



# GOVERNOR STEVE BULLOCK'S PROTECT MONTANA KIDS COMMISSION REPORT

Submitted on May 31, 2016  
Pursuant to Executive Order 14-2015



## Table of Contents

Introduction.....	1
Status of abused and neglected children and their families receiving services from the child protection system .....	2
Overview of Commission .....	7
Commission Recommendations.....	12
Conclusion .....	19
Attachments.....	20



# Protect Montana Kids Commission Report

Submitted May 31, 2016

## Introduction

On September 21, 2015, Governor Steve Bullock signed Executive Order No. 14-2015. This executive order created the Protect Montana Kids Commission (hereinafter "Commission"). The Governor's Executive Order required the Commission to advise the Governor on an evidence-based, comprehensive set of recommendations to align the Montana child protection system with national standards and best practices in the field of child welfare.

The Commission convened to fulfill this purpose between December 2015 and May 2016. This report outlines the activities of the Commission and the information provided to the Commission. It also sets forth the final set of recommendations agreed upon by the Commission members.

The Commission thanks the Governor for the opportunity to fulfill this important role in Montana's efforts to improve its child protection system. The Commission is concerned that this system is in a state of crisis due to a dramatic increase in the number of children and families that it is serving.

It is important not only to make these recommendations to the Governor but also to restate what has been said in nearly all of the meetings of the Commission: the child protection system is in need of additional resources. The executive and legislative branches should work together to determine the resources necessary to reduce Child and Family Services Division (hereinafter "CFSD") staff case-loads which far exceed national standards, improve retention of staff, fund initiatives that will improve the working

## Montana Child Protection System Data 2015



*Number of Calls Made to the  
Child Abuse Hotline*  
**35,812**

*Number of Reports of alleged  
Child Abuse and Neglect  
entered by the  
Child Abuse Hotline*  
**17,754**

*Number of Child Abuse and  
Neglect Investigations*  
**8,908**

*Number of Children in Foster  
Care*  
**3,179**

*Percentage of Increase in the  
Number of Children in Foster  
Care Since 2008*  
**111%**

*Number of District Court Child  
Abuse and Neglect Cases Filed*  
**2,321**

*Percentage of Increase in the  
Number of District Court Child  
Abuse and Neglect Cases Filed  
Since 2010*  
**125%**

*Rate of Change for Permanent  
Staff Positions for Montana  
CFSD since 2010*  
**-4%**





environment of CFSD, modernize technology used by CFSD staff, and implement statutory changes focused on best practices.

## Status of abused and neglected children and their families receiving services from the child protection system

As required within Executive Order 14-2015, the Commission reviewed the status of abused and neglected children and their families receiving services from the child protection system and reports to the Governor as follows:

The Montana child protection system is in a state of crisis. The system is experiencing an enormous growth in caseload. In 2016, Montana reached a record number of children in foster care. Since a low point in 2008, the number of children in foster care has more than doubled, from 1,507 to 3,179 in 2015. (<http://dphhs.mt.gov/Portals/85/Documents/ProtectMontanaKids/DOC089.pdf>). The factors contributing to families in crisis and children experiencing child abuse and neglect are varied, however, the Commission finds that poverty, homelessness, food insecurity, mental health, domestic violence and issues of chemical dependency, ranging from alcoholism, opioid addiction and illegal drug use, are present in many cases.

The overwhelming majority of the increase of children in care is being driven by parental substance abuse that results in children being unsafe. In particular, the number of children in foster care due to methamphetamine use by parents has exceeded 1,000. In 2010, only 230 children in Montana were in foster care due to methamphetamine use by parents. In addition, the number of severe child abuse cases and child abuse fatalities has increased. The growing number of Montana children being served by the child protection system in Montana is alarming. (<http://dphhs.mt.gov/Portals/85/Documents/ProtectMontanaKids/PMKmaterials.PDF>).

Although CFSD received additional funding in the 2013 legislative session, it has not received funding for additional full-time employees (FTE) to address this increase in caseload. In fact, the Division has seen a reduction in FTE over the same period of time due to mandatory reductions in FTE imposed by the legislature. CFSD currently operates with over 40 modified FTE in an effort to address the increase in workload and caseload, yet CFSD Child Protection Specialists and Family Resource Specialists still carry caseloads that far exceed national standards. (<http://66.227.70.18/newsevents/news030304cwlacasead.htm> and (<http://www.aecf.org/m/resourcedoc/aecf-10Practicespart1-2015.pdf#page=24> ).

