

Montana Mandatory Reporting Requirements Regarding Elderly/Disabled	
<i>Who Must Report?</i>	<p>Any of the following persons, when acting as a result of information they receive in their professional capacity:</p> <ul style="list-style-type: none"> <li>• A physician, resident, intern, professional or practical nurse, physician assistant, or member of a hospital staff engaged in the admission, examination, care, or treatment of persons;</li> <li>• An osteopath, dentist, denturist, chiropractor, optometrist, podiatrist, medical examiner, coroner, or any other health or mental health professional;</li> <li>• An ambulance attendant;</li> <li>• A social worker or other employee of the state, a county, or a municipality assisting an older person or a person with a developmental disability in the application for or receipt of public assistance payments or services;</li> <li>• A person who maintains or is employed by a rooming house, retirement home or complex, nursing home, group home, adult foster care home, adult day-care center, or assisted living facility or an agency or individual that provides home health services or personal care in the home;</li> <li>• An attorney, unless the attorney acquired knowledge of the facts required to be reported from a client and the attorney-client privilege applies;</li> <li>• A peace officer or other law enforcement official;</li> <li>• A person providing services to an older person or a person with a developmental disability pursuant to a contract with a state or federal agency; and</li> <li>• An employee of the department of public health and human services while in the conduct of the employee's duties.</li> </ul>
<i>Standard of Knowledge</i>	Knowledge or reasonable cause to suspect that an older person or a person with a developmental disability has been subjected to abuse, sexual abuse, neglect, or exploitation.
<i>Definition of Applicable Victim</i>	An older person, or person who is at least 60 years of age, or a disabled person, or a person 18 years of age or older who has a development disability.
<i>Reports Made To</i>	<ul style="list-style-type: none"> <li>• If the victim is not a resident of a long-term care facility, the report should be made to the Montana Department of Public Health and Human Services (1-800-551-3191) or its local affiliate, or the county attorney where the person resides or where the acts of the report occurred.</li> </ul>

Information compiled by RAINN and last updated December 2009. For more information, visit [rainn.org](http://rainn.org). © RAINN 2009.

©2009. For reprint permission, please contact RAINN at [info@rainn.org](mailto:info@rainn.org). Last updated: December 2009.

RAINN (Rape Abuse and Incest National Network) provides general information that is intended, but not guaranteed, to be correct and up-to-date. The information is not presented as a source of legal advice. You should not rely, for legal advice, on statements or representations made by RAINN. If you need legal advice upon which you intend to rely in the course of your legal affairs, consult a competent, independent attorney. RAINN does not assume any responsibility for actions or non-actions taken by people who have used this information, and no one shall be entitled to a claim for detrimental reliance on any information provided or expressed. RAINN does not endorse, guarantee or warranty the accuracy, reliability or thoroughness of any referenced information, product or service.

Montana Mandatory Reporting Requirements Regarding Elderly/Disabled	
	<ul style="list-style-type: none"> <li>• If the victim is a resident of a long-term care facility, the report should be made to the long-term care ombudsman (1-800-332-2272) and to the Montana Department of Public Health and Human Services (1-800-551-3191).</li> <li>• Contact information for county offices of the Department of Public Health and Human Services can be found at <a href="http://www.dphhs.mt.gov/contactus/countyservices.shtml">http://www.dphhs.mt.gov/contactus/countyservices.shtml</a>.</li> </ul>
<i>Contents of Report</i>	<ul style="list-style-type: none"> <li>• The name and address of the older person or the person with a developmental disability and the person, if any, responsible for that person's care;</li> <li>• The name and address, if available, of the person who is alleged to have abused, sexually abused, neglected, or exploited the older person or the person with a developmental disability;</li> <li>• To the extent known, the age of the older person or the person with a developmental disability and the nature and extent of the abuse, sexual abuse, neglect, or exploitation, including any evidence of previous injuries, abuse, sexual abuse, neglect, or exploitation sustained by the older person or the person with a developmental disability;</li> <li>• To the extent known, any evidence of prior instances of abuse, sexual abuse, neglect, or exploitation of other older persons or persons with developmental disabilities committed by the person alleged to have committed abuse, sexual abuse, neglect, or exploitation; and</li> <li>• The name and address of the reporter.</li> </ul>
<i>Timing/Other Procedures</i>	Timing not specified. Reports can be made orally, by telephone or in person, or in writing.
<i>Other</i>	If a person required to make a report purposely or knowingly fails to make that report, the person could be sentenced to a term of imprisonment (not to exceed 6 months) in the county jail or a fine not to exceed \$500, or both.
<i>Source/Applicable Statute(s)</i>	MT ST §§ 46-18-212, 52-3-803, 52-3-811, 52-3-812, 52-3-825 (2009).

Information compiled by RAINN and last updated December 2009. For more information, visit [rainn.org](http://rainn.org). © RAINN 2009.

©2009. For reprint permission, please contact RAINN at [info@rainn.org](mailto:info@rainn.org). Last updated: December 2009.

RAINN (Rape Abuse and Incest National Network) provides general information that is intended, but not guaranteed, to be correct and up-to-date. The information is not presented as a source of legal advice. You should not rely, for legal advice, on statements or representations made by RAINN. If you need legal advice upon which you intend to rely in the course of your legal affairs, consult a competent, independent attorney. RAINN does not assume any responsibility for actions or non-actions taken by people who have used this information, and no one shall be entitled to a claim for detrimental reliance on any information provided or expressed. RAINN does not endorse, guarantee or warranty the accuracy, reliability or thoroughness of any referenced information, product or service.