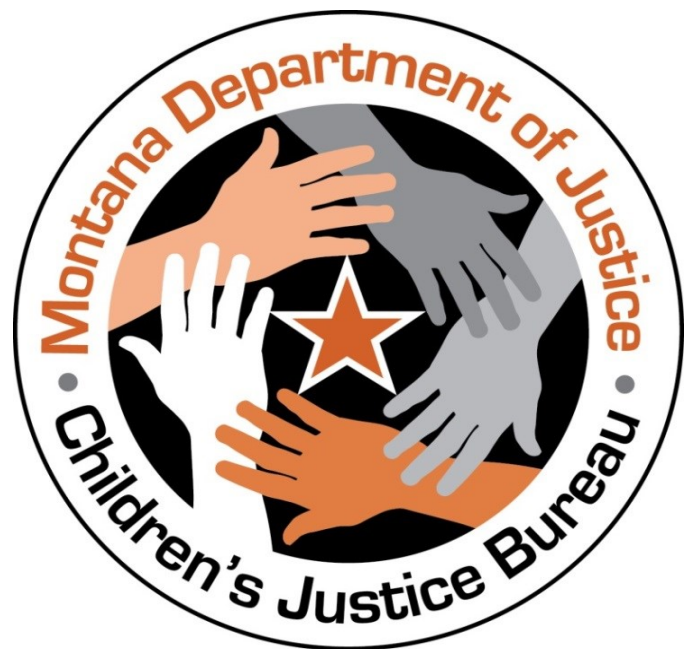


Montana Department of Justice Office of the Child and Family Ombudsman Annual Report 2017



Office of Child & Family Ombudsman

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Introduction

Welcome to the 2017 annual report of the Montana Department of Justice Office of the Child and Family Ombudsman (“OCFO”). This annual report is required by Montana law 41-3-1211 and reports a summary of activities for December 16, 2016 through December 15, 2017. This report marks OCFO’s fourth year in operation.

As last year, the 2017 annual report is organized by each duty assigned to OCFO in Montana statute. Highlights of 2017 include the following:

- The number of contacts to our office rose by almost 50%.
- Referral source data shows that our outreach is working and contacts are referring to others.
- Reports of drug use as a factor in cases continues to rise.
- Notifications on critical incidents also continues to increase.

In addition to the annual report, OCFO’s policies and procedures are available for review at:

<https://dojmt.gov/enforcement/childrensjustice/> .

Mission

The **Office of the Child and Family Ombudsman** responds to citizen requests to protect the rights of children and families by improving case outcomes and strengthening Montana’s child welfare system. To support the mission, OCFO follows four principles, which are consistent with the standards of the United States Ombudsman Association.

OCFO is **independent** of the Montana Department of Public Health and Human Services (DPHHS), meaning it is separate and free from influence of the individuals whose actions OCFO reviews. We are a part of the Montana Department of Justice, Division of Criminal Investigation, managed by the Children’s Justice Bureau.

OCFO is **impartial**. OCFO treats citizens equitably and works collaboratively with all parties to improve services for the children of Montana. We may advocate certain recommendations, which benefit the individual who requested assistance; however, advocacy is always directed at improving the services offered by DPHHS, and should not be construed as supporting one individual over another.

OCFO is **confidential**. We adhere to Montana statute.

OCFO provides a **credible review process** to each citizen contacting the Ombudsmen. OCFO keeps each requestor apprised of each step of the process and takes actions that improve transparency of the child welfare system.

To request assistance, please contact our office in one of the following ways:

Telephone: 1-844-25CHILD (1-844-252-4453)

Fax: 406-444-2759

Email: DOJOMBUDSMAN@mt.gov

Table of Contents

Introduction and Mission	2
Table of Contents	3
Duty: Respond to Citizens' Requests	4
• Contacts by Year	
• Contacts by Relationship to Child	
• Contacts by Region	
• Contacts by Source	
• Contacts including Drug Use and/or Domestic Violence	
• Concerns Reported by Contacts	
• Notifications Data	
Duty: Resolve or Recommend	9
• 2017 Contact Outcomes	
• 2017 Trends	
Duty: Procedure Reviews	11
• 2017 Child Fatality Review	
• 2017 Request Trends	
Duty: Outreach and Education	12
Duty: Annual Report	13
• 2016 Challenge Updates	
• 2017 Challenges	
• 2017 Successes	
Appendix: Recommendations	14
• Acronyms	
• OCFO 2107 Recommendations and DPHHS Responses	

