

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 3/30/07

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. RON STOKER, VICE CHAIR	/	
REP. DAVE GALLIK, VICE CHAIR	/	
REP. JULIE FRENCH	/	
REP. GEORGE EVERETT	/	
REP. HOLLY RASER	/	
REP. ROGER KOOPMAN	/	
REP. DOUGLAS CORDIER	/	
REP. KRAYTON KERNS	/	
REP. ROBYN DRISCOLL	/	
REP. KEN PETERSON	/	
REP. JESSE O'HARA	/	
REP. TOM MCGILLVRAY	/	
REP. DEBORAH KOTTEL		✓
REP. JOHN WARD	/	
REP. BOB EBINGER	/	
REP. RICK JORE	/	
CHAIRMAN DIANE RICE	/	



Sec.
Pam
Bill 173

HOUSE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 133** (third reading copy -- blue) be concurred in as amended.

Signed: *Diane Rice*
Representative Diane Rice, Chair

To be carried by Representative Tom McGillvray

And, that such amendments read:

1. Page 2, line 22.

Following: the first "the"

Insert: "first \$2,000 of the cash value of the"

Following: "contracts"

Insert: ", considered together, that are"

- END -

Committee Vote:

Yes 17, No 0

Fiscal Note Required

681358SC.hjd

jbw
3/30/07



HOUSE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 27** (third reading copy -- blue) be concurred in as amended.

Signed: *Diane Rice*
Representative Diane Rice, Chair

To be carried by Representative Ron Stoker

And, that such amendments read:

1. Title, lines 7 through 10.

Strike: "; REQUIRING" on line 7 through "COURT" on line 10

2. Page 1, line 30.

Strike: "IN THE CASE OF AN"

Insert: ", if the District Court determines the parent to be a fit parent and an"

3. Page 2, line 1.

Following: "PARENT"

Insert: ", "

4. Page 2, line 19.

Following: "if"

Insert: "the parent is found to be unfit and the contact is in the best interest of the child or, if the court determines the parent to be a fit parent,"

5. Page 2.

Following: line 30

Insert: "(2) Before a court may grant a petition brought pursuant to this section for grandparent-grandchild contact over the objection of a parent whose parental rights have not been terminated, the court shall make a determination whether the objecting parent is a fit parent. A

Committee Vote:

Yes 17, No 0

Fiscal Note Required

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3/30/07

determination of fitness and granting of the petition may be made only after a hearing, upon notice as determined by the court.

(3) A determination of unfitness may be made only if the court, based upon clear and convincing evidence, makes one or more of the determinations provided in 42-2-608(1) or finds that one or more of the events provided for in that subsection have occurred.

(4) Grandparent-grandchild contact may be granted over the objection of a parent determined by the court pursuant to subsection (2) to be unfit only if the court also determines by clear and convincing evidence that the contact is in the best interest of the child."

Renumber: subsequent subsections

6. Page 3, line 2.

Strike: "after a hearing and"

7. Page 3.

Following: line 17

Insert: "(9) A determination pursuant to subsection (2) that a parent is unfit has no effect upon the rights of a parent, other than with regard to grandparent-grandchild contact if a petition pursuant to this section is granted, unless otherwise ordered by the court."

- END -



HOUSE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 3

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 31** (third reading copy -- blue) be concurred in as amended.

Signed:

Diane Rice
Representative Diane Rice, Chair

To be carried by Representative Dave Gallik

And, that such amendments read:

1. Page 1, line 12 through page 2, line 7.

Strike: "WHEREAS" on line 12 through "CONSTITUTION." on page 2, line 7

2. Page 3.

Following: line 6

Insert: "NEW SECTION. **Section 1. Legislative finding and purpose -- definitions.** (1) The legislature recognizes that the right of parents to the custody and control of their children is based upon the liberties secured by the United States and Montana constitutions and that a parent's right to that custody and control is therefore normally supreme to the interests of other persons. The legislature also recognizes a growing phenomenon in which absent or otherwise unavailable parents have temporarily surrendered the custody and care of a child to a grandparent or other caretaker relative for a lengthy period of time. The legislature finds that a caretaker relative frequently offers a child a loving, stable, and secure environment in which to live, make friends, and attend school, which is an environment not provided by a parent who temporarily abandons a child. However, a child is deprived of that caring and safe environment when a parent returns to claim the child with little or no notice to the caretaker relative. This situation, which in some instances has occurred multiple times with the same child, is disruptive to the more stable

Committee Vote:

Yes 17, No 0

Fiscal Note Required

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John
3/30/07

life offered by the caretaker relative and may violate the child's rights ensured by Article II, section 15, of the Montana constitution, such as the right under Article II, section 3, of the Montana constitution of seeking safety, health, and happiness. For these reasons, it is the purpose of the legislature in enacting [section 2] and this section to exercise its police powers for the health and welfare of children who have been abandoned by their parents to the care of relatives and to create a procedure, applicable in limited situations caused by the voluntary surrender of a child by a parent, under circumstances indicating abandonment, whereby a child in the care of a relative may remain with that relative while the issue of abandonment by the parent is reviewed and determined by a court of law. The legislature believes that this temporary infringement on the right of a parent to the custody and control of a minor child is justified by the possibility of abandonment by the parent, because the welfare of the child is at stake, and because of the likely violation of the child's rights ensured by Article II, section 15, of the Montana constitution.

