

SENATE BILL NO. 146

INTRODUCED BY HAGER

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

IN THE SENATE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY. FIRST READING.
JANUARY 31, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 1, 1989	PRINTING REPORT.
FEBRUARY 2, 1989	SECOND READING, DO PASS.
FEBRUARY 3, 1989	ENGROSSING REPORT.
FEBRUARY 4, 1989	THIRD READING, PASSED. AYES, 47; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 20, 1989	FIRST READING.
MARCH 7, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 8, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 90; NOES, 4. RETURNED TO SENATE.

IN THE SENATE

MARCH 10, 1989	RECEIVED FROM HOUSE.
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	SENT TO ENROLLING.
MARCH 13, 1989	REPORTED CORRECTLY ENROLLED.
MARCH 14, 1989	SIGNED BY PRESIDENT.
	IN THE HOUSE
MARCH 14, 1989	SIGNED BY SPEAKER.
	IN THE SENATE
MARCH 15, 1989	DELIVERED TO GOVERNOR.
MARCH 20, 1989	RETURNED FROM GOVERNOR WITH RECOMMENDED AMENDMENTS.
MARCH 30, 1989	SECOND READING, GOVERNOR'S RECOM- MENDED AMENDMENTS CONCURRED IN.
APRIL 1, 1989	THIRD READING, GOVERNOR'S RECOM- MENDED AMENDMENTS CONCURRED IN.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
APRIL 4, 1989	SECOND READING, GOVERNOR'S RECOM- MENDED AMENDMENTS CONCURRED IN.
APRIL 5, 1989	THIRD READING, GOVERNOR'S RECOM- MENDED AMENDMENTS CONCURRED IN.
	IN THE SENATE
APRIL 6, 1989	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 State BILL NO. 146
2 INTRODUCED BY Hager
3 BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ADOPTION
6 STATUTES TO AUTHORIZE THE DEPARTMENT OF FAMILY SERVICES TO
7 CONTRACT WITH LICENSED SOCIAL WORKERS TO CONDUCT
8 INVESTIGATIONS CONCERNING PARENTAL ADOPTIVE PLACEMENTS AND
9 TO CHARGE A FEE FOR SUCH INVESTIGATIONS; TO PROVIDE A
10 STATUTORY APPROPRIATION FOR FEES RECEIVED; AMENDING SECTIONS
11 17-7-502 AND 40-8-109, MCA; AND PROVIDING AN EFFECTIVE
12 DATE."
13

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

15 **Section 1.** Section 40-8-109, MCA, is amended to read:

16 "40-8-109. Placement for adoption by parents --
17 appropriation of fees. (1) No parent may make a placement of
18 a child for adoption with an individual who is not a
19 stepparent or a member of the child's extended family unless
20 the parent files with the district court for the county in
21 which the prospective adoptive parent or the parent making
22 the placement resides:

23 (a) a notice of parental placement; and

24 (b) a relinquishment of parental rights to the
25 prospective adoptive parents executed voluntarily and in

1 accordance with 40-6-135(2) through (4).

2 (2) The notice of parental placement and the
3 relinquishment shall be filed prior to a parent's placement
4 of the child with an individual who intends to adopt the
5 child. The notice of parental placement shall contain the
6 following information:

7 (a) the name and address of each birth parent, if
8 known, and if unknown, the steps taken to ascertain the
9 whereabouts of the parent or parents;

10 (b) the name and address of each prospective adoptive
11 parent;

12 (c) the name and address or expected date and place of
13 birth of the child; and

14 (d) the name and address of counsel, guardian ad
15 litem, or other representative, if any, for each of the
16 parties in (a) through (c) of subsection (2).

17 (3) Upon receipt of a notice of parental placement and
18 a relinquishment, the court shall require that the
19 department examine the child and conduct interviews with the
20 birth parents and prospective adoptive parents and report to
21 the court within 30 days but not earlier than 5 days after
22 the birth of the child. The report must state whether the
23 following requirements for placement have been met:

24 (a) that the decision to place was voluntarily made by
25 the birth parents;

(b) that the department has no temporary authority to investigate or provide protective services to the family under 41-3-402;

(c) that the birth parents, the prospective adoptive parents, and their representatives have agreed in writing to provide the court with sworn affidavits containing itemized statements of all fees charged or to be charged, expenses incurred or to be incurred, and payments received or to be received in connection with the proposed adoptive placement;

(d) that the prospective adoptive parents have been provided a medical and social history of the child and birth parents; and

(e) that the proposed placement is in the child's best interest.