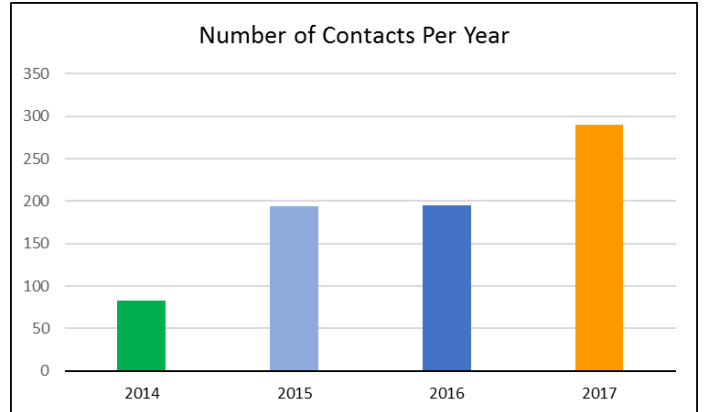
Duty: Respond to Citizens' Requests

2017 Contact Data

OCFO received 290 total contacts from citizens, an average of six per week. The number of contacts increased by almost 50%.

TABLE 1 and GRAPH 1: Contacts Per Year

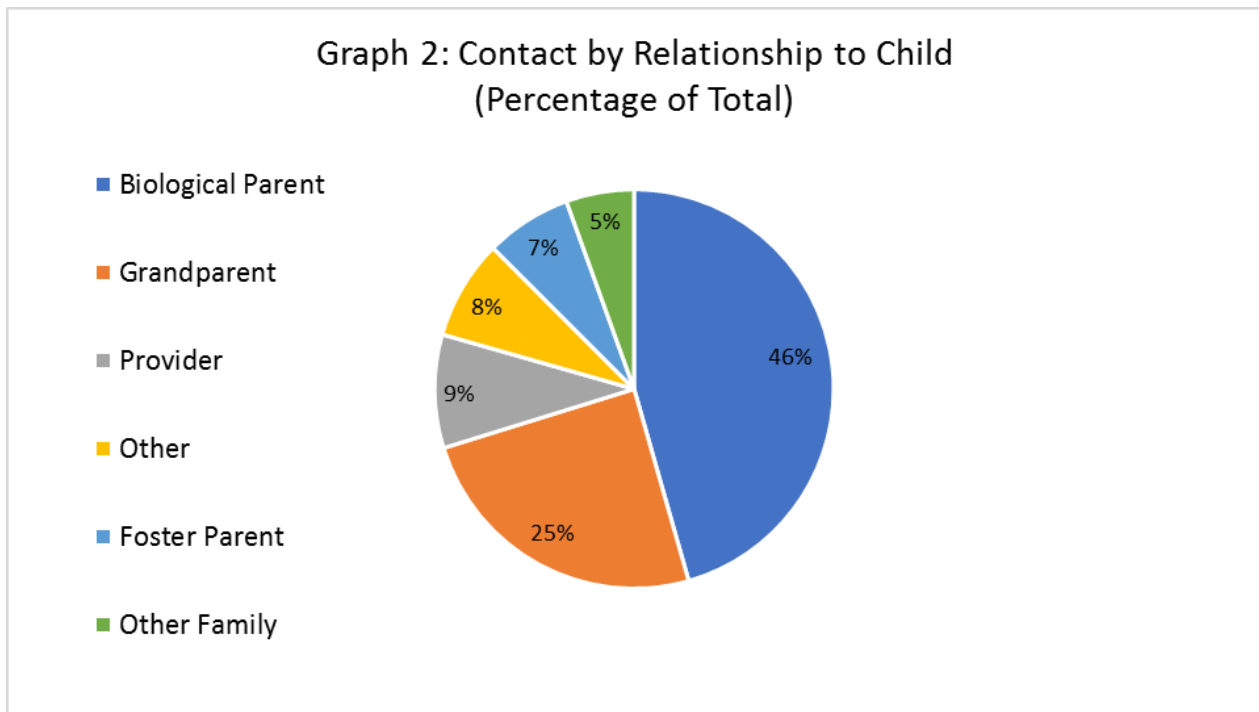
Year	Number of Contacts
2014	83
2015	194
2016	195
2017	290
Total since 4/1/14	762



Graph 2 documents the types of citizen contacts defined by the contactor's relationship to the child of concern. The categories listed from most to fewest types of contacts are:

1. Biological Parent
2. Grandparent
3. Professional Service Provider
4. Other individuals not identified as family or provider

Contacts to OFCO by biological parents and grandparents increased from 54% of contacts in 2016 to 71% of contacts in 2017.



