

HOUSE JOINT RESOLUTION NO. 49

INTRODUCED BY D. LENZ

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE EFFECTS OF MONTANA CHILD PROTECTIVE SERVICES LAWS AND PRACTICES ON LAW ENFORCEMENT AND THE JUDICIAL SYSTEM; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, cases involving alleged child abuse and neglect are required by law to be handled within expedited timeframes; and

WHEREAS, the number of district court cases involving child abuse and neglect has increased from 1,006 in calendar year 2009 to 2,519 in 2018; and

WHEREAS, local law enforcement officers are often called upon to assist in child removal when allegations of abuse or neglect are made.

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, pursuant to section 5-5-217, MCA, to study the role of law enforcement and the courts in the child protective services system.

BE IT FURTHER RESOLVED, that the study examine:

- (1) the effects that child abuse and neglect cases have on local law enforcement officers, county attorneys, and district courts;
- (2) the interaction of the Office of the Child and Family Ombudsman with the Department of Public Health and Human Services, law enforcement officials, and the court system;
- (3) issues affecting the interaction of the Child and Family Services Division with the judicial system;
- (4) the use of court orders in child removal cases;
- (5) the historical role of law enforcement officers with the Child and Family Services Division during removal of children from their homes;
- (6) whether any changes are needed to the ensure the appropriate role of law enforcement officials in cases involving child removal; and



1 (7) the work being done by groups outside of the legislative and executive branches on issues related
2 to the role of law enforcement and the judicial system in the child protective services system.

3 BE IT FURTHER RESOLVED, that the study involve representatives of the Department of Public Health
4 and Human Services, the Office of the Child and Family Ombudsman, the Office of State Public Defender, the
5 Court Administrator's Office, the Montana Association of Chiefs of Police, the Montana Sheriffs and Peace
6 Officers Association, the Montana County Attorneys Association, court-appointed special advocates,
7 organizations that advocate on behalf of families and children, families involved in the child protective services
8 system, and other interested parties.

9 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
10 requirements, be concluded prior to September 15, 2020.

11 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
12 comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

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