

1 House BILL NO. 613
2 INTRODUCED BY Palmer Kemmis

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 10-706, R.C.M. 1947, TO PROVIDE A SEPARATE PENALTY FOR
6 PERSONS NOT REPORTING ADOPTION; PROVIDE AN ALTERNATIVE TO
7 THE FINE AND LESSEN THE PENALTY FOR PROCURING ADOPTIONS
8 WITHOUT A LICENSE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 10-706, R.C.M. 1947, is amended to
12 read as follows:

13 "~~10-706. Operation--without-license--penalty~~ Penalties
14 ~~-- procuring without a license -- report to department.~~ (1)
15 Any person who ~~maintains or conducts an agency for procuring~~
16 ~~procures~~ the adoption of minor children, or ~~assist~~ assists
17 in ~~{the}--maintaining--or--conducting~~ the procuring of such
18 agency adoption, without first ~~having-obtained~~ obtaining a
19 license, ~~herein--provided;~~ shall--be is guilty of a ~~felony~~
20 misdemeanor and upon conviction ~~may~~ shall be punished by a
21 fine not exceeding one thousand dollars ~~{\$1,000.00}~~
22 (\$1,000).

23 (2) A person, not a relative, who adopts a child and
24 does not report that adoption to the family and adult
25 services bureau of the department of social and

1 rehabilitation services is guilty of a misdemeanor and upon
2 conviction shall be fined fifty dollars (\$50).
3 (3) Upon the first conviction of a person for
4 violation of this section, the court, instead of imposing
5 the prescribed sentence, may enjoin the offender from any
6 further action in violation of this section."

-End-

SECOND READING

MISSING

1 HOUSE BILL NO. 613
 2 INTRODUCED BY PALMER, KEMMIS
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 SECTIONS 10-706, AND 61-209, R.C.M. 1947, TO PROVIDE A
 6 SEPARATE PENALTY FOR PERSONS NOT REPORTING ADOPTIONS;
 7 PROVIDE AN ALTERNATIVE TO THE FINE AND LESSEN THE PENALTY
 8 FOR PROCURING ADOPTIONS WITHOUT A LICENSE AND TO REQUIRE THE
 9 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO
 10 INVESTIGATE CERTAIN ADOPTIONS."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 10-706, R.C.M. 1947, is amended to
 14 read as follows:

15 "10-706. ~~Operation-without-license--penalty~~ Penalties
 16 -- procuring without a license -- report to department. (1)
 17 Any person who ~~maintains-or-conducts-an-agency-for-procuring~~
 18 MAINTAINS OR CONDUCTS AN AGENCY FOR PROCURING ~~procures~~ the
 19 adoption of minor children, or ~~assist~~ ~~assists~~ ASSIST in
 20 ~~{the}---maintaining---or---conducting~~ [THE] MAINTAINING OR
 21 CONDUCTING ~~the-procuring~~ of such agency AGENCY adoption,
 22 without first ~~having--obtained~~ obtaining a license, herein
 23 provided, ~~shall-be~~ is guilty of a felony ~~misdemeanor~~ and
 24 upon conviction may shall be punished by a fine not
 25 exceeding one thousand dollars ~~{\$17,000-00}~~ (\$1,000).

1 ~~(2) A person, not a relative,~~ who adopts a child, NOT
 2 A STEPCHILD OR BLOOD RELATIVE, and does not ~~report-that~~
 3 ~~adoption-to-the-family-and-adult-services-bureau-of~~ SEND A
 4 COPY OF THE PETITION FOR ADOPTION TO the department of
 5 social and rehabilitation services AS REQUIRED BY SECTION
 6 61-208 is guilty of a misdemeanor and upon conviction shall
 7 be fined fifty dollars (\$50).

8 (3) Upon the first conviction of a person for
 9 violation of this section, the court, instead of imposing
 10 the prescribed sentence, may enjoin the offender from any
 11 further action in violation of this section."

12 SECTION 2. SECTION 61-209, R.C.M. 1947, IS AMENDED TO
 13 READ AS FOLLOWS:

14 "61-209. Investigation. (1) Upon the filing of a
 15 petition for adoption the court may in its discretion order
 16 an investigation to be made by the state department of
 17 social and rehabilitation services or any other private
 18 agency licensed and approved for such investigatory purposed
 19 by the state department of social and rehabilitation
 20 services, and may in its discretion further order that a
 21 report of such investigation shall be filed with the court
 22 by the designated investigator within the time fixed by the
 23 court and in no event more than thirty (30) days from the
 24 issuance of the order for investigation, unless time
 25 therefor is extended by the court. If the petition is for

1 adoption of a child who is not related by blood to one of
2 the petitioners or who is not a stepchild of the petitioner,
3 the court shall order an investigation by the department.

4 Such investigation if ordered by the court shall include the
5 conditions and antecedents of the child for the purpose of
6 determining whether he is a proper subject for adoption;
7 appropriate inquiry to determine whether the proposed home
8 is a suitable one for the child; and any other circumstances
9 and conditions which may have a bearing on the adoption and
10 of which the court should have knowledge.

11 (2) The court may order agencies named in subsection
12 (1) of this section located in one or more counties to make
13 separate investigations on separate parts of the inquiry as
14 may be appropriate.

15 (3) The report of such investigation shall become a
16 part of the files in the case and shall contain a definite
17 recommendation for or against the proposed adoption and
18 state reasons therefor."

