

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

May 11, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Ellsworth and Speaker Regier:

The State of Montana is committed to ensuring the safety and well-being of Montana's children, including those who are most vulnerable and at risk of abuse, neglect, or abandonment.

Sadly, the largely untested warrant requirement in House Bill 37, with its far too narrow exceptions, fails to protect Montana children by delaying the removal of a child from their home when Department of Public Health and Human Services (DPHHS) officials determine it is necessary and appropriate, potentially subjecting the children we aim to protect to immediate harm. Other House Bill 37 reforms are included in legislation that my Administration has supported, has passed the Legislature, and does not contain provisions that interfere with DPHHS's ability to protect vulnerable children who are at risk in their homes. Let me be clear: while I am open to testing new and innovative public policy in Montana, we must not experiment with the well-being or lives of children in need of protection. House Bill 37 is undoubtedly a step too far.

As I stated previously to the Legislature, the removal of children from homes should be, and is, a last-resort option for DPHHS. But I cannot support legislation that ties the department's hands in exigent circumstances when a child's life may be at risk and immediate removal is needed but not permitted under House Bill 37 without a warrant, such as situations of physical neglect or when no parent, guardian, or responsible adult designated by the parent or guardian is available to care for the child.

Put simply, House Bill 37, without the reasonable amendments that DPHHS and other child welfare stakeholders have sought for nearly two years over the course of its development, unconscionably places the lives of vulnerable children on the line. I am deeply disappointed that the Legislature failed to consider those amendments, which I also proposed and which would have

preserved the intent of the bill while improving it by modifying the warrant requirement to ensure the safety of some of Montana's most vulnerable children, as well as providing DPHHS with sufficient time to work with its judicial and law enforcement partners to develop the policies and procedures necessary to implement the new warrant requirement. As evidenced by its countless interactions with the Legislature, including support of many other bills that reform the policies and procedures of its Child and Family Services Division, DPHHS is open to challenging the status quo and stands ready to improve Montana's child welfare system.

However, without amendments, the practical implications of House Bill 37 could be catastrophic and cause tremendous harm to Montana's children.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 37: "AN ACT GENERALLY REVISING CHILD ABUSE AND NEGLECT LAWS; REQUIRING A WARRANT TO REMOVE A CHILD FROM THE CHILD'S HOME EXCEPT IN EXIGENT CIRCUMSTANCES; REVISING THE DEFINITIONS OF "CHILD ABUSE OR NEGLECT" AND "REASONABLE EFFORTS"; REVISING THE TIMEFRAME IN WHICH AN ABUSE AND NEGLECT PETITION MUST BE FILED WHEN A CHILD IS REMOVED; REVISING THE TIMEFRAME IN WHICH AN EMERGENCY PROTECTIVE SERVICES HEARING MUST BE HELD; REVISING THE REQUIREMENTS FOR DISMISSING AN ABUSE AND NEGLECT PETITION; AMENDING SECTIONS 41-3-101, 41-3-102, 41-3-301, 41-3-306, 41-3-423, 41-3-424, 41-3-425, AND 41-3-427, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

Sincerely,



Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State