



ADMINISTRATIVE RULES OF MONTANA



37.50.106 VOLUNTARY PLACEMENT

- (1) Voluntary placement should not exceed 6 months in duration.
- (2) Voluntary placement agreements will generally not be accepted if:
 - (a) the child requests placement to avoid being held responsible for the child's behavior or because of conflicts with the parents or guardians; or
 - (b) the parents or guardians request placement because of behavior problems of the child or conflict with the child;
 - (c) In cases where requests for voluntary placement agreements are denied, the department will make appropriate referrals for services for the family to address these problems.
- (3) The department will generally accept voluntary placement agreements only if:
 - (a) the child is in danger of being abused or neglected;
 - (b) the parents or guardians, as a result of unavoidable circumstances, are temporarily absent from the home, and no other placement alternatives are available;
 - (c) the parents or guardians are unable to provide adequate care for the child because of extreme temporary stress; or
 - (d) the parents or guardians are worried about their hostile, abusive or neglectful feelings toward their child and are willing to voluntarily seek the assistance or services necessary to assure the child can be returned to them as soon as possible.
- (4) If any of the following conditions exist, voluntary placement agreements will generally not be substituted for appropriate legal action to protect the child:
 - (a) the parents or guardians have severely abused or neglected the child;
 - (b) the parents or guardians have abused or neglected the child and department services have been offered and previously refused or were previously accepted but have been unsuccessful;
 - (c) the parents' or guardians' behavior is dangerous to the child; or
 - (d) the parents or guardians by their words or actions have indicated a desire to relinquish their parental rights or abandon the child.

Implementing statute(s): Sec. 41-3-1103, 41-3-1122 and 52-1-103, MCA

History: NEW, 1988 MAR p. 2035, Eff. 7/29/88; AMD, 1996 MAR p. 458, Eff. 2/9/96; TRANS, from DFS, 1998 MAR p. 488.