-End-

March 24, 1975

SENATE COMMITTEE ON JUDICIARY
AMENDMENTS TO HOUSE BILL NO. 613

That House Bill No. 613, third reading, be amended as follows:

1. Amend page 1, section 1, line 19.
Following: "assists"
Strike: "ASSIST"
Insert: "assists"
2. Amend page 1, section 1, line 20.
Following: "conducting"
Strike: "[THE]"
Insert: "the"
3. Amend page 2, section 1, lines 1 through 11.
Strike: lines 1 through 11 in their entirety
4. Amend page 2, section 2, line 15.
Following: "court"
Strike: "may in its descretion"
Insert: "shall"
5. Amend page 2, section 2, line 20.
Following: "services,"
Insert: "unless such investigation is waived by the department
of social and rehabilitation services,"
6. Amend page 2, section 2, lines 25 through line 3 on page 3.
Following: "court."
Strike: lines 25 through line 3 on page 3

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

Section 1. Section 10-706, R.C.M. 1947, is amended to read as follows:

"10-706. ~~Operation without license -- penalty Penalties~~ -- procuring without a license -- report to department. (1) Any person who ~~maintains or conducts an agency for procuring~~ MAINTAINS OR CONDUCTS AN AGENCY FOR PROCURING ~~procures~~ the adoption of minor children, or ~~assist~~ ~~assists~~ ~~ASSISTS~~ ASSISTS in ~~{the} maintaining or conducting {THE}~~ THE maintaining or conducting ~~the -- procuring~~ of such agency AGENCY adoption, without first ~~having obtained~~ obtaining a license, herein provided, ~~shall -- be~~ is guilty of a ~~felony~~ misdemeanor and upon conviction ~~may~~ shall be punished by a fine not exceeding one thousand dollars ~~{ \$1,000.00 }~~ { \$1,000 }.

~~(2) -- A person, not a relative, who adopts a child, NOT A STEPFATHER OR BLOOD RELATIVE, and does not report that adoption to the family and adult services bureau of SENB -- A COPY -- OF -- THE -- PETITION -- FOR -- ADOPTION TO -- the department of social and rehabilitation services AS -- REQUIRED -- BY -- SECTION 61-208 is guilty of a misdemeanor and upon conviction shall be fined fifty dollars -- { \$50 }.~~

~~(3) -- Upon the first conviction of a person for violation of this section, the court, instead of imposing the prescribed sentence, may enjoin the offender from any further action in violation of this section."~~

SECTION 2. SECTION 61-209, R.C.M. 1947, IS AMENDED TO READ AS FOLLOWS:

"61-209. Investigation. (1) Upon the filing of a petition for adoption the court ~~may in its discretion~~ SHALL order an investigation to be made by the state department of social and rehabilitation services or any other private agency licensed and approved for such investigatory purpose by the state department of social and rehabilitation services, UNLESS SUCH INVESTIGATION IS WAIVED BY THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, and may in its discretion further order that a report of such investigation shall be filed with the court by the designated investigator within the time fixed by the court and in no event more than thirty (30) days from the issuance

1 of the order for investigation, unless time therefor is
2 extended by the court. ~~if-the-petition-is-for-adoption-of-a~~
3 ~~child-who-is-not-related-by-blood-to-one-of-the--petitioners~~
4 ~~or-who-is-not-a-stepchild-of-the-petitioner,-the-court-shall~~
5 ~~order-an-investigation-by-the-department.~~ Such investigation
6 if ordered by the court shall include the conditions and
7 antecedents of the child for the purpose of determining
8 whether he is a proper subject for adoption; appropriate
9 inquiry to determine whether the proposed home is a suitable
10 one for the child; and any other circumstances and
11 conditions which may have a bearing on the adoption and of
12 which the court should have knowledge.

13 (2) The court may order agencies named in subsection
14 (1) of this section located in one or more counties to make
15 separate investigations on separate parts of the inquiry as
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~~{2}--A person, not a relative, who adopts a child,--NOW A--STEPCHILD--OR--BLOOD--RELATIVE, and does not report that adoption to the family and adult services bureau of SEND--A COPY--OF--THE--PETITION--FOR--ADOPTION--TO the department of social and rehabilitation services AS--REQUIRED--BY--SECTION 61-200 is guilty of a misdemeanor and upon conviction shall be fined fifty dollars--{50}r~~

~~{3}--Upon the first conviction of a person for violation of this section, the court, instead of imposing the prescribed sentence, may enjoin the offender from any further action in violation of this sectionr~~

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 3 social and rehabilitation services or any other private
 4 agency licensed and approved for such investigatory purpose
 5 by the state department of social and rehabilitation
 6 services, UNLESS SUCH INVESTIGATION IS WAIVED BY THE
 7 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, and may
 8 SHALL in its discretion further order that a report of such
 9 investigation shall be filed with the court by the
 10 designated investigator within the time fixed by the court
 11 and in no event more than thirty (30) days from the issuance
 12 of the order for investigation, unless time therefor is
 13 extended by the court. ~~if-the-petition-is-for-adoption-of-a~~
 14 ~~child-who-is-not-related-by-blood-to-one-of-the--petitioners~~
 15 ~~or-who-is-not-a-stepchild-of-the-petitioner, the court shall~~
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 17 if ordered by the court shall include the conditions and
 18 antecedents of the child for the purpose of determining
 19 whether he is a proper subject for adoption; appropriate
 20 inquiry to determine whether the proposed name is a suitable
 21 one for the child; and any other circumstances and
 22 conditions which may have a bearing on the adoption and of
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 25 (1) of this section located in one or more counties to make

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 4 part of the files in the case and shall contain a definite
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