(2) As used in [section 2] and this section, the following definitions apply:

(a) "Caretaker relative" or "relative" means an individual related to a child by blood, marriage, or adoption by another individual, who has care and custody of a child but who is not a parent, foster parent, stepparent, or legal guardian of the child.

(b) "Parent" means a biological or adoptive parent or other legal guardian of a child."

Renumber: subsequent sections

3. Page 3, line 16.

Following: "file"

Insert: ", without payment of a filing fee,"

4. Page 4, line 7.

Strike: "10-point"

Insert: "14-point"

5. Page 5, line 1.

Following: "3"

Insert: "business"

6. Page 5, line 6.

Following: "3"

Insert: "business"

7. Page 5, line 12.

Strike: "the clerk shall send"

8. Page 5, line 13.

Following: "order"

Insert: "must be sent"

9. Page 5, line 30 through page 6, line 4.

Strike: subsection (9) in its entirety

Insert: "(9) Subject to availability of appropriations, the attorney general shall prepare a form for the affidavit provided for in this section and shall distribute the form as the attorney general determines appropriate."

10. Page 6, line 6.

Strike: "[SECTION 1] IS"

Insert: "[Sections 1 and 2] are"

11. Page 6, line 7.

Strike: ", CHAPTER 9"

12. Page 6, lines 7 and 8.

Strike: ", CHAPTER 9,"

13. Page 6, line 8.

Strike: "[SECTION 1]"

Insert: "[sections 1 and 2]"

14. Page 6, line 11.

Strike: "1(8)(B)"

Insert: "2(8)(b)"

15. Page 6, line 13.

Strike: "1(8)"

Insert: "2(8)"

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3/30/07 BILL NO. _____ MOTION NO. _____

MOTION: _____
SB133 Conceptual Amendment
from Gallik

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	✓		
REP. DAVE GALLIK, VICE CHAIR	✓		
REP. JULIE FRENCH		✓	
REP. GEORGE EVERETT	✓		
REP. HOLLY RASER		✓	
REP. ROGER KOOPMAN	✓		
REP. DOUGLAS CORDIER	✓		
REP. KRAYTON KERNS	✓		
REP. ROBYN DRISCOLL		✓	
REP. KEN PETERSON		✓	
REP. JESSE O'HARA	✓ P		
REP. TOM MCGILLVRAY		✓	
REP. DEBORAH KOTTEL		✓ P	
REP. JOHN WARD	✓		
REP. BOB EBINGER		✓	
REP. RICK JORE	✓		
CHAIRMAN DIANE RICE	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3/30/07 BILL NO. _____ MOTION NO. _____
 MOTION: _____

SB 133 BCIA

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	✓		
REP. DAVE GALLIK, VICE CHAIR	✓		
REP. JULIE FRENCH	✓		
REP. GEORGE EVERETT	✓		
REP. HOLLY RASER	✓		
REP. ROGER KOOPMAN	✓		
REP. DOUGLAS CORDIER	✓		
REP. KRAYTON KERNS	✓		
REP. ROBYN DRISCOLL	✓		
REP. KEN PETERSON	✓		
REP. JESSE O'HARA	✓P		
REP. TOM MCGILLVRAY	✓		
REP. DEBORAH KOTTEL	✓P		
REP. JOHN WARD	✓		
REP. BOB EBINGER	✓		
REP. RICK JORE	✓P		
CHAIRMAN DIANE RICE	✓		

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 133 Amend		X
SB 133	X	
SB 27 Amend 01	X	
SB 27	X	
SB 31 Amend 03	X	
SB 31	X	

BILL/AMENDMENT	AYE	NO

3/30/01

Rep. Ken Kautel
(Signature)

Date _____

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Judiciary
 Committee because of other commitments. I desire to leave my proxy vote with:
Ron

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 133	X	
SB 00270 1	X	
SB 003103	X	
SB 31	X	
SB 27	X	

BILL/AMENDMENT	AYE	NO

Rep. Rick Jone
 (Signature)

Date 3/30/2007

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the

House Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Ran Hoken

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
<i>SB 133 01 A</i>	<i>X</i>	<i>X</i>
<i>SA 133</i>	<i>X</i>	
<i>SA 133</i>	<i>X</i>	
<i>sb 002701.adn</i>	<i>X</i>	
<i>sb 27</i>	<i>X</i>	

BILL/AMENDMENT	AYE	NO

Rep. *Jose O'Han*
(Signature)

Date *3/30/2007*

**Montana House of Representatives
Visitors' Register**

Judiciary COMMITTEE

Date 3/30/07

Bill Nos. 110, 393 Sponsor(s) Sen. Laible, Gillan

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Name	Representing	Bill No.	Support	Oppose	Info.
KERRY NEWCOMER	MT MEDIATION ASSOC	SB 393	X		
M. S. KAKUK	MT Assn Realtors	SB 110	✓		
BRIAN TROTTER	GROUP OF FARMERS * SELF	SB 110		X	
Steve Wilson	Crack Co	SB 110			X
Moe Wosepka	Mont Cath Conf	SB 393	X		
GORDON MORRIS	L & C County	SB 110	X		
HAROLD BLATTICE	NACs	SB 110	X		
LINDA STOLL	MT ASSN of Realtors	SB 110	✓		
MIKE HARRIS	Ball. County	SB 110	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

TO: AS/E
FROM: [unclear] . [unclear]

UNOIBUL
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