

1 *Cooney* *H* BILL NO. *330*  
 2 INTRODUCED BY *Kathy Balansa Vincent Lynch*  
 3 *Kimberly Handman* BY REQUEST OF *League Robert Foster*  
 4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROGRAM  
 7 OF SUBSIDIES FOR THE ADOPTION OF HARD-TO-PLACE CHILDREN; AND  
 8 REPEALING SECTIONS 71-1801 THROUGH 71-1805, R.C.M. 1947."

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

11 Section 1. Short title. This act may be cited as "The  
 12 Subsidized Adoption Act of 1977".

13 Section 2. Purpose. The purpose of this act is to  
 14 encourage and promote the adoption of children who are hard  
 15 to place by providing information and assistance in  
 16 completing the adoption process and financial assistance  
 17 when necessary to ensure the health and welfare of the  
 18 hard-to-place child.

19 Section 3. Definitions. As used in this chapter, the  
 20 following definitions apply:

- 21 (1) "Department" means the department of social and  
 22 rehabilitation services.  
 23 (2) "Hard-to-place child" means a minor as defined by  
 24 64-101, who is a dependent of a public or voluntary licensed  
 25 child-placing agency, legally free for adoption, and is not

- 1 likely to be adopted because of:  
 2 (a) physical or mental disease or disability;  
 3 (b) recognized high risk of physical or mental disease  
 4 or disability; or  
 5 (c) sibling relationship to another child who is  
 6 eligible for adoption.  
 7 Section 4. Power and duties of the department. (1) The  
 8 department shall establish, administer, and regulate a  
 9 continuing program of subsidized adoption.  
 10 (2) The department shall keep such records as are  
 11 necessary to evaluate the program in terms of the number of  
 12 children adopted under the program, the cost of the program,  
 13 and any other pertinent information.  
 14 (3) The department may adopt rules necessary for the  
 15 proper administration of this act.  
 16 Section 5. Certification and eligibility. (1) Whenever  
 17 the conditions of [section 3] are found to exist and the  
 18 foster parents seek to adopt the child, the child shall be  
 19 certified as hard to place.  
 20 (2) In all other cases in which the conditions of  
 21 [section 3] are found to exist and after reasonable efforts  
 22 have been made and no appropriate adoptive family without  
 23 the use of subsidy has been found for a child, the  
 24 department shall certify the child as hard to place.  
 25 (3) If the child is the dependent of a voluntary

*H.S. 330*

1 licensed child-placing agency, that agency shall present to  
 2 the department evidence of inability to place the child for  
 3 adoption due to any of the conditions specified in [section  
 4 3]. The agency shall present evidence that reasonable  
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 6 such as recruitment of potential parents, use of adoption  
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10 (4) Any family which applies for an adoption subsidy  
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 12 adoptive family and which is or may be financially unable to  
 13 meet the special needs of a hard-to-place child as  
 14 determined by the department and which adopts a  
 15 hard-to-place child is eligible for subsidy regardless of  
 16 the domicile or residence of the family at the time of  
 17 application for adoption, placement, legal decree of  
 18 adoption, or thereafter.

19 Section 6. Subsidy agreement. (1) When parents are  
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 21 and before the final decree of adoption is issued, there  
 22 shall be a written agreement between the family entering  
 23 into the subsidized adoption and the department. The terms  
 24 of the adoption subsidy agreement may commence with the  
 25 adoption placement or at an appropriate time after the

1 adoption decree.

2 (2) The amount and duration and scope of the subsidy  
 3 may vary with the special needs of the child as well as the  
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 5 adoptive parents, to meet these needs. The subsidy may be  
 6 for services only or for the money payments, but in no case  
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 8 allowable for such child under foster family care or, in the  
 9 case of a medical service, the reasonable fee for the  
 10 service rendered. The subsidy agreement shall continue in  
 11 accordance with its terms for as long as the adopted child  
 12 is the legal dependent of the adoptive parents and the  
 13 child's condition continues or until the child reaches  
 14 majority, except that, in the absence of other appropriate  
 15 resources provided by law and in accordance with rules  
 16 adopted by the department, it may be continued after the  
 17 adopted child reaches majority. Termination or modification  
 18 of the subsidy agreement may be requested by the adoptive  
 19 parents or the department at any time.

20 (3) When subsidies are for more than 1 year, the  
 21 adoptive parents shall present an annual sworn certificate  
 22 that the adopted child remains under their care and the  
 23 condition that caused the child to be certified continues to  
 24 exist.

25 (4) All records regarding subsidized adoption shall be

1 confidential and may be disclosed only in accordance with  
2 the provisions of 61-209.

