

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
28 (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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