

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



MIKE COONEY  
LT. GOVERNOR

May 4, 2017

The Honorable Corey Stapleton  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 117 (SB 117), "AN ACT REVISING LAWS REGARDING THE DELEGATION OF POWERS OVER A CHILD BY A PARENT OR LEGAL GUARDIAN BY EXECUTING A POWER OF ATTORNEY; PROVIDING THAT AN EXECUTION OF A POWER OF ATTORNEY DOES NOT CONSTITUTE ABANDONMENT FOR CHILD ABUSE AND NEGLECT PURPOSES; PROVIDING THAT A PERSON OR ENTITY INVOLVED IN AN EXECUTION OF A POWER OF ATTORNEY IS NOT SUBJECT TO CHILD PLACEMENT AND YOUTH CARE FACILITY LICENSURE LAWS; AND AMENDING SECTIONS 41-3-102, 52-2-602, 52-8-101, 52-8-103, AND 72-5-103, MCA."

SB 117 would allow parents to transfer the care and responsibility of their children to an unlicensed person or unlicensed "substitute care" for an unlimited time, using the power of attorney. The power of attorney can be re-executed any number of times, meaning children could be delivered indefinitely to third parties with no contact from their parents.

Even more disturbing, there are absolutely no protections for children in this bill. There is no requirement that a background check be conducted with regard to the person receiving a child. There are no minimum standards for the safety and welfare of the children. There is no requirement for a home check. There is no requirement that the parents visit or maintain communication with the child. Under existing law, organizations placing children in foster care or for adoption must be licensed and meet specific standards. If SB 117 passed, these licensed entities could be bypassed entirely.

Current law already allows for parents to temporarily place their children in the custody of someone else using the power of attorney for up to six months. SB 117 is an unnecessary and dangerous expansion of the law. This bill would put children at risk.

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For these reasons, I veto SB 117.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Bullock", with a long horizontal flourish extending to the right.

STEVE BULLOCK  
Governor

cc: Legislative Services Division  
Scott Sales, President of the Senate  
Austin Knudsen, Speaker of the House