

CHILD PROTECTIVE SERVICES SYSTEM

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: The Department of Public Health and Human Services (DPHHS) investigates reports of child abuse and neglect and works with children and their families when the children need protective service. The agency can remove children from the home if they appear to be in immediate or apparent danger of harm. DPHHS then works with families on safety and protection plans with a goal of reunifying families when possible.

In the past decade, the number of children in foster care or otherwise involved in the child protective services system has increased rapidly and relatively steadily. The number of children entering out-of-home care in Fiscal Year 2010 was 995ⁱ. By FY 2019, that number was 2,357ⁱⁱ.

Over the years, the trend in increasing numbers has prompted development of a proposed foster care demonstration project, a legislative audit, creation of a gubernatorial commission, formation of groups representing parents and grandparents, and a public-private review of the effectiveness of programs serving families, and -- most recently -- an study by an interim legislative committee. It also has led to introduction of a number of bills in the Legislature designed to address general aspects of the child protective services system, including workforce-related matters.

Moving into the next decade, the state will be making changes to the system to adapt to the requirements of the federal Family First Prevention Services Act, which for the first time allows use of federal funds for prevention services that are provided to families in the home to avoid removal of their children. States that use the funds for that new purpose must meet other requirements of the federal law in order to obtain the funding.

Legislative Services Division Materials:

- Children, Families, Health, and Human Services Interim Committee Studies of Child Protective Services (Links to all material presented by legislative staff, agency representatives, and other speakers)
 - [House Bill 39 Study: Judicial Pilot Projects](#) – 2021-2022 Interim
 - [House Joint Resolution 45 Study: Child Removal and Reunification Triggers](#) – 2021-2022 Interim
 - [House Joint Resolution 48/49 Study: Child Protective Services](#) – 2019-2020 Interim
 - [Final Report: HJR 48/49 Study of Child Protective Services Study](#), October 2020
- [Overview: Family First Prevention Services Act](#), January 2020

Legislative Fiscal Division Materials

- [LFD Report: The Pew-MacArthur Results First Initiative](#), September 2018

Legislative Audit Division Materials

- Performance Audit: [Kids in Care -- Analysis of Population Trends and Management Processes in Montana's Foster Care System](#)
 - [Story Map](#)
- Performance Audit: [Review of Child Abuse and Neglect Investigations](#), 2015
 - [Performance Audit Follow-up](#), October 2017

DPHHS Materials

- [Child and Family Services Division Website](#)
- Flowchart: CFSO [Field Services Process](#), March 2022
- Family First Prevention Services Act
 - Strategic Plan: [Developing and Expanding Child Abuse and Neglect Prevention Services in Montana](#), August 2020
 - [DPHHS Presentation to Interim Committee](#), May 2020
- [Child Abuse and Neglect Review Commission Report](#), 2020
- [Child Fatality Prevention Report](#), 2020
- Strategic Plan: [Preventing Child Abuse and Neglect in Montana](#), 2018

Other Materials:

- Family First Prevention Services Act
 - [Casey Family Programs Presentation to Interim Committee](#), January 2020
 - National Conference of State Legislatures:
 - [Family First Prevention Services Act Webpage](#)
 - [NCSL Legisbrief](#), July 2019
- [Protect Montana Kids Commission Report](#), May 31, 2016
 - [Gov. Bullock Memo: Implementation of Protect Montana Kids Commission Recommendations](#), July 1, 2016

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- Websites:
 - [Casey Family Programs](#)
 - [Child Welfare League of America](#)
 - [NCSL Child Welfare Resources](#)
 - Database: [Child Welfare Legislation Enacted in the States](#)

Introduced Legislation

Notes:

- A status of "Chapter Number Assigned" means the bill was passed by the Legislature and approved by the governor.
- Introduced legislation specific to court proceedings for abuse and neglect cases is covered separately in the 5-Session Summary entitled "Child Abuse and Neglect Proceedings."

