from abuse or neglect are being complied with or whether
15 the laws need to be changed to enhance protections for children;

16 (b) the legislator submits a written request to the ombudsman asking to review the records relating to
17 the written inquiry. The legislator's request must include a copy of the written inquiry, the name of the child
18 whose records are to be reviewed, and any other information that will assist the ombudsman in locating the
19 records.

20 (c) before reviewing the records, the legislator:

21 (i) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for
22 unauthorized release of the information; and

23 (ii) receives from the ombudsman an orientation of the content and structure of the records.

24 (2) Records disclosed pursuant to this section are confidential, must be made available for the
25 member to view but may not be copied, recorded, photographed, or otherwise replicated by the member, and
26 must remain solely in the ombudsman's possession. The records may be viewed at any office maintained by
27 the office of the child and family ombudsman.

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1 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
2 integral part of Title 41, chapter 3, part 12, and the provisions of Title 41, chapter 3, part 12, apply to [section 1].

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4 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2021.

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