2017 Contact Data (continued)

The Child and Family Services Division statewide structure is based on county CFSD offices and each county is assigned to a regional office. The map below identifies the CFSD Regions and the percent of contacts from each Region follows:

Region I –7%

Region II – 11%

Region III – 25%

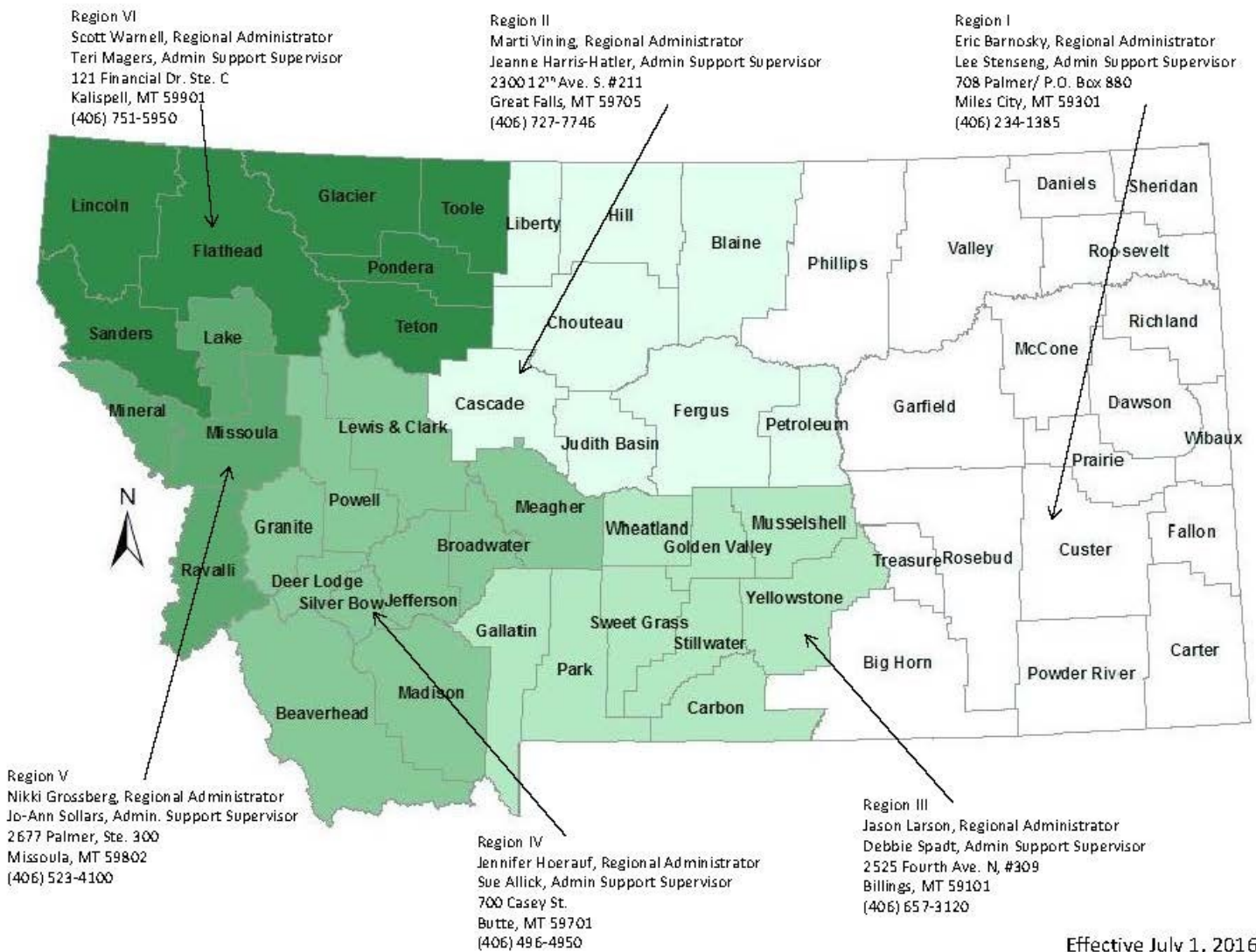
Region IV – 23%

Region V – 15%

Region VI– 9%

Not applicable– 3% of contacts did not involve MT CFSD.

