

1 SENATE BILL NO. 147

2 INTRODUCED BY J. WINDY BOY, J. REAVIS, B. EDWARDS, M. LEE, P. STRAND, T. CROWE, J.

3 SECKINGER, B. CLOSE, S. FYANT, C. NEUMANN, J. WEBER, J. SOOKTIS, A. GRIFFITH, D. POWERS, M.

4 CUNNINGHAM, E. BUTTREY, M. DUNWELL, R. MARSHALL, E. MATTHEWS, J. MORIGEAU, T. RUNNING

5 WOLF, F. SMITH, S. WEBBER, M. FOX, L. SMITH, M. CAFERRO, B. CARTER, J. COHENOUR, P.

6 FLOWERS, D. HAWK, D. HAYMAN, S. HOWELL, J. KARLEN, C. KEOGH, K. KORTUM, S. MORIGEAU, A.

7 OLSEN, C. POPE, M. ROMANO, E. STAFMAN, K. SULLIVAN, M. THANE, Z. ZEPHYR, M. MARLER, S.

8 DEMAROIS, C. FITZPATRICK

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10 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA INDIAN CHILD WELFARE ACT AND

11 RELATED LAWS; ~~REQUIRING CULTURAL COMPACTS IN CERTAIN CIRCUMSTANCES; CLARIFYING THE~~

12 ~~STANDARD FOR EMERGENCY REMOVAL; PROVIDING ADDITIONAL REQUIREMENTS FOR~~

13 ~~GUARDIANSHIPS; REQUIRING CONSULTATION WITH AN INDIAN CHILD'S TRIBE ON A PERMANENCY~~

14 ~~PLAN; PROVIDING ADDITIONAL GROUNDS THAT A COURT MAY HAVE REASON TO KNOW A CHILD IS~~

15 ~~AN INDIAN CHILD; REQUIRING A DENIAL OF A TRANSFER OF JURISDICTION TO BE IN WRITING;~~

16 ~~REVISING REQUIREMENTS FOR QUALIFIED EXPERT WITNESSES, ACTIVE EFFORTS, EVIDENCE, AND~~

17 ~~PLACEMENT PREFERENCES; AMENDING SECTIONS 40-6-407, 41-3-306, 41-3-444, 41-3-445, 41-3-1306,~~

18 ~~41-3-1310, 41-3-1318, 41-3-1319, 41-3-1320, 41-3-1325, 41-3-1328, AND 41-3-1329, MCA; REPEALING~~

19 SECTION 55, CHAPTER 716, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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21 WHEREAS, the Montana Legislature recognizes the guiding principles it enacted in section 2-15-142,

22 MCA, that in formulating or implementing policies that have direct tribal implications, the state should consider

23 the following principles:

24 (1) a commitment to cooperation and collaboration;

25 (2) mutual understanding and respect;

26 (3) regular and early communication;

27 (4) a process of accountability for addressing issues; and

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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA,

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(Refer to Introduced Bill)

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Strike everything after the enacting clause and insert:

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11 **NEW SECTION.** **Section 1. Repealer.** Section 55, Chapter 716, Laws of 2023, is repealed.

13 **NEW SECTION.** **Section 2. Notification to tribal governments.** The secretary of state shall send a
14 copy of [this act] to each federally recognized tribal government in Montana.

16 NEW SECTION. **Section 3.** **Effective date.** [This act] is effective on passage and approval.

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