

1 SENATE BILL NO. 250

2 INTRODUCED BY T. MANZELLA

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE SAFETY OF THE CHILD FIRST ACT;
5 PROVIDING REQUIREMENTS FOR ADMITTING EXPERT TESTIMONY AND EVIDENCE OF PAST
6 CONDUCT IN CHILD CUSTODY PROCEEDINGS IN WHICH DOMESTIC VIOLENCE OR CHILD ABUSE IS
7 ALLEGED; PROVIDING THAT CONTACT BETWEEN A CHILD AND A PARENT WITH WHOM THE CHILD IS
8 BONDED MAY NOT BE RESTRICTED IN ORDER TO IMPROVE A DEFICIENT RELATIONSHIP BETWEEN
9 THE CHILD AND ANOTHER PARENT; RESTRICTING THE USE OF REUNIFICATION TREATMENT TO
10 ESTABLISH A RELATIONSHIP BETWEEN A CHILD AND AN ESTRANGED OR REJECTED PARENT;
11 REQUIRING TRAINING REGARDING DOMESTIC VIOLENCE AND CHILD ABUSE FOR PERSONNEL IN
12 CHILD CUSTODY PROCEEDINGS; PROVIDING DEFINITIONS; AND PROVIDING AN-EFFECTIVE DATE
13 DATES AND A RETROACTIVE APPLICABILITY DATE."

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

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17 NEW SECTION. Section 1. Short title. [Sections 1 through 7] may be cited as the "Safety of the
18 Child First Act".

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20 NEW SECTION. Section 2. Purpose. The purpose of [sections 1 through 7] is to:

- 21 (1) increase the priority given to child safety in any child custody proceeding;
- 22 (2) strengthen the ability of courts to:
- 23 (a) recognize and adjudicate domestic violence and child abuse allegations based on valid,
24 admissible evidence; and
- 25 (b) enter orders that protect and minimize the risk of harm to children; and
- 26 (3) ensure that professionals involved in child custody proceedings containing domestic violence
27 or child abuse allegations receive trauma-informed and culturally appropriate training on the dynamics, signs,

Amendment - 2nd Reading-yellow - Requested by: Theresa Manzella - (S) Committee of Whole

- 2023

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Drafter: Alexis Sandru, 406-444-4026

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1 through 7] are uniform required standards that:

2 (1) apply to a neutral professional appointed by a court during a child custody proceeding to
3 express an opinion relating to abuse, trauma, or the behaviors of victims and perpetrators of abuse and trauma;
4 and

5 (2) require that a professional described in subsection (1) possess demonstrated expertise and
6 clinical experience in working with victims of domestic violence or child abuse, including child sexual abuse,
7 that is not solely of a forensic nature.

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9 NEW SECTION. Section 8. Codification instruction. [Sections 1 through 7] are intended to be
10 codified as a new part in Title 40, chapter 4, and the provisions of Title 40, chapter 4, apply to [sections 1
11 through 7].

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13 NEW SECTION. Section 9. — Effective date. [This act] is effective July 1, 2023.

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15 NEW SECTION. SECTION 9. EFFECTIVE DATES. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS ACT] IS
16 EFFECTIVE ON PASSAGE AND APPROVAL.

17 (2) [SECTION 6] IS EFFECTIVE JULY 1, 2023.

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19 NEW SECTION. SECTION 10. — RETROACTIVE APPLICABILITY. [SECTIONS 1 THROUGH 5 AND 7] APPLY
20 RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, TO DETERMINATIONS IN CHILD CUSTODY PROCEEDINGS.

21 - END -