2021

[House Bill No. 57](#) (Chapter Number Assigned) -- AN ACT REQUIRING A REVIEW HEARING WITHIN 60 DAYS TO DETERMINE THE NECESSITY OF THERAPEUTIC PLACEMENTS IN CHILD ABUSE AND NEGLECT PROCEEDINGS; PROVIDING DEFINITIONS; AMENDING SECTION 41-3-102, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 416](#) (Chapter Number Assigned) -- AN ACT ESTABLISHING EDUCATIONAL REQUIREMENTS FOR SUPERVISORS IN THE CHILD PROTECTIVE SERVICES SYSTEM; AMENDING SECTION 52-2-111, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[House Bill No. 499](#) (Chapter Number Assigned) -- AN ACT REVISING CHILD ABUSE AND NEGLECT LAWS REGARDING REASONABLE EFFORTS REQUIRED TO PREVENT REMOVAL OF A CHILD FROM THE HOME OR TO REUNIFY FAMILIES SEPARATED BY THE STATE; DEFINING REASONABLE EFFORTS; AND AMENDING SECTION 41-3-423, MCA.

[House Bill No. 515](#) (Second Reading Not Passed) -- AN ACT GENERALLY REVISING LAWS RELATED TO CHILD SAFETY; PROVIDING A DEFINITION FOR "IMMINENT DANGER"; AND AMENDING SECTION 41-3-301, MCA.

[Senate Bill 400](#) (Chapter Number Assigned) -- AN ACT RESTRICTING A GOVERNMENTAL ENTITY'S ABILITY TO INTERFERE WITH FUNDAMENTAL PARENTAL RIGHTS; ESTABLISHING A CAUSE OF ACTION FOR INTERFERENCE WITH PARENTAL RIGHTS; PROVIDING A FILING FEE; AMENDING SECTION 25-1-202, MCA; AND PROVIDING AN APPLICABILITY DATE.

2019

[House Bill No. 339](#) (Died in House Appropriations Committee) -- AN ACT ESTABLISHING THE CHILD PROTECTION SPECIALIST INCENTIVE PROGRAM; ESTABLISHING ELIGIBILITY CRITERIA AND REIMBURSEMENT AMOUNTS FOR LOAN ASSISTANCE; REQUIRING A REPORT; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill No. 347](#) (Chapter Number Assigned) -- AN ACT PROVIDING THAT TITLE 40, CHAPTER 9, MCA, IS NOT AN EXCLUSIVE REMEDY AND A GRANDPARENT IS NOT PRECLUDED FROM SEEKING RELIEF UNDER OTHER STATUTES RELATING TO CHILD CUSTODY AND WELFARE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 408](#) (2nd Reading Not Passed as Amended) -- AN ACT REVISING LAWS REGARDING EMERGENCY REMOVAL OF A CHILD AND PROVIDING THAT A CHILD MAY BE REMOVED ONLY WHEN A CHILD IS AT RISK FOR SERIOUS BODILY INJURY OR STARVATION; AND AMENDING SECTION 41-3-301, MCA.

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House Bill No. 410 (2nd Reading Not Passed) -- AN ACT GENERALLY REVISING LAWS RELATED TO CHILD PROTECTIVE SERVICES; DEFINING "IMMEDIATE OR APPARENT DANGER"; REQUIRING CERTAIN EMPLOYEES TO UNDERGO CONTINUING EDUCATION AND DRUG TESTING AND WEAR BODY CAMERAS DURING CONTACT WITH A CHILD; ~~REQUIRING APPOINTMENT OF A GUARDIAN AD LITEM WHEN ABUSE OR NEGLECT IS ALLEGED~~; REVISING THE PROCEDURE FOR RECEIVING AND RESPONDING TO REPORTS OF CHILD ABUSE OR NEGLECT; REVISING PURPOSES FOR WHICH CONFIDENTIAL CASE INFORMATION MAY BE USED; REVISING EMERGENCY CHILD PROTECTIVE PROCEDURES AND STANDARDS; REQUIRING THAT A PARENTAL VISITATION SCHEDULE BE INCLUDED IN A TREATMENT PLAN; PREVENTING A CONTRIBUTION ORDER FROM BEING MODIFIED EXCEPT BY WRITTEN COURT ORDER; AMENDING SECTIONS ~~40-4-205~~, 41-3-102, 41-3-108, 41-3-112, 41-3-202, 41-3-205, 41-3-301, 41-3-423, 41-3-427, 41-3-443, 41-3-446, 41-3-1010, AND 52-2-102, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 502](#) (Chapter Number Assigned) -- AN ACT GENERALLY REVISING INVESTIGATIONS BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES INTO CHILD ABUSE AND NEGLECT REPORTS; REVISING WHERE A LEGISLATOR MAY VIEW CERTAIN RECORDS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 41-3-102, 41-3-202, 41-3-203, 41-3-204, 41-3-205, 41-3-208, AND 50-16-603, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[House Bill No. 604](#) (Chapter Number Assigned) -- AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO CREATE A STRATEGIC PLAN TO DEVELOP AND EXPAND PREVENTION SERVICES.

