Definitions

ADOPTEE: means an adopted person or a person who is the subject of an adoption proceeding that is intended to result in the adoptee becoming the legal child of another person.

ADOPTION: means the act of creating the legal relationship between parent and child when it does not exist genetically. It is the permanent legal transfer of all parental rights from one person or couple to another person or couple.

ADOPTIVE PARENT: means an adult who has become the mother or father of a child through the legal process of adoption.

AGENCY: means a public or non-profit entity that is licensed by any jurisdiction of the United States and that is expressly empowered to place children preliminary to a possible adoption.

BIRTH PARENT: means the woman who gave birth to the child or the father of genetic origin of the child.

CHILD'S SOCIAL HISTORY: means the form (DPHHS-CFS-107, Birth Family Social and Medical History, completed in conjunction with the birth parents or significant others that includes relevant family background; education, health, mental health, religion and social information; tribal affiliation, if any; current and past living arrangements (placement history); etc.

CONCURRENT PLANNING: means to work toward reunification while, at the same time, developing and implementing an alternative permanent plan. This is done by establishing and implementing two simultaneous plans intended to achieve a permanent outcome for a child in the shortest period of time.

CONFIDENTIAL ADOPTION: occurs when there is no direct contact between the birth and adoptive families. Confidential adoption preserves the confidentiality and anonymity of the adoptive parent(s) and the birth parents and is most appropriate in cases where the parent(s) poses a serious continuing risk to the child's health, safety and welfare.

CONFIDENTIAL INTERMEDIARY: means a person certified by the Department and under contract with or employed by a non-profit entity with expertise in adoption.

COURT: means a court of record in a competent jurisdiction and in Montana means a district court or a tribal court.

DEPARTMENT: means the Department of Public Health and Human Services as provided for in Mont. Code Ann. § 2-15-2201.

DIRECT PARENTAL PLACEMENT ADOPTION: means an adoption in which the parent of the child places the child with a prospective adoptive parent personally known and selected by the parent independent of an agency.

DOMESTIC VIOLENCE (PARTNER OR FAMILY MEMBER ASSAULT): is bodily injury inflicted on a partner or family member or causing reasonable apprehension of bodily injury to a partner or family member. Bodily injury is physical pain, illness or any impairment of physical condition and includes mental illness or impairment. (See Mont. Code Ann. § 45-5-206.)

FOSTER PARENT ADOPTION: occurs when foster parents are approved by the Department to adopt a child when the adoption is in the best interests of the child. (See Section 602-5, Foster Parent Adoption.)

KINSHIP ADOPTION: is the adoption of a child by relatives or other kin who have been approved by the Department when the adoption of the child has been determined to be in the best interests of the child. (See Section 602-4, Kinship Adoption.)

LEGAL RISK PRE-ADOPTIVE PLACEMENT: is the placement of a foster child with people who have been approved as an adoptive resource pending the child becoming legally free for adoption. (See Sections 602-6, Legal Risk Adoptive Placement, and 407-1, Legal Risk Adoptive Placement.)

OPEN ADOPTION: means an adoption in which the birth parents have no legal or nurturing rights to the child but may have continuing communication and/or knowledge of the child's whereabouts and welfare.

There are varying degrees of openness in adoption. The degree of openness in any adoption should be arrived at by mutual agreement based on a thoughtful, informed decision-

making process involving the birth parents, the prospective adoptive parent(s) and, when appropriate, the child.

PARENT: means the birth or adoptive mother, or the birth, adoptive or legal father whose parental rights have not been terminated.

PLACING PARENT: means a parent who is voluntarily making a child available for adoption.

PRE-ADOPTIVE PLACEMENT: means the placement of a child who has been determined by a permanency team to meet the legal requirements of a legal risk adoptive placement as defined in policy, or the legal requirements for an adoptive placement as defined in statute, with a family who has a current approved pre-placement evaluation; and who has signed a legal risk adoptive placement agreement or an adoptive placement agreement regarding the child.

PRE-PLACEMENT EVALUATION (ADOPTIVE HOME STUDY): means the home study process conducted by the Department, a licensed child placing agency or a Licensed Clinical Social Worker that assists a prospective adoptive parent or family to assess its own readiness to adopt and asses whether the prospective adoptive parent or family and home meet applicable requirements.

POST PLACEMENT EVALUATION: means a written report in which specific elements required by law are addressed, including a recommendation for or against finalization of the adoption. The evaluation is usually completed by the worker who has supervised the placement of the child.

RECORDS: means all documents, exhibits, and data about an adoption.

RELINQUISHMENT: means the informed and voluntary release in writing of all parental rights with respect to a child by a parent to an agency or individual.

SUBSIDIZED ADOPTION: occurs when a special needs child is approved for financial and/or medical assistance. It allows families to adopt special needs children who need additional resources to be maintained in the family. (See Section 604-1,

Subsidized Adoption, Non-Recurring Adoption Expenses, and Medical Subsidy.)

References Mont. Code Ann. § 42-1-103

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