Governor Steve Bullock's Protect Montana Kids Commission Report



Service/Caseload Type	Child Welfare League of American or Annie E. Casey Recommended Caseload/ Workload Standards	Number of Permanent FTE Required for Montana to Meet National Standards	Current Number of Permanent FTE in Montana
Initial Assessment/ Investigation	12 active cases per month, per 1 social worker	116 investigation workers (299 total required)	178 total positions; Montana generally combines intake and ongoing positions, so lacks a total of 121 positions
Ongoing Cases	15 children per social worker	183 ongoing workers (299 total required)	178 total positions; Montana generally combines intake and ongoing positions, so lacks a total of 121 positions
Supervision of Investigation and Ongoing Workers	1 supervisor per 5 social workers	60 supervisor positions for investigation and ongoing workers*	35 current supervisor positions for investigation and ongoing workers
Foster Family Care (Family Resource Specialists)	12-15 children per 1 social worker	183 foster family workers	25 current foster family care positions
Supervision of Family Foster Care Workers	1 supervisor per 5 social workers	36 supervisors	4 current supervisors positions for family foster care

Note: These numbers assume an average of 8,000 investigations per year and 2,750 children in foster care.

CFSD also presented two previous workload studies conducted in 1999 and 2006 to the Commission. Both were conducted when there were far fewer children in foster care and both recommended the addition of a significant number of staff to meet national standards even 17 years ago. As previously noted, since that time, the number of FTE allocated to CFSD has decreased slightly. As the chart above indicates, a significant number of staff is necessary simply to bring Montana's child protection system into alignment with national caseload standards.

In addition, CFSD experiences a high level of turnover in frontline caseworker positions. In 2015, CFSD lost 97 Child Protection Specialists, and the average length of time a staff member stays in one of these positions is less than two years. Much of the turnover is attributed to the stress of the unmanageable workload and the pressure faced by staff to continue to try to meet a myriad of complex state and federal requirements. This issue is not unique to Montana; it is one faced by child welfare agencies across the country.

There are staff and provider complaints that many in CFSD care too much about paperwork and staff feel "micromanaged" by supervisors. However, a performance audit conducted by the Montana Legislative Audit Division in 2015 indicated that CFSD must prioritize documentation and paperwork



and increase its level of supervision. These conflicting reports and mandates put CFSD in an extremely difficult position as it tries to manage the ongoing increases in caseload and workload with insufficient resources.

At any given time, a large number of vacancies exist in the frontline positions of CFSD. Despite ongoing efforts, including the hiring of a Human Resources Specialist to address this issue, CFSD has been unable to recruit, hire, and retain a qualified workforce. These vacancies result in supervisors carrying caseloads which make it difficult for them to perform their supervisory responsibilities. The vacancies also create challenges for providing adequate training for staff and result in staff being required to operate in crisis mode without any breaks. The level of vacancies also means CFSD can't allocate sufficient staff to conduct training for foster parents, providers, and stakeholders. The high level of burnout and secondary trauma within the agency will not be changed unless additional resources are allocated to address staffing needs.

CFSD also relies upon an outdated and extremely limited data system, the CAPS system. The lack of modern technology does not allow staff to work efficiently and information. Staff is not able to access or share accurate data in a timely manner, contributing to the crisis situation faced by the child welfare system. A small amount of funding was allocated in the 2013 Legislative session to allow CFSD to begin building a modern case management system; however, the system is only being built at this time and will not be available to staff until 2017.

In summary, the following CFSD workforce issues, exacerbated by the increasing number of children and families being served, are contributing greatly to the crisis:

- A. Unreasonable caseloads
- B. Turnover and inability to fill open positions
- C. Lack of sufficient training – to both CFSD staff and external stakeholders (i.e. foster families, providers)
- D. Need for improved supervision of CFSD field staff
- E. Challenges in workplace culture and environment
- F. Limited IT and database capacity
- G. Lack of transparent and effective communication (external and internal)
- H. Existing resources are inadequate

The strain on the Montana child protection system, and the crisis status reported by the Commission, is not limited to CFSD. The Montana District Court system has seen its number of child abuse and neglect cases more than double from 1,030 in 2010 to 2,321 in 2015. Judges, County Attorneys, Public Defenders, and Court Appointed Special Advocate (CASA) Program Managers all reported to the Commission that they lack sufficient resources to meet the increased demands on the Montana child protection system and that they are in crisis and need resources to increase their staffing.

The existing caseload also strains foster families and private service providers. The Commission heard from these stakeholders about the need for additional support for foster parents for basic needs like diapers and transportation, faster licensing procedures, and more access to training and on-going support. Private providers expressed a need for better communication with CFSD and for better



understanding by Child Protection Specialists of the availability of private services and appropriate referrals. The Commission also heard that Montana lacks sufficient private providers to help parents address issues of substance abuse, mental health and co-occurring disorders.