3 Section 7. Saving clause. This act does not affect  
4 rights and duties that matured, penalties that were  
5 incurred, or proceedings that were begun before the  
6 effective date of this act.

7 Section 8. Severability. If a part of this act is  
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9 part remain in effect. If a part of this act is invalid in  
10 one or more of its applications, the part remains in effect  
11 in all valid applications that are severable from the  
12 invalid applications.

13 Section 9. Repealer. Sections 71-1801 through 71-1805,  
14 R.C.M. 1947, are repealed.

-End-

Approved by Committee  
on Public Health, Welfare  
& Safety

1 *Cocoy* *H* BILL NO. *330*  
2 INTRODUCED BY *Paul Balanor Vincent Lynch*  
3 *Antoine J. Henderson* BY REQUEST OF *Leslie Robert Foster*  
4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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13 Section 9. Repealer. Sections 71-1801 through 71-1805,  
14 R.C.M. 1947, are repealed.

-End-

1 *Cossey* *H* BILL NO. 330  
 2 INTRODUCED BY *Kathy B. Danneberg Vincent Lynch*  
 3 *Kimberly J. Anderson* BY REQUEST OF *Leslie Robert Foster*  
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*HB330*

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13 Section 9. Repealer. Sections 71-1801 through 71-1805,  
14 R.C.M. 1987, are repealed.

-End-

March 17, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Public Health, Welfare and Safety

That House Bill No. 330 be amended as follows:

1. Amend page 4, section 6, line 7.  
Following: "exceed"  
Insert: ": (a) in the case of a sibling relationship,"
2. Amend page 4, section 6, line 8.  
Following: "care"  
Strike: "or,"  
Insert: "; or (b)"
3. Amend page 4, section 6, line 9.  
Following: "medical"  
Strike: "service"  
Insert: "subsidy"
4. Amend page 4, section 6, line 9.  
Following: "medical"  
Strike: "service"  
Insert: "services"
5. Amend page 4, section 6, line 10.  
Following: "rendered"  
Insert: "not to exceed the amount of \$2,600 annually"
6. Amend page 6, line 10.  
Following: "rendered"  
Insert: "(3)"
7. Amend page 4, section 6, line 11.  
Following: "terms"  
Insert: "until the child reaches majority or"
8. Amend page 4, section 6, lines 13 through 14.  
Following: "continues"  
Strike: "or until the child reaches majority, except that,  
in the absence of other appropriate resources provided by  
law and in accordance with rules adopted by the department,  
it may be continued after the adopted child reaches majority"

Renumber: subsequent subsections

9. Amend page 5, section 6, line 3.  
Following: line 2.  
Insert: "Section 7. Subsidized adoption program limited. In  
providing for the subsidization of adoption as provided for  
in this act, the department may not expend or otherwise obligate  
funds in excess of those specifically appropriated for that purpose."

Renumber: subsequent sections

March 22, 1977

SENATE  
COMMITTEE OF THE WHOLE

That House Bill No. 330 be amended as follows:

1. Amend amendment No. 4.

Strike: amendment No.4 in its entirety

Insert: "4. Amend page 4, section 6, line 10.

Following: line 9

Strike: "service"

Insert: "services"

2. Amend amendment No. 6.

Strike: amendment No. 6 in its entirety

Insert: "6. Amend page 4, section 6, line 11.

Following: "rendered."

Insert: "(3)"

1 HOUSE BILL NO. 330  
 2 INTRODUCED BY KESSLER, BARDANOUVE, VINCENT, FRATES,  
 3 LYNCH, COONEY, KIMBLE, J. GUNDERSON, TEAGUE, PALMER  
 4 BY REQUEST OF  
 5 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES  
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 12 SERVICES rendered NOT TO EXCEED THE AMOUNT OF \$2,600  
 13 ANNUALLY. (3) The subsidy agreement shall continue in  
 14 accordance with its terms UNTIL THE CHILD REACHES MAJORITY  
 15 ~~or~~ for as long as the adopted child is the legal dependent  
 16 of the adoptive parents and the child's condition continues  
 17 ~~or--until--the--child--reaches--majority--except--that--in--the~~  
 18 ~~absence--of--other--appropriate--resources--provided--by--law--and~~  
 19 ~~in--accordance--with--rules--adopted--by--the--department--it--may~~  
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7 SECTION 7. SUBSIDIZED ADOPTION PROGRAM LIMITED. IN  
8 PROVIDING FOR THE SUBSIDIZATION OF ADOPTION AS PROVIDED FOR  
9 IN THIS ACT. THE DEPARTMENT MAY NOT EXPEND OR OTHERWISE  
10 OBLIGATE FUNDS IN EXCESS OF THOSE SPECIFICALLY APPROPRIATED  
11 FOR THAT PURPOSE.

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