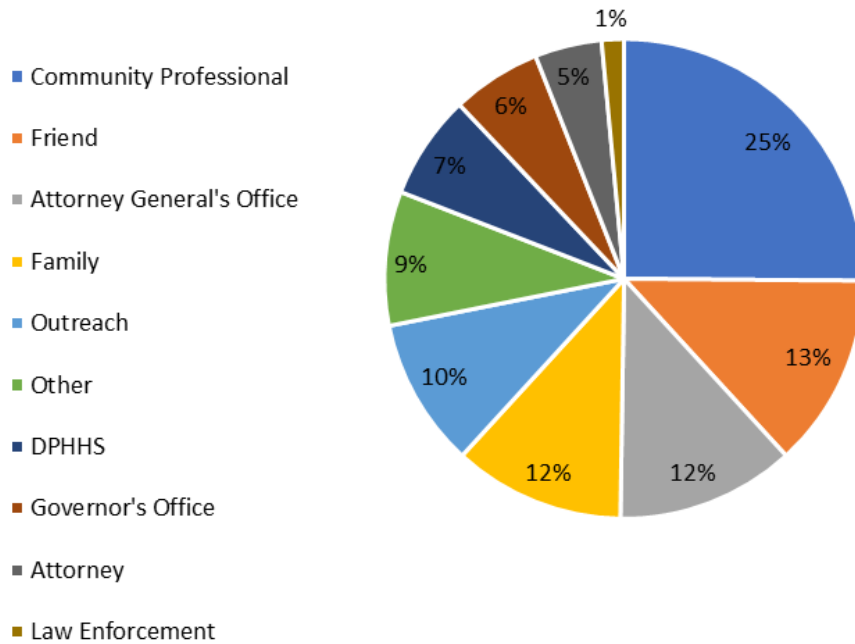
Information pending– 7%



2017 Contact Data (continued)

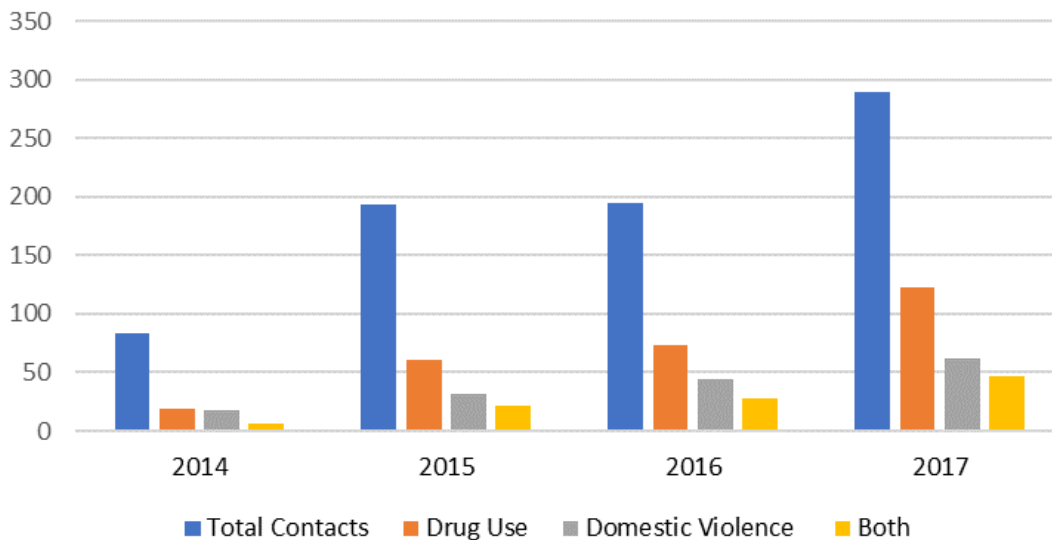
Graph 3 shows the source of referrals to OCFO. The primary source of referrals to OCFO were Community Professionals at 25%. Compared to 2016, community professional referrals rose from 19% to 25% and Friend referrals nearly doubled from 7% to 13%.

Graph 3: Source of Referrals to OCFO
(Percentage Reported)



Graph 4 shows the number of cases in which drug use, domestic violence, or both were considered factors in the CFSD case. Drug use increased 5%. The occurrence of drug use and domestic violence together rose 2%.

