HOUSE BILL NO. 560

INTRODUCED BY L. SHELDON-GALLOWAY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO RELINQUISHMENT OF PARENTAL RIGHTS; ALLOWING PARENTS TO ENTER INTO AGREEMENTS ~~WITH THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES~~ TO MAINTAIN CONTACT WITH THEIR CHILDREN; AND PROVIDING EXCEPTIONS."

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

NEW SECTION. **Section 1. Relinquishment of parental rights -- open adoption.** (1) (a) At any time after a child has been removed from the custody of a parent, the parent may relinquish parental rights. Prior to a parent's relinquishment of parental rights, the parent may enter into an agreement with the preadoptive parent or parents ~~the department, in writing and approved by the court,~~ to allow for an open adoption in which the parent may maintain contact with the child.

(b) Following the relinquishment of parental rights pursuant to subsection (1)(a), the parent-child legal relationship is terminated.

~~(2) If the court approves the agreement in subsection (1)(a), the department may not petition the court to approve a permanency plan of adoption unless the prospective adoptive placement enters into an agreement with the department and the parent to allow continued contact with the child.~~

~~(3)~~(2) The agreement may be suspended or terminated if:

~~(a) in the case of a child under the care of the department, the department determines that continued contact with the parent is no longer in the child's best interest;~~

~~(b)~~(a) in the case of a child who has been subsequently adopted, the adoptive parent or parents determine that continued contact with the parent is no longer in the child's best interest; or

(b) the child is 12 years of age or older and the child no longer consents to have continued contact with the parent.

~~(c) a permanent placement cannot be found in a reasonable amount of time~~.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 41, chapter 3, part 6, and the provisions of Title 41, chapter 3, part 6, apply to [section 1].

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AMEND