(4) The department may contract with licensed social workers to conduct the investigations and prepare the report to the court ordered pursuant to subsection (3).

(5) The department may charge the prospective adoptive parents a fee, commensurate with costs, for the investigation and report.

(4)(6) Within 45 days of filing of the notice of parental placement and the relinquishment, the court shall schedule a hearing to consider the proposed placement.

(5)(7) (a) At least 5 days' notice of the time and place of the hearing must be given to the birth parents, the

prospective adoptive parents, any named guardian ad litem, and the department.

(b) The hearing shall be closed to all persons except those persons entitled to notice and their representatives or counsel.

(6)(8) If the court finds that all requirements for placement have been met, the court may issue an order or schedule a hearing for the purpose of terminating parental rights and granting temporary custody to the prospective adoptive parents. The prospective adoptive parents must file their petition to adopt within 30 days of the order.

(7)(9) If the court finds that all requirements for the adoptive placement have not been met, the court may issue any order appropriate to protect the child.

(10) All fees collected pursuant to subsection (5) are statutorily appropriated, as provided in 17-7-502, to the department for parental adoptive placement investigations."

Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both

1 of the following provisions:

2 (a) The law containing the statutory authority must be
3 listed in subsection (3).

4 (b) The law or portion of the law making a statutory
5 appropriation must specifically state that a statutory
6 appropriation is made as provided in this section.

7 (3) The following laws are the only laws containing
8 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
9 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;
10 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;
11 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;
12 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;
13 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;
14 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111;
15 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;
16 39-71-2504; 40-8-109; 53-6-150; 53-24-206; 67-3-205;
17 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228;
18 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;
19 90-15-103; section 13, House Bill No. 861, Laws of 1985; and
20 section 1, Chapter 454, Laws of 1987.

21 (4) There is a statutory appropriation to pay the
22 principal, interest, premiums, and costs of issuing, paying,
23 and securing all bonds, notes, or other obligations, as due,
24 that have been authorized and issued pursuant to the laws of
25 Montana. Agencies that have entered into agreements

1 authorized by the laws of Montana to pay the state
2 treasurer, for deposit in accordance with 17-2-101 through
3 17-2-107, as determined by the state treasurer, an amount
4 sufficient to pay the principal and interest as due on the
5 bonds or notes have statutory appropriation authority for
6 such payments. (In subsection (3): pursuant to sec. 15, Ch.
7 607, L. 1987, the inclusion of 15-65-121 terminates June 30,
8 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
9 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
10 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
11 1987, terminates July 1, 1988.)"

12 **Section 3. Effective date.** [This act] is effective
13 July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB146, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


SB146 authorizes the Department of Family Services to contract with licensed social workers to conduct investigation concerning parental adoptive placements and to charge a fee for such investigations and to provide a statutory appropriation.

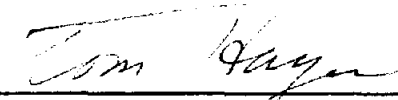
ASSUMPTIONS:

1. All investigations billed will be collected.
2. Fees collected will equal reimbursement to private licensed social workers for investigations.
3. Adoption investigations are a minor part of Department's role in adoptions, therefore, there will be no reduction in staffing.

<u>FISCAL IMPACT:</u>	<u>FY90</u>	<u>FY91</u>
<u>Revenues:</u>		
Fees for Investigations	\$ 45,000	\$ 45,000
<u>Expenditures:</u>		
Payment for Investigations	<u>\$(45,000)</u>	<u>(45,000)</u>
Total	\$ -0-	\$ -0-

No General Fund Impact


RAY SHACKLEFORD, BUDGET DIRECTOR 1/24/89
OFFICE OF BUDGET AND PROGRAM PLANNING DATE


TOM HAGER, PRIMARY SPONSOR 1-31-89
DATE

Fiscal Note for SB146, as introduced

SB 146

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 146

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ADOPTION
STATUTES TO AUTHORIZE THE DEPARTMENT OF FAMILY SERVICES TO
CONTRACT WITH LICENSED SOCIAL WORKERS AND LICENSED
CHILD-PLACING AGENCIES TO CONDUCT INVESTIGATIONS CONCERNING
PARENTAL ADOPTIVE PLACEMENTS AND TO CHARGE A FEE FOR SUCH
INVESTIGATIONS; ~~TO--PROVIDE--A--STATUTORY--APPROPRIATION--FOR~~
~~FEES--RECEIVED; AND AMENDING SECTIONS--17-7-502--AND SECTION~~
~~40-8-109, MCA;--AND--PROVIDING--AN--EFFECTIVE--DATE."~~

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

Section 1. Section 40-8-109, MCA, is amended to read:

~~"40-8-109. Placement for adoption by parents --~~
~~appropriation-of-fees.~~ (1) No parent may make a placement of
a child for adoption with an individual who is not a
stepparent or a member of the child's extended family unless
the parent files with the district court for the county in
which the prospective adoptive parent or the parent making
the placement resides:

(a) a notice of parental placement; and

(b) a relinquishment of parental rights to the
prospective adoptive parents executed voluntarily and in

accordance with 40-6-135(2) through (4).