The Commission is greatly concerned by the status of the entire Montana child protection system and the lack of resources that have been allocated to address this crisis. Without additional resources, the Commission does not believe that the recommendations set forth in this report will bring about meaningful improvement as they will be set aside to deal with the daily crisis situations.

There should be no debate about the need to provide these additional resources on behalf of abused and neglected children in our state. Although it may seem like a large investment, the cost of doing nothing will be far greater in the future. The Commission heard evidence on the high costs of child abuse and neglect and the return on investment that comes from intervening early with evidence-based practices.

While the Commission was tasked with making recommendations for improvements to the current child welfare system, it is evident that more emphasis must be placed upon prevention efforts. Child abuse and neglect is not an issue that can be solved by CFSD alone. There must be a collective effort that engages the Executive and Legislative branches, the Office of Public Instruction, Criminal Justice agencies, Tribal Governments, private providers and the non-profit community to evaluate and address the factors that contribute to child abuse and neglect—like poverty, mental illness, domestic violence and substance abuse—and ensure that Montana has systems in place to support families and focus on prevention.

If Montana does not do more to prevent child abuse and neglect, it will face growing challenges in its other systems; such as, corrections, mental health, and schools. The problem of child abuse and neglect is pervasive and touches all of our communities. The current status of the Montana child protection system must be stabilized and the lack of sufficient resources remedied as quickly as possible.

## Commission Overview: Purpose, Membership and Meetings

### Purpose

Governor Steve Bullock convened the Commission to investigate and recommend improvements to Montana's child protection system. To this end, he convened a panel of multidisciplinary professionals with expertise and experience in all aspects of the civil child abuse and neglect cases.

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The executive order, signed by the Governor on September 21, 2015, also outlined the purpose and duties of the Commission and its membership. (See Attachment A). The purpose of the Commission, as set forth in the Governor's Executive Order, is as follows:

Advise the Governor on an evidence-based, comprehensive set of recommendations to align the Montana child protection system with national standards and best practices in the field of child welfare.





The Executive Order also sets forth the duties of the Commission as follows:

- A. To foster cooperation, communication, and coordinated approaches to support improved outcomes in child abuse and neglect cases;
- B. To report to the Governor's office on the status of abused and neglected children and their families receiving services from the child protection system;
- C. To work toward establishing permanent funding for child protection system improvement priorities; and
- D. To provide recommendations to the Governor regarding:
  - 1. Changes in Montana child abuse and neglect statutes necessary to align them with best practices and scientific evidence regarding what is necessary to protect the best interests of children;
  - 2. Structural changes and enhancements to the system that may result in improved outcomes for children and families who are served by the child protection system and lead to a decrease in the number of children in Montana being abused or neglected;
  - 3. Increasing transparency in the child protection system; and
  - 4. The need for additional resources in the different agencies engaged in the work of protecting children, such as the Child and Family Services Division, County Attorney's Offices, Office of the Public Defender, Attorney General's Office, and Judicial Branch.

## Membership

The Governor appointed the following members to carry out the responsibilities of the Commission:

***Hon. Leslie Halligan, Chair***

District Court Judge

***Schylar Canfield-Baber***

Foster Youth Alumni & Student Assistance  
Foundation

***Bill Hooks***

Office of the Public Defender

***Anne Lawrence***

Flathead County Attorney's Office

***Megan Bailey, LCSW***

Tribal Member & Sunburst Mental Health  
Community Foundation

***Joyce Funda***

CASA of Montana, Inc.

***Jaci Noonan***

AWARE Inc.

***Jani McCall***

Consulting with Communities, Inc.

***Scott Darkenwald, Vice-Chair***

Department of Justice

***Sarah Corbally***

Department of Public Health and Human  
Services

***Ali Bovingdon***

Office of the Governor

***Matt Lowy***

Private Attorney

***Dr. Bart Klika***

University of Montana School of Social  
Work

***Dr. Tom Strizich***

Partners in Pediatrics

***Rep. Chuck Hunter***

Montana House of Representatives





At the initial Commission meeting on December 4, 2015, motions carried to create two different subcommittees to most effectively carry out the above-listed duties within the timeframe set forth by the Governor. The subcommittees were the Statutory Subcommittee and the Workplace Culture Subcommittee. The commission voted upon membership at the time of the meeting.

