

Montana Code Annotated 2014

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20-5-501. Purpose -- legislative intent -- parental rights -- definitions. (1) The legislature recognizes that the rights of parents to the custody and control of a child are based upon liberties secured by the United States and Montana constitutions and that a parent's rights to that custody and control of a child are therefore normally supreme to the interests of other persons. The legislature also recognizes a growing phenomenon in which absent or otherwise unavailable parents have temporarily surrendered the custody and care of their children to a grandparent or other relative for lengthy periods of time. Regardless of the purpose of the absence, a child willfully surrendered to a relative for an extended time period still has the same needs as a child in the care of its parents. In this situation, a caretaker relative assumes responsibilities for the child but has no legal right of control over the child, a situation that interferes in the caretaker relative's ability to perform routine functions of child rearing, including tending to the educational and educationally related medical needs of the child. It is therefore the purpose of the legislature in these instances to protect the rights of a child granted by Article II, section 15, of the Montana constitution by granting a caretaker relative limited authority for a child left in the relative's care.

(2) It is the intent of the legislature that a caretaker relative given the responsibility of caring for a child with little or no warning and without any other provision having been made for the child's care, such as the appointment of a guardian or the provision of a power of attorney, be granted authority to enroll the child in school, discuss with the school district the child's educational progress, and consent to an educational service and to medical care for the child related to an educational service without superseding any parental rights regarding the child.

(3) This part is not intended to affect the rights and responsibilities of a parent, legal guardian, or other custodian regarding the child, does not grant legal custody of the child to the caretaker relative, and does not grant authority to the caretaker relative to consent to the marriage or adoption of the child or to receive notice of a medical procedure, including abortion, not consented to by the relative, if notice is required by law, for the child except as expressly provided in this section.

(4) For the purposes of this part, the following definitions apply:

(a) "Caretaker relative" or "relative" means an individual related by blood, marriage, or adoption by another individual to the child whose care is undertaken by the relative, but who is not a parent, foster parent, stepparent, or legal guardian of the child.

(b) "Caretaker relative educational authorization affidavit" or "affidavit" means an affidavit completed in compliance with [20-5-503](#).

(c) "Health care provider" means a person who provides medical care.

(d) "Medical care" means care by a health care provider, for which parental consent is normally required, for the prevention, diagnosis, or treatment of a mental, physical, or dental injury or disease.

(e) "Parent" means a biological parent, adoptive parent, or other legal guardian of the child whose parental rights have not been terminated.

History: En. Sec. 1, Ch. 442, L. 2007.

Provided by Montana Legislative Services

Madam Chairwoman, members of the committee;

My name is Karen Cox and I am with Concerned Women for America of Montana.

I became familiar with Common Core in mid-2013. As I began to research and have a clear understanding of the federal overreach of Common Core, I became very concerned about our education here in Montana. Therefore, in 2014 I began attending the Montana Board of Public Education meetings. If I wasn't able to attend I read the minutes and listened to the meetings on CD. In each meeting concerned parents often questioned the board about Common Core, asked for a cost analysis or asked for discussion time to be set aside so they could have their questions answered and have an open, honest dialogue with the board. These concerned parents, who have children in the public school system in Montana, were NEVER given a response except from the board chairwoman, Sharon Carroll, who essentially said that the standards have been adopted and that was the end of the story. The board often states that all the meetings regarding Common Core and the plans to adopt it were open meetings. Herein lies a major problem- parents do not have time to run back and forth to Helena for meetings. Parents deserve transparency and openness when it comes to public education. In my opinion, every single parent who has a child attending a public school in Montana should have received a detailed letter outlining the proposed changes to our educational system PRIOR to the adoption of Common Core.

Montana law gives supreme authority to parents when it comes to making decisions that protect their children.

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When I have attended the meetings in the past, there has been animosity shown towards the concerned citizens speaking against the federal overreach in Montana's education. One specific incident involved myself and it was at the final 2014 Board of Public Education meeting on November 14th. During the public comment portion I spoke and was slightly over the 3 minute time limit. I was abruptly interrupted by Chairwoman Carroll as she struck the table with her gavel. This was not the first time this happened to me and I doubt it will be the last. Even though the meetings leading up to and including the adoption of Common Core were "open" I highly doubt the board would have listened to anything I, or anyone else, would have had to say. This is a continual theme that can be found in the recordings I have transcribed. Is this really how Montana wants to represent itself when it comes to our education? The complete lack of transparency and willingness to work towards the common good of all is quite disheartening. Have we allowed the federal overreach to distract what Montanans have always been known for? We are all committed to our families and communities. Why the complete disregard for our concerns then? Montana deserves an opportunity to be represented by people who are going to value their time and concerns. This has not happened with the adoption of Common Core. It is time the voices of Montanan's are heard.

Concerned Women for America Montana supports HB 377. Thank you.