

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ADOPTION LAWS REGARDING LICENSURE
5 REQUIREMENTS FOR CHILD-PLACEMENT AGENCIES; PROVIDING AN EXEMPTION FROM LICENSURE
6 FOR AN ATTORNEY OR HEALTH CARE PROVIDER ASSISTING A PARENT IN IDENTIFYING OR
7 LOCATING A CHILD FOR ADOPTION OR AN ADOPTIVE PARENT; AND AMENDING SECTIONS 42-7-105
8 AND 52-8-103, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12 **Section 1.** Section 42-7-105, MCA, is amended to read:

13 **"42-7-105. Prohibited activities -- violations -- penalties.** (1) A person, other than the department,
14 an attorney or health care provider acting under 52-8-103(2), or a licensed child-placing agency, may not:

15 (a) advertise in any public medium that the person:

16 (i) knows of a child who is available for adoption; or

17 (ii) is willing to accept a child for adoption or knows of prospective adoptive parents for a child; or

18 (b) engage in placement activities as defined in 52-8-101.

19 (2) An individual other than an extended family member or stepparent of a child may not obtain legal
20 or physical custody of a child for purposes of adoption unless the individual has a favorable preplacement
21 evaluation or a court-ordered waiver of the evaluation.

22 (3) A person who, as a condition for placement, relinquishment, or consent to the adoption of a child,
23 knowingly offers, gives, agrees to give, solicits, accepts, or agrees to accept from another person, either directly
24 or indirectly, anything other than the fees allowed under 42-7-101 commits the offense of paying or charging
25 excessive adoption process fees.

26 (4) It is illegal to require repayment or reimbursement of anything provided to a birth parent under 42-
27 7-101. All payments by the adoptive parent made on behalf of a birth parent pursuant to this section are
28 considered a gift to the birth parent.