### Statutory Subcommittee:

The Commission voted to create the Statutory Subcommittee to review the Montana statutes and make recommendations related to the duties set forth above and in Executive Order 14-2015. The following members were appointed to the Statutory Subcommittee:

- Matt Lowy, Chair
- Sarah Corbally
- Bill Hooks
- Anne Lawrence
- Megan Bailey
- Joyce Funda

This subcommittee met between December 2015 and March 2016 and provided its final recommendations to the full Commission on March 16, 2015.

### Workplace Culture Subcommittee

The Commission created the Workplace Culture Subcommittee to specifically evaluate whether Montana's Child Protection System needs structural change and additional resources as set forth above and in Executive Order 14-2015. The following were appointed as members of the Workplace Culture Subcommittee:

- Jani McCall, Chair
- Scott Darkenwald
- Chuck Hunter
- Schylar Canfield-Baber
- Joyce Funda
- Megan Bailey
- Jaci Noonan
- Bart Klika

### Meetings

The members of the full Commission met in person six times to study and formulate recommendations to improve the Montana child protection system. The two subcommittees met between these meetings and reported back to the full Commission at each meeting. Meetings were open to the public and were



held at the Capital. Recordings of these full Commission meetings can be found online at: <http://leg.mt.gov/css/Video-and-Audio/state-agency-archives.asp>. The meetings of the full Commission took place on the following dates:

- December 4, 2015
- January 26, 2016
- February 18, 2016
- March 16, 2016
- April 25, 2016
- May 17, 2016

### Panelists and Presenters

At the meetings, experts and stakeholders presented information to the Commission members and time was set aside to allow for discussion and formulation of the recommendations contained in this report. The Commission heard from the following panels of experts and stakeholders:

- National Best Practices Panel
  - Professor Maylinn Smith, Associate Professor, University of Montana School of Law
  - Susan Robison, Director of State Relations, Public Policy, Casey Family Programs
- Legal Panel
  - Scott Pederson, Assistant Attorney General, Child Protection Unit
  - Ann DeWolf, Regional Deputy Public Defender, Office of the Public Defender
  - Joyce Funda, Executive Director, CASA Montana
  - Traci Shinabarger, Child and Family Ombudsman, Department of Justice
- Child and Family Services Division Staff Panel
  - Tara Starkel, Centralized Intake Specialist Supervisor
  - Jennifer Winkley, Child Protection Specialist Supervisor
  - Traci Birdwell, Child Protection Specialist
- Provider Panel
  - Rochelle Beley, MS, LCPC, Private Practice Therapist
  - Shawn Byrne, Chief Operating Officer, Yellowstone Boys and Girls Ranch
  - Jann Petek, Program Manager, Intermountain
  - Dr. Tom Strizich, Pediatrician

- Judicial Panel
  - Hon. Ingrid G. Gustafson, Thirteen Judicial District Court Judge
  - Hon. Mike Menahan, First Judicial District Court Judge
  - Beth McLaughlin, Office of the Court Administrator
- Foster Youth and Foster Care Alumni Panel from the Montana Foster Youth Advisory Board
  - Shea Lachman
  - Shalbilyn TallWhiteman
  - Isaac Brito
  - Charlie Heil
  - Gabrielle Wheeler
  - Crystal LaMere
- Placements for Children Panel
  - Shonna Larkey, Kinship Care Provider
  - Janelle McBreen, Adoptive Parent, Legal Guardian, and Kinship Foster Care Provider
  - Deborah Albin, MS, Montana Grandparents Raising Grandchildren Project, Montana State University
- Safety Systems in Child Welfare Presentation
  - Scott Modell, PhD, Deputy Commissioner, Tennessee Department of Children’s Services
- National Best Practices – Follow Up Information
  - Susan Robison, Director of State Relations, Public Policy, Casey Family Programs
  - Chiemi Davis, State Liaison, Casey Family Programs
- Court Appointed Special Advocates Panel
  - Dennis Molnar, Executive Director, CASA of Lewis & Clark County (Helena)
  - Anita Nybo, Co- Director, Gallatin County CASA/GAL, Inc. (Bozeman)
  - Jaime Campbell, Executive Director, CASA for Kids (Kalispell)
  - Sean Carlin, Volunteer Outreach Coordinator, CASA for Kids (Kalispell)

The Commission also received data and background information from CFSD; had access to extensive written information in the form of journal articles, studies, and power point presentations; and listened to and read public comment to supplement the information provided by panelists and in person presentations. (<http://dphhs.mt.gov/protectMontanaKids>).