(2) The notice of parental placement and the
relinquishment shall be filed prior to a parent's placement
of the child with an individual who intends to adopt the
child. The notice of parental placement shall contain the
following information:

(a) the name and address of each birth parent, if
known, and if unknown, the steps taken to ascertain the
whereabouts of the parent or parents;

(b) the name and address of each prospective adoptive
parent;

(c) the name and address or expected date and place of
birth of the child; and

(d) the name and address of counsel, guardian ad
litem, or other representative, if any, for each of the
parties in (a) through (c) of subsection (2).

(3) Upon receipt of a notice of parental placement and
a relinquishment, the court shall require that the
department examine the child and conduct interviews with the
birth parents and prospective adoptive parents and report to
the court within 30 days but not earlier than 5 days after
the birth of the child. The report must state whether the
following requirements for placement have been met:

(a) that the decision to place was voluntarily made by
the birth parents;

(b) that the department has no temporary authority to investigate or provide protective services to the family under 41-3-402;

(c) that the birth parents, the prospective adoptive parents, and their representatives have agreed in writing to provide the court with sworn affidavits containing itemized statements of all fees charged or to be charged, expenses incurred or to be incurred, and payments received or to be received in connection with the proposed adoptive placement;

(d) that the prospective adoptive parents have been provided a medical and social history of the child and birth parents; and

(e) that the proposed placement is in the child's best interest.

(4) The department may contract with licensed social workers AND LICENSED CHILD-PLACING AGENCIES to conduct the investigations and prepare the report to the court ordered pursuant to subsection (3).

(5) The department may charge the prospective adoptive parents a fee, commensurate with costs, for the investigation and report.

(6) Within 45 days of filing of the notice of parental placement and the relinquishment, the court shall schedule a hearing to consider the proposed placement.

(7) (a) At least 5 days' notice of the time and

place of the hearing must be given to the birth parents, the prospective adoptive parents, any named guardian ad litem, and the department.

(b) The hearing shall be closed to all persons except those persons entitled to notice and their representatives or counsel.

(8) If the court finds that all requirements for placement have been met, the court may issue an order or schedule a hearing for the purpose of terminating parental rights and granting temporary custody to the prospective adoptive parents. The prospective adoptive parents must file their petition to adopt within 30 days of the order.

(9) If the court finds that all requirements for the adoptive placement have not been met, the court may issue any order appropriate to protect the child.

All fees collected pursuant to subsection (5) are statutorily appropriated, as provided in 17-7-502, to the department for parental adoptive placement investigations.

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1 effective, a statutory appropriation must comply with both
2 of the following provisions:

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4 listed in subsection (3);

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6 appropriation must specifically state that a statutory
7 appropriation is made as provided in this section;

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20 90-15-103; section 137, House Bill No. 861; Laws of 1985; and
21 section 17, Chapter 454, Laws of 1987;

22 (4) There is a statutory appropriation to pay the
23 principal, interest, premiums, and costs of issuing, paying,
24 and securing all bonds, notes, or other obligations, as due,
25 that have been authorized and issued pursuant to the laws of

1 Montana; Agencies that have entered into agreements
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3 treasurer, for deposit in accordance with 17-2-101 through
4 17-2-107, as determined by the state treasurer, an amount
5 sufficient to pay the principal and interest as due on the
6 bonds or notes have statutory appropriation authority for
7 such payments; (in subsection (3), pursuant to sec. 157-Ch.
8 607, B. 1987, the inclusion of 15-65-121 terminates June 30,
9 1989; pursuant to sec. 107-Ch. 664, B. 1987, the inclusion
10 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
11 67-Ch. 454, B. 1987, the inclusion of sec. 17-Ch. 454, B.
12 1987, terminates July 1, 1988.)"