Graph 4: Drug use and Domestic Violence

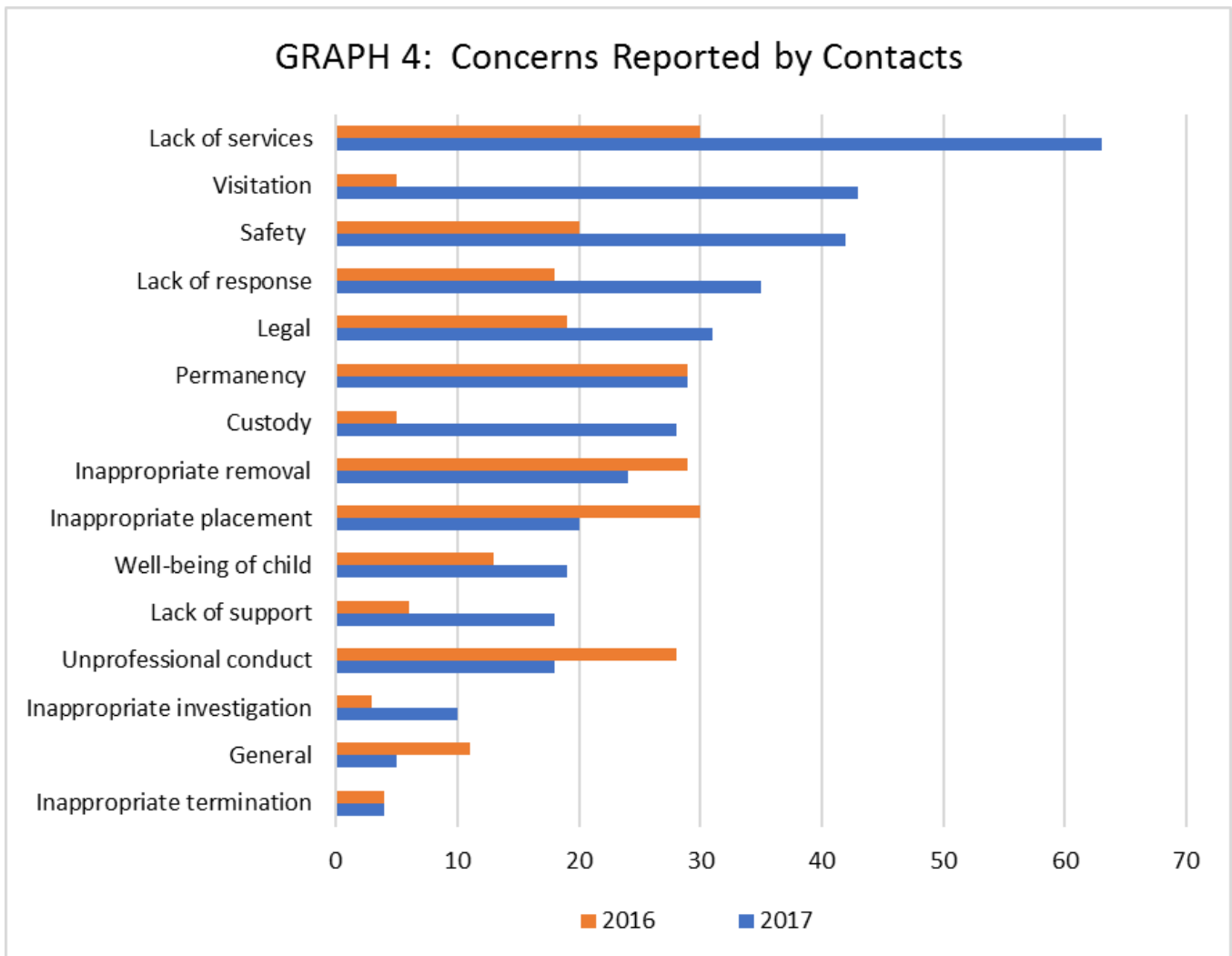


2017 Contact Data (continued)

The most prevalent citizen concerns about children and families were:

- **Lack of services.** This included the need for referrals to complete treatment plan tasks and services for children in foster care. This concern rose 5% from 2016.
- **Visitation.** This included complaints of significantly limited in-person contact for parents and other family members with relationships to the children. This concern increased 10% from 2016.
- **Safety.** This included concerns that reports were not being fully investigated. This concern rose 4% .

Graph 4 shows the all concerns documented as reported by contacts.



Contacts often report more than one concern. OCFO documents up to three main concerns per contact and works with citizens to address each concern or question in the most effective manner. This could include referrals to services, meeting with CFSD to create a plan, or preparing a Findings Report.

Notifications Data

In addition to citizen contacts, Montana code 41-3-209 requires CFSD to notify OCFO as follows:

Within 1 business day, a death of a child who, within the last 12 months:

- a) had been the subject of a report of abuse or neglect;
- b) had been the subject of an investigation of alleged abuse or neglect;
- c) was in out-of-home care at the time of the child's death; or
- d) had received services from the department under a voluntary protective services agreement;

Within 5 business days:

- a) any criminal act concerning the abuse or neglect of a child;
- b) any critical incident, including but not limited to elopement, a suicide attempt, rape, nonroutine hospitalizations, and neglect or abuse by a substitute care provider, involving a child who is receiving services from the department pursuant to this chapter; or
- c) a third report received within the last 12 months about a child at risk of or who is suspected of being abused or neglect

TABLE 2 below depicts the type of notification and number received by OCFO.

Type of Notification	Number Received 2015	Number Received 2016	Number Received 2017
Child Fatality*	6	8	14
Cross Reports to Law Enforcement	282	1,733	3,007
Runaways	6	46	55
Other critical incidents	1	32	24
Third report to Centralized Intake in 12 months	1,949 (Data collection began September 2015)	9,522	11,775

**A child fatality includes deaths by accident, medical complication, illness, and other. See the OCFO 2017 Child Fatality Report for more information.*

Cross reports to law enforcement are reports made to Centralized Intake by law enforcement officers or where the Centralized Intake specialist contacts law enforcement to share information on a report from a citizen. 14% of cross reports required a 24 hour response by CFSD and 34% required a 72 hour response by CFSD.

Other critical incidents include suicide attempt, rape, nonroutine hospitalizations, neglect or abuse by a substitute care provider, and any other incident not meeting the other categories.

Each Third report to Centralized Intake in 12 months reflects a child requiring review by CFSD. 98% of these categorized as Child Protective Service (CPS) reports, which mean an investigation is required. Of the CPS reports, 20% required contact with the child within 24 hours and 55% required contact within 72 hours.

