

HOUSE BILL NO. 317

INTRODUCED BY J. WINDY BOY, M. WEATHERWAX, C. KEOGH, D. HAWK, E. KERR-CARPENTER, A. BUCKLEY, K. SULLIVAN, K. KORTUM, T. FRANCE, E. STAFMAN, M. CAFERRO, M. THANE, F. SMITH, M. FOX, S. MORIGEAU, J. ETCHART, K. ABBOTT, P. TUSS, S. STEWART PEREGOY, B. CARTER, Z. ZEPHYR, M. ROMANO, L. SMITH, D. BAUM, E. MATTHEWS, S. HOWELL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA INDIAN CHILD WELFARE ACT; PROVIDING REQUIREMENTS FOR DETERMINING INDIAN STATUS AND INDIAN TRIBE; ESTABLISHING REQUIREMENTS FOR COURT PROCEEDINGS, EVIDENCE, AND CONSENT; PROVIDING DEFINITIONS; AMENDING SECTIONS 40-6-405, 40-6-407, 40-6-413, 40-6-414, 40-6-1001, 40-7-135, 41-3-102, 41-3-103, 41-3-109, 41-3-128, 41-3-205, 41-3-301, 41-3-306, 41-3-307, 41-3-422, 41-3-423, 41-3-425, 41-3-427, 41-3-432, 41-3-437, 41-3-444, 41-3-609, 42-2-102, 42-2-604, 42-4-102, 42-4-103, 42-4-203, 42-4-209, 42-5-101, 42-5-107, 47-1-104, AND 52-2-117, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 20] may be cited as the "Montana Indian Child Welfare Act".

NEW SECTION. **Section 2. Legislative findings -- purpose.** (1) The legislature recognizes that in possibly no other area of concurrent tribal and state law is it more important that tribal sovereignty be respected than in an area as socially and culturally determinative as family relationships. The legislature finds that the state is committed to protecting the essential tribal relations and best interests of Indian children by promoting practices designed to prevent out-of-home placement of Indian children that is inconsistent with the rights of the parents, the health, safety, or welfare of the child, or the interests of the child's tribe. Whenever out-of-home placement of an Indian child is necessary in a proceeding subject to the terms of the federal Indian Child Welfare Act and [sections 1 through 20], the best interests of the Indian child may be served by placing the Indian child in accordance with the placement priorities expressed in [sections 1 through 20].

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