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 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) 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) 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

(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].

- END -