Duty: Resolve or Recommend

Outcomes

OCFO received 290 contacts this year and 150 contacts remain open. Some open contacts are waiting for the return of the request form to begin a review, while others include request forms submitted and are at varying stages of review and intervention.

As of July 1, 2017, OCFO commits to making three attempts to obtain a request form from a contact before closing it as “no further contact”. OCFO declines cases as appropriate per MCA 41-3-1212. Even in cases that are declined, the Ombudsmen attempts to provide other resources.

Following the completion of a Findings Report, OCFO seeks feedback from both the requestor and DPHHS. OCFO is committed to reporting fairly both on recommendations for improvement and on steps DPHHS is taking to improve services.

The TABLES that follow describe in more detail the outcomes of individual contacts and the recommendations made to DPHHS through Findings Reports.

TABLE 3 below describes the status of contacts to OCFO for 2017.

Outcome Measures	2017 Outcomes
Closed, no further contact.	61
Declined to intervene.	8
Mediated– Concerns fully resolved.	5
Mediated– Plan established.	2
Mediated– Questions answered.	7
Referred and closed.	73
Investigated and closed during 2017.	6
Investigated and open for feedback.	12
Open from 2017 contacts.	74
Open from previous years.	21
Pending review.	55

Duty: Resolve or Recommend

Finding Reports and Recommendations

In this reporting period, OCFO submitted 18 Findings Reports to DPHHS. Findings Reports are mailed to the Director of DPHHS, the CFSD Administrator, the Regional Administrator and copied to the Deputy Attorney General and Children's Justice Bureau Chief. Findings Reports are also mailed to the Requestor on a case by case basis. Recommendations are available upon request and are provided here.

In addition to the Finding Reports' recommendations, OCFO sent a letter to DPHHS on December 14, 2017 stating concerns about the status of the policy manual. OCFO requested that DPHHS address access and clarification of policies and procedures. DPHHS responded on January 9, 2018. DPHHS is working with federal technical assistance to review, organize, and update CFSD policies and procedures. DPHHS will keep OCFO informed of the changes and trainings. DPHHS also provided contact for direct communication of further identification of conflicting or missing information.

In sum, recommendations made to DPHHS in 2017 revealed a few areas of repeat concerns requiring review and action to improve case outcomes and system response. Those areas are as follows:

Domestic Violence Adherence to policy and procedure varied. Continuing education after the initial MCAN training for staff is unknown. OCFO recommended DPHHS revise and enhance training on policy and protocols related to cases involving domestic violence.

Safety Plans Policy and procedure on the use of safety plans is unclear. Safety plans can be critical to avoiding removal and supporting reunification. OCFO recommended DPHHS clarify policies on use of safety plans, in-home/reunification services, and voluntary protective services agreements.

Safety Assessment OCFO made several recommendations regarding investigation procedures, assessment models, and increasing the number and type of collateral contacts.

Diligent Search CFSD has multiple policies and procedures on finding family, including timelines. OCFO recommended streamlining these and creating ways to assist workers in adhering to best practice.

Education CFSD is responsible for ensuring foster children are receiving appropriate education. Many children in foster care need or could benefit from special education services. OCFO recommended DPHHS create a policy to assist CPSs in requesting evaluations.

Trauma Informed Practice While discussions of a trauma informed practice increased over the last few years, CFSD does not provide guidelines or updated information for staff use in policy. OCFO recommended DPHHS create a policy on trauma informed practice.

Effective Communication OCFO provided DPHHS with recommendations on improving communication with citizens, families, legal teams, and OCFO. These included responding to requests for case records, training for workers, and staffing with attorneys on evidence and facts of the case. OCFO also recommended CFSD adhere to statute on sharing information as well as training workers specifically on writing affidavits and providing testimony.

All formal recommendations made to DPHHS this year are provided in the Appendix of this report.

Duty: Procedure Review

2017 Child Fatality Review

MCA 41-3-209 requires Office of the Child and Family Ombudsman to investigate child fatalities when the child was involved with CFSD within 12 months of the date of death. The CJB Child Fatality Review team members Dana Toole, Traci Shinabarger, Gala Goodwin and Matt Dale met October 31 & November 1, 2017 to review the information. In total, 14 child fatalities were reviewed, which occurred between December 16, 2016 and December 15, 2017. Please see the 2017 OCFO Child Fatality Review Report for more information.