13 NEW SECTION. Section 3. Effective date. (This act) is
14 effective July 1, 1989.

-End-

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3 BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

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8 CHILD-PLACING AGENCIES TO CONDUCT INVESTIGATIONS CONCERNING
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10 INVESTIGATIONS; ~~TO--PROVIDE--A--STATUTORY--APPROPRIATION--FOR~~
11 ~~FEE--RECEIVED; AND AMENDING SECTIONS--17-7-502--AND~~ SECTION
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11 6, Ch. 454, B. 1987, the inclusion of sec. 1, Ch. 454, B.
12 1987, terminates July 1, 1988.)^a

13 NEW SECTION. Section 3. Effective date. {This act} is
14 effective July 1, 1989.

-End-

SENATE BILL NO. 146

INTRODUCED BY HAGER

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(c) that the birth parents, the prospective adoptive parents, and their representatives have agreed in writing to provide the court with sworn affidavits containing itemized statements of all fees charged or to be charged, expenses incurred or to be incurred, and payments received or to be received in connection with the proposed adoptive placement;

(d) that the prospective adoptive parents have been provided a medical and social history of the child and birth parents; and

(e) that the proposed placement is in the child's best interest.

(4) The department may contract with licensed social workers AND LICENSED CHILD-PLACING AGENCIES to conduct the investigations and prepare the report to the court ordered pursuant to subsection (3).

(5) The department may charge the prospective adoptive parents a fee, commensurate with costs, for the investigation and report.

{4}{6} Within 45 days of filing of the notice of parental placement and the relinquishment, the court shall schedule a hearing to consider the proposed placement.

{5}{7} (a) At least 5 days' notice of the time and

place of the hearing must be given to the birth parents, the prospective adoptive parents, any named guardian ad litem, and the department.

(b) The hearing shall be closed to all persons except those persons entitled to notice and their representatives or counsel.

{6}{8} If the court finds that all requirements for placement have been met, the court may issue an order or schedule a hearing for the purpose of terminating parental rights and granting temporary custody to the prospective adoptive parents. The prospective adoptive parents must file their petition to adopt within 30 days of the order.

{7}{9} If the court finds that all requirements for the adoptive placement have not been met, the court may issue any order appropriate to protect the child.

{10} All fees collected pursuant to subsection (5) are statutorily appropriated, as provided in 17-7-502, to the department for parental adoptive placement investigations."

Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations--definition--requisites-for-validity--(1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

{2} Except as provided in subsection (4), to be

1 effective; a statutory appropriation must comply with both
2 of the following provisions:

3 (a) The law containing the statutory authority must be
4 listed in subsection (3);

5 (b) The law or portion of the law making a statutory
6 appropriation must specifically state that a statutory
7 appropriation is made as provided in this section;

8 (3) The following laws are the only laws containing
9 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
10 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;
11 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;
12 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;
13 17-5-804; 19-0-504; 19-9-702; 19-9-1007; 19-10-205;
14 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;
15 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111;
16 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;
17 39-71-2504; 40-8-109; 53-6-150; 53-24-206; 67-3-205;
18 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228;
19 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;
20 90-15-103; section 13, House Bill No. 861; laws of 1985; and
21 section 17, Chapter 454; laws of 1987;

22 (4) There is a statutory appropriation to pay the
23 principal, interest, premiums, and costs of issuing, paying,
24 and securing all bonds, notes, or other obligations, as due,
25 that have been authorized and issued pursuant to the laws of

1 Montana; Agencies that have entered into agreements
2 authorized by the laws of Montana to pay the state
3 treasurer, for deposit in accordance with 17-2-101 through
4 17-2-107, as determined by the state treasurer, an amount
5 sufficient to pay the principal and interest as due on the
6 bonds or notes have statutory appropriation authority for
7 such payments; (in subsection (3); pursuant to sec. 15, Ch.
8 607, by 1987, the inclusion of 15-65-121 terminates June 30,
9 1989; pursuant to sec. 10, Ch. 664, by 1987, the inclusion
10 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
11 67, Ch. 454, by 1987, the inclusion of sec. 17, Ch. 454, by
12 1987, terminates July 1, 1988.)"

13 NEW SECTION. Section 3. Effective date. {This act} is
14 effective July 1, 1989.

-End-

GOVERNOR'S AMENDMENTS
TO SENATE BILL 146
(Reference Copy)
March 20, 1989

1. Page 4, line 16.
Insert: "NEW SECTION. Section 2. Adoption services account.
There is an adoption services account in the special revenue fund.
The fees collected by the department of family services under [this
act] shall be deposited into this account and may be used by the
department of family services for adoption service."