The Commission gathered a vast amount of information and had many discussions among its members, within the time it had to perform its duties, in order to fulfill its mandate to make recommendations to resolve the issues facing the Montana child protection system. This report includes attachments at end to provide some of the information that is relevant to certain recommendations; however, it would not be possible or practicable to include all of the information made available for review by the Commission within this final report. Additional information from these meetings can also be found online. (<http://dphhs.mt.gov/protectMontanaKids>).

At the March and April meetings, a facilitated discussion on the preliminary recommendations of each subcommittee took place and Commission members voted on each recommendation. The final recommendations adopted by the Commission are set forth in the following section.



## Commission Recommendations

In formulating the following recommendations, the Commission remained committed to its highest priorities: the protection and safety of the children and youth involved in the Montana child protection system, working with families toward reunification, and achieving permanency for all children in a timely manner. The Commission also worked with stakeholders in developing these recommendations in an effort to continue to promote systems integration, quality of care, and ongoing evaluation.

In addition, due to the above identified workforce issues, the Workplace Culture Subcommittee developed recommendations focused on short-term and long-term goals that are designed to stabilize the CFSD, provide for the development of a workforce improvement plan, and ensure improvement efforts are maintained through the development of a long-term strategic plan.

Based on testimony, exhibits and supplemental information received by the Subcommittees and full Commission, the following are the final recommendations submitted by the Commission. They are reported in alignment with the areas set forth in the Governor's Executive Order. Recommendations that relate to more than one of these areas appear in all relevant areas.

### I. Recommendations for changes in Montana child abuse and neglect statutes necessary to align them with best practices and scientific evidence regarding what is necessary to protect the best interests of children.

- A. Reintroduce HB 309 from the 2015 Montana Legislative session, with any necessary updates or changes, to create a child abuse and neglect fatality review commission and to comply with Child Abuse Prevention and Treatment Act (CAPTA) public disclosure requirements. This will allow Montana to collect and review child abuse fatalities and near-fatalities, and inform the public regarding what steps need to be taken to prevent future tragedies. (See [http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P\\_SESS=20151&P\\_BLTP\\_BILL\\_TYP\\_CD=HB&P\\_BILL\\_NO=309&P\\_BILL\\_DFT\\_NO=&P\\_CHPT\\_NO=&Z\\_ACTION=Find&P\\_ENTY\\_ID\\_SEQ2=&P\\_SBJT\\_SBJ\\_CD=&P\\_ENTY\\_ID\\_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20151&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=309&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)).
- B. Introduce legislation to comply with the federal statutory changes resulting from the passage of the Preventing Sex Trafficking and Strengthening Families Act - H.R.4980, to include the specific amendments outlined at the March 16, 2016 meeting, to allow the state to continue to receive federal Title IV-E funding.
- C. Reintroduce HB 257 from the 2015 Montana Legislative Session, with any necessary updates or changes, to create a Foster Youth and Foster Parent Bill of Rights. (See [http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P\\_SESS=20151&P\\_BLTP\\_BILL\\_TYP\\_CD=HB&P\\_BILL\\_NO=257&P\\_BILL\\_DFT\\_NO=&P\\_CHPT\\_NO=&Z\\_ACTION=Find&P\\_ENTY\\_ID\\_SEQ2=&P\\_SBJT\\_SBJ\\_CD=&P\\_ENTY\\_ID\\_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20151&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=257&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)).



- D. Amend Montana Code Annotated § 41-3-201(7) to clarify reports of child abuse and neglect can be taken even if the reporter does not know all of the information currently required by the statute.
- E. Amend Montana Code Annotated Title 42: Adoption, to include open adoption and customary adoption alternatives for adoptions taking place in Montana District Courts.
- F. In an effort to improve the timeliness of CFSD case and increase consistency in practice to promote better outcomes for children, the Commission makes the following set of recommended statutory changes:
  - 1. Amend Montana Code Annotated § 41-3-437: Adjudication, to clarify whether the court adjudicates the child a youth in need of care as to both parents or whether it must make a separate adjudication as to each parent of the child and clarify whether temporary and permanent legal custody of a child can be granted to a parent and the Department at the same time.
  - 2. Amend the appropriate statute to give Montana courts the authority to adjudicate the child a youth in need of care, under Montana Code Annotated § 41-3-102, if a parent agrees that – even though the parent may not agree with and admit to all of the allegations - if the matter came to a hearing, the Department could meet its burden of proof.
  - 3. Amend the appropriate statute and corresponding administrative rule to allow for a “deferred” adjudication and substantiation, upon approval by the Attorney for the State, so that if a parent successfully completes a treatment plan and is reunified with the child, then the adjudication and substantiation of abuse or neglect is withdrawn.
  - 4. Amend Montana Code Annotated § 41-3-443: Treatment plan – contents – changes, to include a required time for the District Court to order a treatment plan. A treatment plan should be ordered by the District Court no later than at the Dispositional Hearing, held pursuant to Montana Code Annotated § 41-3-438.
  - 5. Amend Montana Code Annotated § 41-3-604: When a petition to terminate parental rights required, to include a timeline for when a hearing must be held after the filing of the petition.
- G. In recognition of the limited resources currently available, amend Montana Code Annotated § 41-3-425: Right to Counsel, to not require the Office of the Public Defender to appoint counsel for unidentified parents who cannot be located until and unless the State files a Petition for Termination of Parental Rights of the absent parent and include a definition of “father” as set forth in Title 40 to limit who may be considered a father when none is identified.
- H. Amend Montana Code Annotated § 41-3-425: Right to Counsel, to require the appointment of counsel for all children of an age at which they can express their wishes while maintaining that the Judge has the discretion to appoint an Attorney and Guardian ad litem for a child of any age.