2017 Request Trends

In addition to continued monitoring of trends from the previous years, including noncustodial parents, visitation, and legal representation, trends identified in 2017 include:

- 1) **Consistency in assessment protocols.** In 2015, the assessment tool used by CFSD called Safety Assessment and Management System (SAMS), was revised in an attempt to reduce paperwork and increase timeliness. Through request reviews, OCFO sees concerns with the changes and the consistency by which “present danger” and “impending danger” are assessed. In addition, the manner in which history is reviewed and included in the assessment varies from worker to worker. To maintain an approach that encompasses the family as a whole and not per incident, consistent use of the assessment tool and review of history is necessary.
- 2) **Adherence to domestic violence protocols.** Domestic violence continues as a factor in a high rate of requests. The CFSD Policy Manual provides clear protocols for workers who need to work with both the victim and the offender if they are the parents. Use of these protocols and understanding the behavior of victims and offenders varies widely. Varied approaches to domestic violence increased safety risks for all involved.
- 3) **Information Sharing.** Both families involved in cases and their attorneys report difficulty accessing information they are legally entitled to receive. Foster parents and family members are still routinely told by workers that they cannot share information even if that information is allowed by statute and important to the care of the child. CFSD utilizes different mechanisms for sharing information and this confuses families and often leads to the perception that CFSD is withholding information.

OCFO monitors trends and collects information to analyze system issues. Separate reviews and reports on trends and specific system issues are underway; however, OCFO prioritizes citizen response and Findings Reports.

Duty: Outreach and Education

General Outreach

Outreach efforts by the OCFO are required by statute and included:

- Printing and distribution of brochures and notebooks at over 10 outreach events in the state;
- Participating in Child Abuse Prevention Month efforts supported by the Children’s Trust Fund;
- “Meet the Ombudsman” presentations for new child protection specialist training classes;
- Presenting at the Montana Child Abuse and Neglect Conference;
- Ongoing brochure mailings and presentations to service providers;
- Attendance at monthly University of Montana Center for Children, Families, and Workforce Development;
- Attendance at the United States Ombudsman Association Annual Conference.

OCFO continues to work on a recorded presentation for service providers and community professionals to share in their own trainings. In addition, the request for assistance form was updated in December 2017 to collect additional data to support future outreach and grant writing opportunities.

Feedback Survey

OCFO conducts program evaluation through a survey of citizen contacts. The survey is anonymous and delivered to citizens through email or US mail. This year, the survey response rate is 22% with the following feedback:

- 88% reported feeling respected by the Ombudsman.
- 79% reported understanding the process of our OCFO.
- 44% reported feeling the Ombudsman was helpful.
- 41% were satisfied with the outcomes.

Notable comments included:

“This office is great. Even though the outcome was not what I wanted the law was held and they did their most to assist in the problem. They were very diligent and forth right. Cannot say enough about my lengthy experience with its level of difficulty, they did an awesome job.”

“(OCFO) listened to me and believed me without any judgement or prejudice.”

“The help was very necessary and very helpful for an abused and neglected child...I am THANKFUL to have this service and ombudsman!!!!!!!!!!”

Duty: Annual Report

The preceding pages summarize the activities of the Office of the Child and Family Ombudsman by statutory duty. The final section describes how the challenges identified in the 2016 annual report were addressed as well as outlining challenges and successes from 2017.

2016 Challenges Updates

2016 Challenge #1: Communications with CFSD. In April 2016, the CFSD Administrator moved on and the position remained open until November 2016. The process for developing a formal communication plan with CFSD was placed on hold until the CFSD Administrator could participate. DOJ and DPHHS recently began work on a formal plan again and continue to address this issue.

2016 Challenge #2: Response to alerts and critical incidents. In 2016, required notifications from CFSD to OCFO increased substantially and OCFO staff was not able to review each notification. OCFO continues to receive notifications at a high rate. Collection and assessment of data is ongoing.

2017 Challenges

2017 Challenge #1: Response to citizens. Contacts to OCFO rose nearly 50% in 2017. The number of completed request forms also rose. Delays in the VOCA award limited the time of the Deputy Ombudsman. These factors increased the response and review times.

2017 Challenge #2: Participation in meetings. As of August 2017, OCFO was not permitted to attend or participate in CFSD case specific family engagement meetings. The decision frustrated citizens who invited OCFO to attend the meetings and increased the amount of time necessary for OCFO to review requests.

2017 Successes

2017 Success #1: Findings Reports. OCFO completed 18 Findings Reports in 2017 and made numerous recommendations to improve outcomes for children and families.

2017 Success #2: Collaboration with service providers. OCFO increased contacts with service providers and professionals such as attorneys, therapists, and guardian ad litem. This helped to increase awareness of the office process and to increase real time response to citizen concerns.

2017 Success #3: VOCA Grant. OCFO successfully applied for VOCA funding to maintain the position of Deputy Ombudsman. OCFO will continue to apply for grants where eligible to continue to develop the work of the office in individual cases as well as procedural reviews.

In addition to the above successes, OCFO completed and published the policy and procedure manual available at:

<https://dojmt.gov/enforcement/childrensjustice/>.

