

## 1 HOUSE BILL NO. 426

2 INTRODUCED BY D. LENZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE OFFICE OF THE CHILD  
5 AND FAMILY OMBUDSMAN; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN  
6 SERVICES TO RESPOND TO REPORTS FROM THE OFFICE; ESTABLISHING A TIMELINE FOR  
7 RESPONSES; AND AMENDING SECTIONS 41-3-209, 41-3-1211, AND 41-3-1212, 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 41-3-209, MCA, is amended to read:

12 **"41-3-209. Reports to office of child and family ombudsman.** (1) The department shall report to  
13 the office of the child and family ombudsman:

14 ~~(1)~~ within 1 business day, a death of a child who, within the last 12 months:

15 (a) had been the subject of a report of abuse or neglect;

16 (b) had been the subject of an investigation of alleged abuse or neglect;

17 (c) was in out-of-home care at the time of the child's death; or

18 (d) had received services from the department under a voluntary protective services agreement;

19 (2) The department shall report to the office of the child and family ombudsman within 5 business  
20 days:

21 (a) any criminal act concerning the abuse or neglect of a child;

22 (b) any critical incident, including but not limited to elopement, a suicide attempt, rape, nonroutine  
23 hospitalizations, and neglect or abuse by a substitute care provider, involving a child who is receiving services  
24 from the department pursuant to this chapter; or

25 (c) a third report received within the last 12 months about a child at risk of or who is suspected of  
26 being abused or neglected.

27 (3) The department shall report to the ombudsman as required under 41-3-1212 on its response to  
28 findings, conclusions, and recommendations made in cases investigated by the ombudsman."

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2           **Section 2.** Section 41-3-1211, MCA, is amended to read:

3           **"41-3-1211. Powers and duties.** The powers and duties of the ombudsman are:

4           (1) to respond to requests for assistance regarding administrative acts and to investigate

5 administrative acts;

6           (2) to investigate circumstances surrounding reports that are provided to the ombudsman pursuant to

7 41-3-209;

8           (3) to inspect, copy, or subpoena records as needed to perform the ombudsman's duties under this

9 part;

10          (4) to take appropriate steps to ensure that persons are made aware of the purpose, services, and

11 procedures of the ombudsman and how to contact the ombudsman;

12          (5) to share relevant findings related to an investigation, subject to disclosure restrictions and

13 confidentiality requirements, with individuals or entities legally authorized to receive, inspect, or investigate

14 reports of child abuse or neglect;

15          (6) based on the investigations conducted, to provide oversight of the department's systems and

16 policies for handling abuse and neglect cases;

17          ~~(6)~~(7) to periodically review department procedures and promote best practices and effective

18 programs by working collaboratively with the department to improve procedures, practices, and programs;

19          ~~(7)~~(8) to undertake, participate in, and cooperate with persons and the department in activities,

20 including but not limited to conferences, inquiries, panels, meetings, or studies, that serve to improve the

21 manner in which the department functions;

22          ~~(8)~~(9) to provide education on the legal rights of children;

23          ~~(9)~~(10) to apply for and accept grants, gifts, contributions, and bequests of funds for the purpose of

24 carrying out the ombudsman's responsibilities; and

25          ~~(10)~~(11) to report annually to the attorney general and the children, families, health, and human

26 services interim committee. The report must be public and may contain recommendations from the ombudsman

27 regarding systematic improvements for the department."

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