

HOUSE BILL NO. 674
INTRODUCED BY MERCER, GOULD

IN THE HOUSE

FEBRUARY 9, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FEBRUARY 10, 1987 ON MOTION BY CHIEF SPONSOR,
REPRESENTATIVE GOULD ADDED AS SPONSOR.

FEBRUARY 16, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 17, 1987 PRINTING REPORT.

FEBRUARY 18, 1987 SECOND READING, DO PASS.

FEBRUARY 19, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 95; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE & SAFETY.

MARCH 25, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 31, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 674
2 INTRODUCED BY MERCER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING EITHER THE
5 COURT OR THE DEPARTMENT OF SOCIAL AND REHABILITATION
6 SERVICES TO WAIVE A CHILD ADOPTION INVESTIGATION IN CERTAIN
7 CASES AND CLARIFYING THAT AN INVESTIGATION WILL NOT BE HELD
8 WHEN AN ADULT IS ADOPTED; AND AMENDING SECTIONS 40-8-122 AND
9 40-8-202, MCA."

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

12 Section 1. Section 40-8-122, MCA, is amended to read:

13 "40-8-122. Investigation. (1) Upon the filing of a
14 petition for adoption, the court shall order an
15 investigation to be made by the department or by a licensed
16 child placing agency or other person named by the court. The
17 investigation may be waived by the court or the department
18 if the petitioner is a stepparent of the child or if one of
19 the petitioners is a member of the child's extended family.
20 The report of investigation shall be filed with the court by
21 the investigator within 30 days from the issuance of the
22 order for investigation, unless time therefor is extended by
23 the court. The report of the investigation shall state:

- 24 (a) whether the child is legally free for adoption;
25 (b) whether the proposed home is a suitable one for

1 the child;

2 (c) that medical and social histories have been
3 provided to the adoptive parent; and

4 (d) any other circumstances and conditions which may
5 have a bearing on the adoption and of which the court should
6 have knowledge.

7 (2) The court may order agencies named in subsection
8 (1) located in one or more counties to make separate
9 investigations on separate parts of the inquiry as may be
10 appropriate.

11 (3) The report of the investigation shall become a
12 part of the files in the case and shall contain a definite
13 recommendation stating the reasons for or against the
14 proposed adoption."

15 Section 2. Section 40-8-202, MCA, is amended to read:

16 "40-8-202. Procedure. Except as otherwise inconsistent
17 with this part, the procedure and law for adoption of minors
18 set forth in 40-8-106, 40-8-107, 40-8-121, 40-8-123,
19 40-8-124, and 40-8-125 shall be applicable in proceedings
20 for the adoption of an adult under the provisions of this
21 part, provided that provisions concerning an investigation
22 under 40-8-122 and an interlocutory decree shall not be
23 applicable in the case of the adoption of an adult."

24 NEW SECTION. Section 3. Extension of authority. Any
25 existing authority of the department of social and



LC 1488/01

1 rehabilitation services to make rules on the subject of the
2 provisions of this act is extended to the provisions of this
3 act.

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING EITHER THE COURT OR THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO WAIVE A CHILD ADOPTION INVESTIGATION IN CERTAIN CASES AND CLARIFYING THAT AN INVESTIGATION WILL NOT BE HELD WHEN AN ADULT IS ADOPTED; AND AMENDING SECTIONS 40-8-122 AND 40-8-202, MCA."

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Section 1. Section 40-8-122, MCA, is amended to read:

"40-8-122. Investigation. (1) Upon the filing of a petition for adoption, the court shall order an investigation to be made by the department or by a licensed child placing agency or other person named by the court. The investigation may be waived by the court or the department if the petitioner is a stepparent of the child or if one of the petitioners is a member of the child's extended family. The report of investigation shall be filed with the court by the investigator within 30 days from the issuance of the order for investigation, unless time therefor is extended by the court. The report of the investigation shall state:

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the child;

(c) that medical and social histories have been provided to the adoptive parent; and

(d) any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge.

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

(3) The report of the investigation shall become a part of the files in the case and shall contain a definite recommendation stating the reasons for or against the proposed adoption."

Section 2. Section 40-8-202, MCA, is amended to read:

"40-8-202. Procedure. Except as otherwise inconsistent with this part, the procedure and law for adoption of minors set forth in 40-8-106, 40-8-107, 40-8-121, 40-8-123, 40-8-124, and 40-8-125 shall be applicable in proceedings for the adoption of an adult under the provisions of this part, provided that provisions concerning an investigation under 40-8-122 and an interlocutory decree shall not be applicable in the case of the adoption of an adult."

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