

SENATE BILL NO. 271

INTRODUCED BY Burnett GRINOE

A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING THE POLICY OF THE STATE TO PLACE A CHILD REMOVED FROM THE HOME WITH THE EXTENDED FAMILY; AND AMENDING SECTIONS 41-3-101 AND 52-2-102, MCA."

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

Section 1. Section 41-3-101, MCA, is amended to read:

"41-3-101. Declaration of policy. (1) It is hereby declared to be the policy of the state of Montana to:

- (a) ~~insure~~ ensure that all youth are afforded an adequate physical and emotional environment to promote normal development;
- (b) compel in proper cases the parent or guardian of a youth to perform the moral and legal duty owed to the youth;
- (c) achieve these purposes in a family environment whenever possible; and
- (d) preserve the unity and welfare of the family whenever possible.

(2) It is the policy of this state to provide for the protection of children whose health and welfare are or may be adversely affected and further threatened by the conduct of those responsible for their care and protection. It is intended that the mandatory reporting of such cases by professional people and other community members to the appropriate authority will cause the protective services of the state to seek to prevent further abuses, protect and enhance the welfare of these children, and preserve family life wherever appropriate.

(3) In implementing the policy of this section, whenever it is necessary to remove a child from the home pursuant to subsection (2), the department shall, in considering the best interests of the child, place the child with the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, prior to placing the child in an alternative protective or residential facility."

Section 2. Section 52-2-102, MCA, is amended to read:



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5 REMOVED FROM THE HOME WITH THE EXTENDED FAMILY UPON DEPARTMENT APPROVAL OF THE  
6 HOME; AND AMENDING SECTIONS 41-3-101 AND 52-2-102, MCA."7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9  
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14 promote normal development;15 (b) compel in proper cases the parent or guardian of a youth to perform the moral and legal duty  
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19 (2) It is the policy of this state to provide for the protection of children whose health and welfare  
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26 CHILD'S home pursuant to subsection (2), the department shall, in considering WHEN IT IS IN the best  
27 interests of the child AND WHEN THE HOME IS APPROVED BY THE DEPARTMENT, place the child with  
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1           **Section 2.** Section 52-2-102, MCA, is amended to read:

2           **"52-2-102. Recognition of parental control of children -- placement with extended family. Nothing**  
3 ~~in this~~ This title shall may not be construed as authorizing any state or county official, agent, or  
4 representative, in carrying out any of the provisions of this title, to take charge of any child over the  
5 objection of either of the parents of ~~such~~ the child or the person standing in loco parentis to ~~such~~ the child,  
6 except pursuant to a proper court order. When it is necessary to take charge of a child pursuant to a court  
7 order, the department shall, in considering WHEN IT IS IN the best interests of the child AND WHEN THE  
8 HOME IS APPROVED BY THE DEPARTMENT, place the child with the child's extended family, including  
9 adult siblings, grandparents, great-grandparents, aunts, and uncles, prior to placing the child in an  
10 alternative protective or residential facility. "

11

-END-



## HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Human Services and Aging** report that **Senate Bill 271** (third reading copy -- blue) **be concurred in as amended.**

Signed:

  
Duane Grimes, Chair

Carried by: Rep. Kottel

And, that such amendments read:

1. Title, line 5.

Following: "DEPARTMENT"

Insert: "OF FAMILY SERVICES'"

2. Title, line 6.

Following: "HOME;"

Insert: "REQUIRING A DEPARTMENT INVESTIGATION OF PERSONS LIVING  
IN THE HOME;"

3. Page 1, line 29.

Following: "facility."

Insert: "Prior to approving a home, the department shall  
investigate whether anyone living in the home has been  
convicted of a crime involving serious harm to children."

-END-

SB 271

Committee Vote:  
Yes 13, No 0.

HOUSE

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29 the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles,  
30 prior to placing the child in an alternative protective or residential facility. PRIOR TO APPROVING A HOME,



1 THE DEPARTMENT SHALL INVESTIGATE WHETHER ANYONE LIVING IN THE HOME HAS BEEN  
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-END-