



ADMINISTRATIVE RULES OF MONTANA

37.99.127 PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL PROGRAMS: CHILD ABUSE OR NEGLECT AND SERIOUS INCIDENTS

- (1) A program must require each program participant, person associated with the program and staff member to read and sign a statement that clearly defines child abuse and neglect and outlines the individual's responsibility to report all known or suspected incidents of child abuse or neglect of any program participant to the department within 24 hours.
- (2) Any program staff or person associated with the program who knows or has reasonable cause to suspect that an incident of child abuse or neglect has occurred must report within 24 hours of the incident to the program administrator, or a person designated by the program administrator, and to the state child abuse hotline, (866) 820- 5437 as required in 41-3-201, MCA. The program must fully cooperate with any investigation conducted as a result of the report.
- (3) A program must have written policies and procedures for handling any suspected incident of child abuse or neglect, including:
 - (a) a procedure for ensuring that the staff member suspected does not continue to provide direct care until an investigation is completed;
 - (b) a procedure for developing a safety plan approved by the department which protects the program participants and staff until the investigation is complete;
 - (c) a procedure for taking appropriate disciplinary measures against any staff member involved in an incident of child abuse or neglect, including termination, retraining, or any other action geared towards the prevention of future incidents; and
 - (d) sexually abusing, exploiting, or harassing a program participant.
- (4) Any serious incident involving a program participant must be reported in writing within one business day to the department's licensure bureau. The report must include:
 - (a) the date and time of the incident;
 - (b) all program participants and staff member(s) involved;
 - (c) a description of the incident and the circumstances surrounding it;
 - (d) a statement written by the staff member that was involved in the incident or witnessed the incident; and
 - (e) documentation of the date and time the incident was reported to the parent/legal guardian.
- (5) A copy of the report must be maintained in the program participant's file.

- (6) The program must cooperate with all licensing surveys and investigations, which may include private one-on-one interviews with staff and program participants.

Authorizing statute(s): 52-2-803, 52-2-805, MCA

Implementing statute(s): 52-2-803, 52-5-805, 52-2-809, MCA

History: NEW, 2019 MAR p. 2029, Eff. 11/9/19; AMD, 2024 MAR p. 2155, Eff. 9/7/24.