- I. Amend Montana Code Annotated § 41-3-112: Guardian ad litem, to clarify that the Court shall appoint a CASA to serve as the guardian ad litem. If a CASA is unavailable for appointment, the Court may appoint an attorney or other qualified guardian ad litem to serve.
- J. Amend Montana Code Annotated § 41-3-108: Child Protection Teams, to allow for greater information sharing within these child protection teams.
- K. Amend Title 41, Chapter 3 to change Social Worker to Child Protection Specialist because not all staff who serve in these positions have social work degrees.
- L. Amend Montana Code Annotated § 41-3-422 to remove CFSD cases from the formal civil discovery processes and to require parties to share necessary information to allow for timely resolution of these cases.
- M. Generally revise Title 41, Chapter 3, regarding the rights of noncustodial parents to align with best practices and to ensure that any orders changing custodial rights to a child are also entered in the relevant custody or guardianship proceeding that is not sealed.
- N. Amend Montana Code Annotated § 41-3-424: Dismissal, to clarify which parties have standing to object to a motion to dismiss an abuse and neglect petition and to grant the parties 14 days to file an objection to dismissal of the petition.

II. Recommendations for structural changes and enhancements to improve outcomes for children and families who are served by the child protection system.

- A. Stabilize the CFSD through the development and implementation of a short-term (12 month) stabilization plan that will focus on the following activities:
  - 1. Increase Staffing
    - a. Fill all current open positions within CFSD is an extremely high priority.
    - b. CFSD cannot perform its function without an adequate workforce. Request funding from the legislature for additional staff to reduce staff caseloads and allow CFSD to begin to develop long-term improvement plans.
    - c. Prioritize hiring of a new CFSD Administrator and Deputy Administrator.
    - d. Locate the office of the full-time human resources (HR) staff person that is funded by CFSD, in close proximity to the Administrator and Deputy Administrator. The dedication of this HR staff person to filling all open positions is essential.
  - 2. Implement Current CFSD Strategic Initiatives and Priorities
    - a. Continue to implement current CFSD initiatives and priorities, such as the Safety Science Systems and Montana Child Abuse and Neglect (MCAN) training, during the development of the stabilization and long term strategic plan. Immediate changes would cause further instability to the workforce.
    - b. Proceed with the plan to contract with the Council on Accreditation to conduct an assessment to determine what would be needed for CFSD to meet public child welfare agency accreditation standards. (See Attachment B).



- c. Proceed with implementation of the strategic initiatives and priorities outlined in CFSD's Strategic Initiatives Draft Plan. (See Attachment C).
  3. Strategic Communication
    - a. Engage in clear and consistent messaging to build trust and confidence of staff, youth, natural, foster, kin and/or adoptive families and providers and other stakeholders. Such trust and confidence is best developed through clear and consistent messaging to all stakeholders.
    - b. Contract for, hire or identify a staff person to serve as the outreach officer for the CFSD. The CFSD outreach officer should prioritize their efforts to increase transparency and effective communication and engagement of all stakeholders, and the development of a long-term outreach plan.
  4. Oversight
    - a. Recommend that the Governor direct the State Advisory Council to monitor CFSD's progress in implementing the Commission's recommendations adopted by the Governor, including:
      - 1) Review and formalize State Advisory Council Bylaws, update membership with needed stakeholder groups, and ensure appropriate representation in all areas. (See Attachment D).
      - 2) Add a formal agenda item to the State Advisory Council quarterly meetings to specifically review the implementation of recommendations from the Governor or the Legislature related to the Commission's work.
- B. Direct CFSD to develop and implement a long-term comprehensive and strategic plan that will address, at a minimum, the following areas:
1. Adoption of national standards for caseloads, supervision, and family support (recruitment, licensing, training and services).
  2. Funding for adequate staff to implement standards and recommendations adopted by the Governor or the Legislature.
  3. Communication
    - a. Implement evidence-based safety science practices to build open, transparent, and effective communication strategies by increasing opportunities to engage in meaningful communication internally between staff, youth, natural, foster, kin and adoptive families and externally with providers, agencies, the legislature and other stakeholders. (See Attachment E).
    - b. Review and amend Montana Code Annotated § 41-3-205 as needed. (See Attachment F).
    - c. Develop a confidential means of communication to alleviate concerns of retaliation by the CFSD towards staff, youth, natural, foster, kin and/or adoptive families and providers.
    - d. Review the 2015 report of the Child and Family Ombudsman and relevant recommendations. (See Attachment G).
  4. Workplace Assessments





