

1 SENATE JOINT RESOLUTION NO. 36

2 INTRODUCED BY D. LENZ

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF THE STANDARDIZATION OF PROSECUTION IN
6 MATTERS OF DEPENDENT NEGLECT; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE
7 REPORTED TO THE 70TH LEGISLATURE.
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9 WHEREAS, the handling of dependent neglect and child abuse cases in Montana varies across judicial
10 districts, leading to inconsistencies in prosecution, defense representation, and case outcomes for children and
11 families; and

12 WHEREAS, the Montana Standards of Practice for Attorneys Representing Parents and Children in
13 Dependent Neglect Cases, established by the Montana Office of the State Public Defender, provide
14 comprehensive guidelines to ensure high-quality legal representation, but no equivalent statewide standards
15 exist for the prosecution of these cases; and

16 WHEREAS, a standardized framework for both the prosecution and defense of dependent neglect and
17 child abuse cases would promote uniformity, fairness, equity, and due process protections for all parties
18 involved, aligning with Montana's constitutional provisions and national best practices; and

19 WHEREAS, the Montana Department of Justice's Child Protection Unit currently prosecutes a limited
20 number of child abuse and dependent neglect cases in certain judicial districts and in certain situations but
21 could potentially expand to provide statewide prosecution services, ensuring consistency, specialized expertise,
22 and equitable resource distribution in all counties and judicial districts; and

23 WHEREAS, expanding the Child Protection Unit's jurisdiction to handle all child abuse and dependent
24 neglect cases would require an evaluation of the financial, logistical, and structural feasibility of an expansion,
25 including the necessary legislative, budgetary, and operational changes; and

26 WHEREAS, creating a structure in which two state agencies, the Department of Justice's Child
27 Protection Unit and the Department of Public Health and Human Services' Child and Family Services Division,
28 work in a coordinated fashion could result in more consistent, applicable, and enforceable policies, enhancing

1 legal outcomes and child protection outcomes; and

2 WHEREAS, Montana's existing public defender system and specific unit for dependent neglect cases
3 emphasizes early and active engagement, best advocacy for the needs of the child, and adherence to client-
4 directed representation, and any prosecution standardization efforts should incorporate corresponding
5 principles to ensure balanced and just proceedings; and

6 WHEREAS, a legislative study is necessary to assess the need for standardized prosecution practices,
7 the potential expansion of the Child Protection Unit, and the impact of these changes on the efficiency, fairness,
8 and effectiveness of Montana's child welfare system.

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10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
11 THE STATE OF MONTANA:

12 That the Legislative Council be requested to designate an appropriate interim committee or statutory
13 committee, pursuant to section 5-5-217, MCA, to evaluate the standardization of prosecution in dependent
14 neglect cases and the feasibility of expanding the Child Protection Unit's jurisdiction to handle all dependent
15 neglect and child abuse cases statewide, with the goal of improving outcomes for children, ensuring due
16 process for all parties, and enhancing the overall effectiveness, consistency, and equity of Montana's child
17 welfare system.

18 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
19 requirements, be concluded prior to September 15, 2026.

20 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
21 comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

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