

MONTANA STATE PAGE

COMPACT ADMINISTRATOR

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Address All Correspondence To: Compact Administrator.

ICPC Office Hours: Monday - Friday, 8:00 a.m. to Noon, and 1:00 p.m. to 5:00 p.m.,
Mountain Time Zone.

FAX: (406) 444-5956

GENERAL INFORMATION

ICPC Code Citation. Section 41-4-101 through 41-4-109, Montana Code Annotated (MCA).

Statutory Penalties Under Article IV. A person acting as an adoption agency without a license is guilty of a misdemeanor and is subject to a fine not exceeding \$1000 or imprisonment for up to 1 year for a first offense. Conviction on a second felony is subject to a fine not exceeding \$10,000 or imprisonment for up to 5 years. Section 52-8-108, MCA. A person convicted of the offense of paying or charging excessive adoption process fees, attempting to recover expenses incurred from an unlawful adoption process, or advertising for a child for adoption or for adoptive parents may be fined an amount not to exceed \$10,000. Section 42-7-105, MCA. Violation of the ICPC may result in revocation or suspension of license. Adoptive placement made in violation of the ICPC may be set aside and child returned to birth parent or legal parent. In the Matter of the Adoption of T.M.M., 608 P .2d 130 (1980).

Age of Majority. 18 years. Section 41 - 3 - 102, MCA.

Court Jurisdiction. State district courts handle child and family affairs.

REQUIREMENTS

Licensing Requirements. All adoption agencies require licenses. Sections 52-8-104, MCA. All foster care facilities require licenses. Section 52-2-621, MCA. Applications for adoption agency licenses are made to DPHHS state office. Applications for foster care facility licenses are made to local DPHHS offices.

PLACEMENTS

Direct Parental Placements. Lawful if placed by child's parent. Section 42-4-101, MCA. No person, including doctors and lawyers, who is not licensed as an adoption agency may make adoption placements into or out of Montana. Any assistance provided to birth parents in soliciting, procuring

MONTANA STATE PAGE

or arranging for the placement of a child in an adoptive home is illegal unless the person providing the assistance is licensed as an adoption agency. Section 42-7-105, 42-8-108, MCA. SRS vs. Angel and Fisher, 577 P .2nd 1223 (1978).

Adoption Petition. Petitioners must reside in the state at the time the petition is filed. Proceedings must be brought in the district court of the county where the petitioner(s) resides. Section 42-1-109, MCA. Six month waiting period may be waived by the court. In a direct parental placement a petition to terminate parental rights for purposes of adoption and to adopt the child must be filed within 30 days after the filing of a notice of parental placement or the execution of a relinquishment and consent to the adoption of the child, whichever is later. Section 42-4-110, MCA. In a DPHHS or licensed child-placing agency placement, the petition shall be filed after the child is placed. Section 42-4-206, MCA. Investigation by DPHHS or a licensed child-placing agency is required to determine if the child is legally free for adoption and if the proposed home is suitable for the child. Section 42-1-107, 42-3-301, MCA.

Residential Placements

-Placements Requiring Interstate Approval. ICPC is required for all out-of-state placements into facilities licensed under Section 52-2-603, MCA. (a home, facility or institution providing care and maintenance for children for which money or other consideration of value is received) .

-Approval of Facilities. Facilities are licensed by DPHHS regional offices. Obtain name of contact person from Compact Administrator.

-Rate Setting. Rates paid by DPHHS or DOC are set by each agency. Obtain rates from Compact Administrator.

-Monitoring of Child: No monitoring by Compact Administrator. Compact Administrator can request progress reports.

-Placement of Non-Resident Youth: Restrictions for placements are limited to compliance with provisions of ICPC and admission policies of respective facility.

Requirements for Foster Care Placements: All persons or groups or facilities providing foster care must be licensed by DPHHS. Relatives are not required to be licensed for placement, but may be licensed upon request and meeting of standards. Relatives must be licensed to receive foster care payments.

PAYMENTS

TANF/Medicaid Payments. Payment is available upon application and approval in Montana for children who are placed with parents or relatives.

Foster Care Payments. Payments made by DPHHS are restricted to rate established by agency policy. Foster care payments are not made to parents.

Special Education Payments. Payments depend on circumstances of placement. Local school boards administer the special education funds in Montana and require child study team evaluation and recommendation to expend monies.

MONTANA STATE PAGE

USEFUL TELEPHONE NUMBERS

Child Abuse Registry/Hotline. Registry: DPHHS. (406) 444-5900. Hotline: For reporting suspected or known abuse or neglect anywhere in Montana 1-866-820-5437.

Juvenile Compact Office. Nancy Wikle, Juvenile Compact Administrator, DOC, P, O. Box 201301, 1539 11th Ave., Rm. 201, Helena, MT 59620-1301. (406) 444-6409.

Mental Health Compact Office. Randy Vetter, Montana State Hospital, DPHHS, Warm Springs, MT 59756-0300. (406) 693-7000.

Interstate Compact on Adoption and Medical Assistance. Kandice Morse, Program Officer, DPHHS, P.O. Box 8005, 1400 Broadway, Rm. C-123, Helena, MT 59604. (406) 444-5917.