- a. Contract with an external consultant to facilitate CFSD staff through a mission, vision and values process to assess the current workplace environment and address problems within CFSD climate and culture.
  - b. Conduct a longitudinal study to understand the workforce culture and climate. (See Attachment H).
  - c. Conduct periodic brief web based anonymous workplace culture surveys with a plan for immediate follow-up on results and plans to address identified issues. (See Attachment I).
  - d. Conduct a workload study that reviews the amount of time necessary to complete tasks for particular types of cases.
  - e. Conduct regular review of caseloads for comparison with national standards. See PMK Commission materials reviewed at:  
<http://dphhs.mt.gov/Portals/85/Documents/ProtectMontanaKids/DOC091.pdf>.
5. Worker Recruitment
- a. Prioritize recruitment of staff and regularly assess if recruitment efforts are working effectively.
  - b. Increase the number of staff with a bachelor's degree in social work.
  - c. Ensure that staff has access to appropriate employee assistance and counseling programs to help manage work-related stress.
6. Worker Retention
- a. Develop opportunities for professional development and career advancement within all positions.
  - b. Evaluate current CFSD pay structure in comparison with neighboring states to determine a competitive pay structure.
  - c. Reduce caseloads to meet national standards.
7. Training
- a. Prioritize training especially for newer workers and supervisors internally. (See Attachment J).
  - b. Ensure that staff are trained in trauma informed systems.
  - c. Support the training unit to address both internal and external training needs and continue to focus on the amount and quality of training provided.
  - d. Partner with stakeholders to offer additional trainings. (See Attachments K and L).
8. CFSD Leadership
- a. Conduct regular evaluations of CFSD leadership for the central office administrators, region administrators and supervisor levels. (See Attachment M).
  - b. Provide and improve training for CFSD leadership and supervisors. (See Attachment J).
9. CFSD Accountability
- a. Create a process for tracking and coordinating the multi-agency coordination and integration of care in the Montana Child Protection System.
  - b. Foster a culture of collective responsibility for safety and quality care among all participants in the Montana Child Protection System should be encouraged.



- c. Prioritize the coordination of services to children and families to include data sharing with providers and other agencies.
  - d. Support ongoing involvement in multiagency efforts, grants, and programs. (See Attachments N and O).
10. CFSD Policies and Procedures
- a. A better and more user friendly on line format for CFSD policies should be developed with emphasis on convenience, accessibility and transparency.
  - b. Review and update forms and protocols.
  - c. Prioritize increased access to trauma informed care and treatment for children in care.
11. CFSD Opportunities for Public Private Partnerships
- a. Explore opportunities for partnership and collaboration with other public and private agencies and organizations for services such as, home studies, licensing and training for foster and adoptive families; implementation of best practices/promising practice tools such as a telehealth platform for field staff training, support and case review; and stronger relationships with private providers, the tribes, reservations and urban Indians in Montana. (See Attachment P).
12. Integration of Child and Family Services and Tribal Nations
- a. Ensure compliance with the Indian Child Welfare Act (ICWA), with emphasis on permanency and collective responsibility and integration of ICWA and CFSD.
  - b. Prioritize ICWA review, compliance and training.
  - c. Explore opportunities for collaboration and partnership to serve Indian children and families with tribal governments.
- C. Improve IT and Database Capacity by modifying the Offender Management Information System (OMIS) used by Montana Department of Corrections for use by CFSD Intake, investigations, case management and data analytics. This process should be monitored regularly to determine the adequacy and reliability of the system.
- D. Recommend to the Montana Judges Association the review and adoption of uniform procedures in child welfare cases, and encourage the adoption of local court rules that would allow the same Judge to hear all matters related to the family and child.
- E. Provide greater education to grandparents and relative caretakers regarding their rights to file third party parenting, grandparent visitation, or guardianship petitions separate from child abuse and neglect proceedings.
- F. Request to Legislature provide funding for a program to be administered by CFSD to provide college tuition waivers to all youth aging out of the Montana foster care system for state universities and colleges.
- G. Prevention Efforts
1. Request the Legislature provide funding to the Department to provide increased child abuse prevention efforts for evidence-based programs proven to prevent child abuse and



neglect; such as, evidence-based home visiting programs, such as Nurse-Family Partnership or SafeCare Augmented.

