

SENATE BILL NO. 147

INTRODUCED BY J. WINDY BOY, J. REAVIS, B. EDWARDS, M. LEE, P. STRAND, T. CROWE, J. SECKINGER, B. CLOSE, S. FYANT, C. NEUMANN, J. WEBER, J. SOOKTIS, A. GRIFFITH, D. POWERS, M. CUNNINGHAM, E. BUTTREY, M. DUNWELL, R. MARSHALL, E. MATTHEWS, J. MORIGEAU, T. RUNNING WOLF, F. SMITH, S. WEBBER, M. FOX, L. SMITH, M. CAFERRO, B. CARTER, J. COHENOUR, P. FLOWERS, D. HAWK, D. HAYMAN, S. HOWELL, J. KARLEN, C. KEOGH, K. KORTUM, S. MORIGEAU, A. OLSEN, C. POPE, M. ROMANO, E. STAFMAN, K. SULLIVAN, M. THANE, Z. ZEPHYR, M. MARLER, S. DEMAROIS, C. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA INDIAN CHILD WELFARE ACT AND RELATED LAWS; ~~REQUIRING CULTURAL COMPACTS IN CERTAIN CIRCUMSTANCES; CLARIFYING THE STANDARD FOR EMERGENCY REMOVAL; PROVIDING ADDITIONAL REQUIREMENTS FOR GUARDIANSHIPS; REQUIRING CONSULTATION WITH AN INDIAN CHILD'S TRIBE ON A PERMANENCY PLAN; PROVIDING ADDITIONAL GROUNDS THAT A COURT MAY HAVE REASON TO KNOW A CHILD IS AN INDIAN CHILD; REQUIRING A DENIAL OF A TRANSFER OF JURISDICTION TO BE IN WRITING; REVISING REQUIREMENTS FOR QUALIFIED EXPERT WITNESSES, ACTIVE EFFORTS, EVIDENCE, AND PLACEMENT PREFERENCES; AMENDING SECTIONS 40-6-407, 41-3-306, 41-3-444, 41-3-445, 41-3-1306, 41-3-1310, 41-3-1318, 41-3-1319, 41-3-1320, 41-3-1325, 41-3-1328, AND 41-3-1329, MCA; REPEALING SECTION 55, CHAPTER 716, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."~~

WHEREAS, the Montana Legislature recognizes the guiding principles it enacted in section 2-15-142, MCA, that in formulating or implementing policies that have direct tribal implications, the state should consider the following principles:

- (1) a commitment to cooperation and collaboration;
- (2) mutual understanding and respect;
- (3) regular and early communication;
- (4) a process of accountability for addressing issues; and
- (5) preservation of the tribal-state relationship;

1 and in possibly no other area of concurrent tribal and state law is it more important that these principles be
2 followed as in an area as socially and culturally determinative as family relationships.

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

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6 (Refer to Introduced Bill)

7 Strike everything after the enacting clause and insert:

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

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

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

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