

## **Montana**

### **Dependent Adult Abuse Reporting**

Montana has reporting rules on suspected abuse, sexual abuse, neglect, self-neglect, and exploitation of vulnerable adults. This includes adults sixty or older and adults age eighteen or older with physical or mental impairments or developmental disabilities whose limits make self-care or protection hard and increase the risk of harm.

#### **Who do I contact to report an incident in Montana?**

Adult Protective Services (APS) in the Montana Department of Public Health and Human Services receives reports about abuse, sexual abuse, neglect, self-neglect, and exploitation of vulnerable adults across the state. For non-emergency concerns, call Adult Protective Services Intake at 844-277-9300 during business hours, Monday through Friday, 8 a.m. to 5 p.m., except holidays.

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

Professionals and other listed workers who know or have reasonable cause to suspect that a vulnerable adult has suffered abuse, sexual abuse, neglect, or exploitation must make a report as soon as possible after the concern arises. **Mont. Code Ann. § 52-3-811; § 52-3-825(1)(a)**

#### **What is a “vulnerable adult” in Montana?**

A vulnerable adult is a person who is sixty years of age or older, or a person who is eighteen years of age or older with a physical or mental impairment that substantially limits or restricts the person’s ability to provide for personal care or protection. A vulnerable adult also includes an adult with a developmental disability as defined in Montana law. Examples of limits include serious trouble with walking, bathing, dressing, preparing food, taking medicines, managing money, understanding information, or making safe decisions. **Mont. Code Ann. § 52-3-803(11)**

#### **What conduct must be reported in Montana?**

Reports involve situations where a vulnerable adult has been, or is suspected of being, abused, sexually abused, neglected, or exploited. This includes physical injury, strong emotional harm, personal degradation such as humiliating photos or videos, sexual contact or behavior that is not legal or not truly consented to, failure of a responsible person to provide needed care or supervision, serious self-neglect, and misuse of money or property. **Mont. Code Ann. § 52-3-802**

#### **What is “abuse,” “sexual abuse,” “neglect,” and “exploitation” of a vulnerable adult in Montana?**

“Abuse” of a vulnerable adult means causing physical or mental injury, depriving the person of food, shelter, clothing, or services needed to maintain physical or mental health without lawful authority, or causing personal degradation in a place where the vulnerable adult has a reasonable expectation of privacy. **Mont. Code Ann. § 52-3-803(1)**

“Sexual abuse” means sexual assault offenses under Montana criminal law, including sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, incest, and sexual abuse of children, when committed against a vulnerable adult. **Mont. Code Ann. § 52-3-803(10)**

“Neglect” means the failure of a person who has legal, contractual, or voluntarily assumed responsibility for caring for a vulnerable adult, including staff of a facility or agency, to provide food, shelter, clothing, or services needed to maintain the vulnerable adult’s physical or mental

health. Adult Protective Services also responds when a vulnerable adult's own failure to meet these basic needs creates a serious risk of harm, even when no caretaker is involved. **Mont. Code Ann. § 52-3-803(7)**

"Exploitation" means the unreasonable use of a vulnerable adult, or of a power of attorney, conservatorship, or guardianship for a vulnerable adult, to obtain control of or divert the person's money, assets, or property for another's advantage through deception, duress, menace, fraud, undue influence, or intimidation, with the intent or result of permanently depriving the vulnerable adult of ownership, use, benefit, or possession. **Mont. Code Ann. § 52-3-803(3)**

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

Montana law lists several groups as mandatory reporters for vulnerable adults. These include physicians, residents, interns, professional and practical nurses, physician assistants, and hospital staff who admit, examine, care for, or treat people. Other health and mental health professionals such as osteopaths, dentists, denturists, chiropractors, optometrists, podiatrists, medical examiners, coroners, and ambulance attendants have this duty as well.

Employees of the state, a county, or a city who help vulnerable adults apply for or receive public assistance payments or services must report. People who own, run, or work in rooming houses, retirement homes or complexes, nursing homes, group homes, adult foster care homes, adult day-care centers, assisted living facilities, or home health or personal care agencies are mandatory reporters.

Attorneys must report unless the information comes from a client in a way that falls under attorney-client privilege. Peace officers and other law enforcement officials are mandatory reporters. So are people who provide services to vulnerable adults under contract with a state or federal agency, employees of the department while doing their work, and conservators, legal guardians, and representative payees. **Mont. Code Ann. § 52-3-811(3)**

Long-term care ombudsmen who are in these professional groups have a separate rule. When they learn facts in their official ombudsman role, federal rules control their reporting duties, so they do not follow the same mandatory reporter rule in those situations. **Mont. Code Ann. § 52-3-811(4)**

### **Are Clergy mandatory reporters in Montana?**

No. **Mont. Code Ann. § 52-3-811**

### **Where can I find Montana law on elder and dependent adult abuse?**

Montana rules on reporting and responding to abuse, sexual abuse, neglect, and exploitation of vulnerable adults appear in the Montana Vulnerable Adult Prevention of Abuse Act in the Montana Code Annotated, Title 52, Chapter 3, Part 8, sections 52-3-801 through 52-3-825.