

HOUSE BILL NO. 264

INTRODUCED BY F. GARNER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR DISMISSING A CHILD ABUSE
5 AND NEGLECT PETITION; REQUIRING A COURT TO CONSIDER INPUT FROM THE PARTIES TO THE
6 PROCEEDING, THE GUARDIAN AD LITEM, AND THE COURT-APPOINTED SPECIAL ADVOCATE PRIOR
7 TO DISMISSING A PETITION; PROVIDING FOR A DETERMINATION BY THE COURT THAT ISSUES
8 LEADING TO THE FILING OF CHILD ABUSE AND NEGLECT PETITION HAVE BEEN RESOLVED AND NO
9 REASON EXISTS FOR FURTHER INVOLVEMENT OR MONITORING BY THE DEPARTMENT OF PUBLIC
10 HEALTH AND HUMAN SERVICES; AND AMENDING SECTION 41-3-424, MCA."

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

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14 **Section 1.** Section 41-3-424, MCA, is amended to read:
15 **"41-3-424. Dismissal.** Unless the petition has been previously dismissed, the court, after considering
16 input from the parties to the proceeding, the guardian ad litem for the child, and the court-appointed special
17 advocate, shall dismiss an abuse and neglect petition on the motion of a party, or on its own motion, in any case
18 in which all of the following criteria are met:
19 (1) a child who has been placed in foster care is reunited with the child's parents and returned home;
20 (2) the child remains in the home for a minimum of 6 months with no additional confirmed reports of child
21 abuse or neglect; and
22 (3) the department ~~determines and informs the court~~ and the court determine that the issues that led to
23 department intervention have been resolved and that no reason exists for further department intervention or
24 monitoring."

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