[House Bill No. 700](#) (Died in House Committee) -- AN ACT ESTABLISHING A MANDATORY CONTINUING EDUCATION PROGRAM FOR CHILD PROTECTIVE SOCIAL WORKERS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTION 41-3-102, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 753](#) (Vetoed by Governor) -- AN ACT ALLOWING A PARENT, FAMILY MEMBER, OR FOSTER PARENT TO SUBMIT A COMPLAINT TO THE OFFICE OF THE CHILD AND FAMILY OMBUDSMAN FOR RETALIATORY ACTION BY A CHILD PROTECTIVE SERVICES EMPLOYEE OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AUTHORIZING THE OFFICE OF THE CHILD AND FAMILY OMBUDSMAN TO INVESTIGATE COMPLAINTS OF RETALIATORY ACTION; PROVIDING AN APPROPRIATION; AMENDING SECTION 41-3-1211, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Joint Resolution No. 48](#) (Filed with the Secretary of State) -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS IN WHICH FAMILIES IN THE CHILD PROTECTIVE SERVICES SYSTEM CAN BE SUPPORTED; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

[House Joint Resolution No. 49](#) (Filed with the Secretary of State) -- 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.

2017

[House Bill No. 303](#) (Chapter Number Assigned) -- AN ACT CREATING A CHILD ABUSE AND NEGLECT REVIEW COMMISSION FOR CASES INVOLVING CHILD ABUSE AND NEGLECT, INCLUDING FATALITIES AND NEAR FATALITIES; ESTABLISHING MEMBERSHIP REQUIREMENTS; ALLOWING FOR THE SHARING OF MEDICAL AND CRIMINAL JUSTICE INFORMATION RELATED TO CHILD ABUSE AND NEGLECT FATALITIES AND NEAR FATALITIES; PROVIDING CONFIDENTIALITY; REQUIRING A REPORT; AMENDING SECTIONS 41-3-

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201, 41-3-205, 44-5-303, 50-16-522, 50-16-525, 50-16-804, AND 50-16-805, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE.

[House Bill No. 517](#) (Chapter Number Assigned) -- AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO CREATE A STRATEGIC PLAN TO REDUCE THE INCIDENCE OF CHILD ABUSE AND NEGLECT.

[House Bill No. 664](#) (Died in Senate Committee) -- AN ACT CREATING A TASK FORCE TO EXAMINE EXISTING LAWS AND LEGAL PROCESSES FOR RESOLVING CHILD ABUSE AND NEGLECT CASES; PROVIDING FOR MEMBERS AND DUTIES; PROVIDING AN APPROPRIATION; PROVIDING CONTINGENT VOIDNESS; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

2015

[House Bill No. 309](#) (Tabled in House Committee) -- AN ACT CREATING A CHILD ABUSE AND NEGLECT REVIEW COMMISSION FOR CASES INVOLVING FATALITIES AND NEAR FATALITIES; ESTABLISHING MEMBERSHIP REQUIREMENTS; ALLOWING FOR THE SHARING OF MEDICAL AND CRIMINAL JUSTICE INFORMATION RELATED TO CHILD ABUSE FATALITIES AND NEAR FATALITIES; PROVIDING CONFIDENTIALITY; REQUIRING A REPORT; AND AMENDING SECTIONS 41-3-201, 41-3-205, 44-5-303, 50-16-522, 50-16-525, 50-16-804, AND 50-16-805, MCA

[House Bill No. 494](#) (Tabled in House Committee) -- AN ACT REVISING CHILD ABUSE AND NEGLECT REPORTING LAWS; REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE NOTIFICATION TO THE STATE PROTECTION AND ADVOCACY PROGRAM FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES WHEN A CHILD SUFFERS ABUSE OR NEGLECT AT A FACILITY UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 41-3-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2013: None

2011: None

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ⁱ "The Montana IV-E Child Welfare Demonstration Project." *DPHHS Child and Family Services Division*. PowerPoint presented to the Children, Families, Health, and Human Services Interim Committee. Jan. 10, 2014.

ⁱⁱ Information provided by DPHHS Deputy Director Laura Smith. Aug. 23, 2019.