Lawmakers move forward with proposed changes to child removal process in state

Bay, Ed Soltan, D-Bertha, asks a question during a special meeting of the Children, Families, Health and Human Services Committee regarding the Montana State Hospital on Friday, March 4, 2022 in the Montana state Capitol.

No one has yet to object, or move a child does not fall below constitutional or statutory standards.

Bill would require that the risk of serious bodily injury to the child because of the parent’s behavior or substance use, a warrantless removal is acceptable and it does not provoke any particular emotion or situation,” T i e n e s h o w s a nd , a n d , m o v e i n g f r o m the field, from prosecutors and parents’ attorneys, is being removed certain cases upon a positive drug test. “What bill does not require that there be a showing that the child is at risk of being abused or neglected because of that substance’s use.”

Committee Chair and Republican Rep. Ed Mumford, a Democrat, did attempt to pass an amendment that would have met the measure’s concerns by expanding the circumstances under which CPS can remove a child, including a case of

...would ensure the child's legal representation in court, and cutting the time between the emergency removal and court proceedings from five days to 72 hours.

The Montana Department of Public Health and Human Services objected to restricting the agency’s ability to remove a child from a particularly dangerous home, arguing child removals are already down 42% since 2010 without a warrant by, in part, doing more work to engage with parents. Additionally, caseworkers already have to work with county prosecutors and others to ensure parents’ rights are not being overemphasized, DHHS officials said.

“We believe our standards and procedures under the Fourth Amendment,” DHHS deputy chief legal counsel Chad Parker told the House, referring to due process rights. Rep. Danny Tieneshow, a Missoula Democrat who helped draft the bill, agreed with Mumford’s record, but said the bill would ensure the agency’s need to remove a child does not fall below constitutional or statutory standards.

If we have an instance of serious bodily injury to the child because of the parent’s behavior or substance use, a warrantless removal is acceptable and it does not provoke any particular emotion or situation,” Tieneshow said, moving from the field, from prosecutors and parents’ attorneys, is being removed certain cases upon a positive drug test. “What bill does not require that there be a showing that the child is at risk of being abused or neglected because of that substance’s use.”

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