

## **Montana**

### **Child Abuse & Neglect Reporting**

#### **What circumstances require me to report an incident of child abuse or neglect in Montana?**

When the mandated reporters described below know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the department. **Montana Code 41-3-201.**

#### **Who do I contact?**

**Call** – The Department of Child and Family Services **(866) 820-5437**

**If you think someone is being hurt or is in danger right now, call 911 immediately.**

#### **How much time do I have to report an incident?**

A report should be made as soon as possible since there is no time referenced in the statute.

#### **How is “child abuse” defined in Montana?**

"Child abuse or neglect" means:

- i. actual physical or psychological harm to a child;
- ii. substantial risk of physical or psychological harm to a child; or
- iii. abandonment.

The term includes:

- i. actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare;
- ii. exposing a child to the criminal distribution of dangerous drugs, as prohibited by [45-9-101](#), the criminal production or manufacture of dangerous drugs, as prohibited by [45-9-110](#), or the operation of an unlawful clandestine laboratory, as prohibited by [45-9-132](#); or
- iii. any form of child sex trafficking or human trafficking.

For the purposes of this subsection, "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

**Montana Code 41-3-102.**

#### **Who is a mandated reporter in Montana?**

Professionals and officials required to report are: a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons; a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional; religious healers; school teachers, other school officials, and employees who work during regular school hours; a social worker licensed pursuant to Title 37, child protection investigator, child reunification specialist, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program organized under [52-2-711](#) or of a child and adult food care program, or an operator or employee of a child-care facility; a foster care, residential, or institutional worker; a peace officer or other law enforcement official; a member of the clergy, as defined in [15-6-201](#)(2)(b); a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged abuse or neglect; an employee of an entity that contracts with the department to provide direct services to children; and an employee of the department while in conduct of the employee's duties.

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**Montana Code 41-3-201.**

**Are Clergy mandatory reporters in Montana?**

Yes.<sup>1</sup>

**Montana Code 41-3-201.**

**Is there an exception for penitential communication in Montana?**

No.<sup>2</sup>

**Montana Code 41-3-204**

**Where can I find more resources on Nebraska law on child abuse and neglect?**

- <https://dphhs.mt.gov/CFSD/Index>
- [https://archive.legmt.gov/bills/mca/title\\_0410/chapter\\_0030/parts\\_index.html](https://archive.legmt.gov/bills/mca/title_0410/chapter_0030/parts_index.html)

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<sup>1</sup> The term "clergy" means, as recognized under the federal Internal Revenue Code:

(i) an ordained minister, priest, or rabbi; (ii) a commissioned or licensed minister of a church or church denomination that ordains ministers if the person has the authority to perform substantially all the religious duties of the church or denomination; (iii) a member of a religious order who has taken a vow of poverty; or (iv) a Christian Science practitioner.

<sup>2</sup> In any proceeding resulting from a report made pursuant to the provisions of this chapter or in any proceeding for which the report or its contents are sought to be introduced into evidence, the report or its contents or any other fact related to the report or to the condition of the child who is the subject of the report may not be excluded on the ground that the matter is or may be the subject of a privilege related to the examination or treatment of the child and granted in Title 26, chapter 1, part 8, except the attorney-client privilege granted by [26-1-803](#).