2. Request the Legislature fund the current State Chapter of Prevent Child Abuse America.
3. Provide increased access to health care through a Medicaid and Title IV-E waiver program.
4. Expand early childhood education and high quality child care for the children and families.

### III. Recommendations for Increasing Transparency in the Child Protection System

- A. Reintroduce HB 309 from the 2015 Montana Legislative session, with any necessary updates or changes, to create a child abuse and neglect fatality review commission and to comply with Child Abuse Prevention and Treatment Act (CAPTA) public disclosure requirements. This will increase transparency in the system by providing information related to child abuse fatalities and near-fatalities to the public in an effort to build trust and share appropriate and accurate information.
- B. Create a confidential reporting system for workers within the agency, youth, families and external stakeholders to report concerns without fear of retaliation, and ensure the process is transparent.
- C. Amend confidentiality statutes as needed to allow for appropriate balance between the parties' rights to privacy and the right of the public to know about actions taken by the Montana child protection system to ensure the safety and well-being of children. (See Attachment F).

### IV. Recommendations on the need for additional resources in the different agencies engaged in the work of protecting children, such as the Child and Family Services Division, the County Attorney's Offices, the Office of the Public Defender, the Attorney General's Office, and the Judicial Branch

- A. Request the Legislature provide funding to add sufficient staff to the Child and Family Services Division to allow for its Child Protection Specialists, Family Resource Specialists, and Supervisors to carry caseloads that align with national standards, such as those of the Child Welfare League of America or Council on Accreditation.
- B. Request the Legislature provide funding to add sufficient staff to other related agencies that handle CFSD cases to allow for more effective and timely resolution, including County Attorney's Offices, the Office of the Public Defender, the Attorney General's Office, CASA programs, and the Judicial Branch.



## Conclusion

The Commission makes these recommendations to help inform the Governor in his next steps to improve the Montana child protection system. The Commission is grateful to have had the opportunity to participate in this process designed to enhance the safety and protection of one of Montana's greatest resources—its children. The Commission also wishes to convey its deep concern for the state of the child protection system and encourages the Governor, the Montana Legislature and any impacted stakeholders to support these recommendations and increase the resources allocated to prevention and treatment of child abuse and neglect in Montana. When a family becomes a source of harm rather than protection for a child, society has a collective responsibility as neighbors, clergy, teachers, doctors, coaches and fellow Montanans to ensure that child's safety. The Commission is under no illusions that there are easy answers to the challenges Montana faces in the ever growing number of children who have experienced child abuse or neglect. We must, however, come together to stem this tide and fulfill our obligations to the children of this state.

Finally, the Commission wants to extend a heart-felt thank you to everyone who participated in this process. Our work would not have been possible without the valuable information that was provided by foster youth, parents, foster parents, grandparents, citizens, providers and professionals who work within the system. A special thank you to those who are on the frontlines of this fight—the workers of CFSD, Court Appointed Special Advocates, Law Enforcement, Physicians, Attorneys, Judges—your compassion and tireless commitment to protecting Montana's children is greatly appreciated.

## Attachments

- A. Amended Executive Order on the PMK Commission dated February 12, 2016.
- B. Overview of Council on Accreditation.
- C. CFSD Strategic Initiatives Draft document.
- D. List of CFSD State Advisory Council Members.
- E. Report on Safety Systems in Child Welfare.
- F. Confidentiality Statutes.
- G. Child and Family Ombudsman 2015 Report.
- H. Example of a longitudinal study from the University of Florida.
- I. Example(s) of potential culture/climate survey.
- J. Information on CFSD training plan for new workers and supervisors.
- K. University of Montana School of Social Work Training Calendar.
- L. Montana Child Sexual Abuse Response Teams (MCSART) Training Calendar.
- M. CFSD performance evaluation example.
- N. Board of Crime Control Vision 21 Grant Description.
- O. Children's Alliance of Montana 2015 Report.
- P. Examples of Public-Private Opportunities.