-END-

SB 146

SENATE BILL NO. 146

INTRODUCED BY HAGER

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ADOPTION
STATUTES TO AUTHORIZE THE DEPARTMENT OF FAMILY SERVICES TO
CONTRACT WITH LICENSED SOCIAL WORKERS AND LICENSED
CHILD-PLACING AGENCIES TO CONDUCT INVESTIGATIONS CONCERNING
PARENTAL ADOPTIVE PLACEMENTS AND TO CHARGE A FEE FOR SUCH
INVESTIGATIONS; ~~TO--PROVIDE--A--STATUTORY--APPROPRIATION--FOR~~
~~FEES--RECEIVED; AND AMENDING SECTIONS--17-7-502--AND~~ SECTION
40-8-109, MCA; ~~AND PROVIDING AN EFFECTIVE DATE."~~

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

Section 1. Section 40-8-109, MCA, is amended to read:

"40-8-109. Placement for adoption by parents --
appropriation-of-fees. (1) No parent may make a placement of
a child for adoption with an individual who is not a
stepparent or a member of the child's extended family unless
the parent files with the district court for the county in
which the prospective adoptive parent or the parent making
the placement resides:

(a) a notice of parental placement; and

(b) a relinquishment of parental rights to the
prospective adoptive parents executed voluntarily and in

accordance with 40-6-135(2) through (4).

(2) The notice of parental placement and the
relinquishment shall be filed prior to a parent's placement
of the child with an individual who intends to adopt the
child. The notice of parental placement shall contain the
following information:

(a) the name and address of each birth parent, if
known, and if unknown, the steps taken to ascertain the
whereabouts of the parent or parents;

(b) the name and address of each prospective adoptive
parent;

(c) the name and address or expected date and place of
birth of the child; and

(d) the name and address of counsel, guardian ad
litem, or other representative, if any, for each of the
parties in (a) through (c) of subsection (2).

(3) Upon receipt of a notice of parental placement and
a relinquishment, the court shall require that the
department examine the child and conduct interviews with the
birth parents and prospective adoptive parents and report to
the court within 30 days but not earlier than 5 days after
the birth of the child. The report must state whether the
following requirements for placement have been met:

(a) that the decision to place was voluntarily made by
the birth parents;



(b) that the department has no temporary authority to investigate or provide protective services to the family under 41-3-402;

(c) that the birth parents, the prospective adoptive parents, and their representatives have agreed in writing to provide the court with sworn affidavits containing itemized statements of all fees charged or to be charged, expenses incurred or to be incurred, and payments received or to be received in connection with the proposed adoptive placement;

(d) that the prospective adoptive parents have been provided a medical and social history of the child and birth parents; and

(e) that the proposed placement is in the child's best interest.

(4) The department may contract with licensed social workers AND LICENSED CHILD-PLACING AGENCIES to conduct the investigations and prepare the report to the court ordered pursuant to subsection (3).

(5) The department may charge the prospective adoptive parents a fee, commensurate with costs, for the investigation and report.

(4)(6) Within 45 days of filing of the notice of parental placement and the relinquishment, the court shall schedule a hearing to consider the proposed placement.

(5)(7) (a) At least 5 days' notice of the time and

place of the hearing must be given to the birth parents, the prospective adoptive parents, any named guardian ad litem, and the department.

(b) The hearing shall be closed to all persons except those persons entitled to notice and their representatives or counsel.

(6)(8) If the court finds that all requirements for placement have been met, the court may issue an order or schedule a hearing for the purpose of terminating parental rights and granting temporary custody to the prospective adoptive parents. The prospective adoptive parents must file their petition to adopt within 30 days of the order.

(7)(9) If the court finds that all requirements for the adoptive placement have not been met, the court may issue any order appropriate to protect the child.

(10) All fees collected pursuant to subsection (5) are statutorily appropriated, as provided in 17-7-502, to the department for parental adoptive placement investigations.

Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations--definition--requisites for validity--(1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be

effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111; 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501; 39-71-2504; 40-8-109; 53-6-150; 53-24-206; 67-3-205; 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-220; 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103; section 137, House Bill No. 861, Laws of 1985; and section 17, Chapter 454, Laws of 1987.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of

Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 15, Ch. 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 1987, terminates July 1, 1988.)

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1989.

NEW SECTION. SECTION 2. ADOPTION SERVICES ACCOUNT.
THERE IS AN ADOPTION SERVICES ACCOUNT IN THE SPECIAL REVENUE FUND. THE FEES COLLECTED BY THE DEPARTMENT OF FAMILY SERVICES UNDER [THIS ACT] MUST BE DEPOSITED INTO THIS ACCOUNT AND MAY BE USED BY THE DEPARTMENT FOR ADOPTION SERVICE.

-End-