Please contact OCFO if you have any questions about the information provided in this report or the processes of the office. We appreciate your interest in this important work.

Appendix

2017 Recommendations

Recommendations are listed by quarter. Quarters are defined as :

Winter = January — March

Spring = April — June

Summer = July — September

Fall = October— December

Responses from DPHHS are included in the column next to the recommendation. Where no response is listed, OCFO was informed that a response is pending review and will be provided.

Acronyms found in the recommendations are defined as follows:

ACES Adverse Childhood Experiences

CASA Court Appointed Special Advocate

CFSD Child and Family Services Division

CICM Critical Incident and Complaints Manager

CPS Child Protection Specialist

CPSS Child Protection Specialist Supervisor

DPHHS Department of Public Health and Human Services; also referred to as the Department

FFA Family Functioning Assessment

FCRC Foster Care Review Committee

GAL Guardian ad Litem

ICPC Interstate Compact on the Placement of Children

MCAN Montana Child Abuse and Neglect new worker training

OCFO Office of the Child and Family Ombudsman

P-1 Priority one; category of a report that requires a 24 hour response

RA Regional Administrator

SCRAM Systems Alcohol and Location Monitoring

TLC Temporary Legal Custody

Winter Recommendations	Response to Recommendations
No Findings Reports were completed during this quarter.	Not applicable.
Spring Recommendations	Response to Recommendations
<p>CFSD create policy on working with drug affected infants, including procedures for an immediate 48 hour hold to insure time to investigate the circumstances regarding safety and protection.</p> <p>CFSD create policy that all calls to Central Intake regarding drug affected infants are deemed P-1 and an investigation is implemented within the P-1 time frame.</p> <p>CFSD create policy that prior to signing off on ICPC forms that all ICPC adoptions have clear documentation that paternity is definitively established according to Montana Code.</p>	DPHHS responded that recommendations were under review.
Summer Recommendations	Response to Recommendations
<p>DPHHS revise and enhance training on policy and protocols related to cases involving domestic violence. Partner with domestic violence advocates or the Montana Victim Advocate Academy to provide training.</p> <p>DPHHS clarify policies on use of safety plans and in-home/reunification services.</p> <p>DPHHS direct CFSD through the CPS and CPSS to create a written case plan to address the current needs of the child, including but not limited to all provisions of 402-5. Create timelines and assign responsibility to tasks in order to meet the child's needs in a timely and organized fashion.</p> <p>DPHHS direct CFSD through the CPS and CPSS as part of the case plan to request an evaluation by the school to confirm that the child does not qualify for special education services.</p> <p>DPHHS create policy regarding children in foster care who may qualify for special education services. Provide directives to staff on how to request an evaluation and follow up on recommendations.</p> <p>DPHHS create policies related to kinship placements with individuals using medically prescribed marijuana. Include DPHHS' position on guardianship or adoption in these situations.</p>	<p>DPHHS will review the curriculum and explore options.</p> <p>DPHHS will continue to work on fidelity to the model. DPHHS is working with federal technical assistance to review and assess CFSD policy and procedure.</p> <p>DPHHS will review this child's case and ensure information is captured for the FCRC.</p> <p>DPHHS take this recommendation into consideration in this case and evaluate options for ensuring the educational needs of children in foster care are met.</p> <p>DPHHS evaluation of options will include directive and training for staff.</p> <p>This recommendation is complete and found in Policy Tech 5.1.2.</p>

Summer Recommendations (continued)	Response to Recommendations
<p>DPHHS create policies to address the needs of children experiencing multiple placements and/or multiple placements in residential programs.</p>	<p>DPHHS will take this under consideration and address through individual case supervision.</p>
<p>DPHHS create a policy on trauma informed practices and services.</p>	<p>DPHHS will integrate trauma informed practices throughout processes, train staff, and work with partners on resources and trainings. DPHHS will keep OCFO apprised of developments and incorporate the recommendation in the policy review.</p>
<p>DPHHS review training to ensure staff receive adequate training and follow-up on code governing removals and the requirement set forth in code. Utilize a legal professional in providing that training.</p>	<p>DPHHS will review training, utilize legal staff, and incorporate legal update/trainings in management meetings.</p>
<p>DPHHS review and assist staff in adhering to required supervisory staffing. Include reminders in the case management or email systems.</p>	<p>DPHHS is working to ensure that all staff adhere to supervisor staffing.</p>
<p>DPHHS republish CFSD Policy 401-4 on the website and work with the Department of Justice to clarify and streamline the process for reporting and following up on missing or runaway foster youth.</p>	<p>The policy is published on Policy Tech 3.2.6. DPHHS is transitioning policies to Policy Tech. DPPHS accepts the recommendation to work with DOJ to streamline the process.</p>
<p>DPHHS provide OCFO a copy of the plan created by CFSD as required by the Preventing Sex Trafficking and Strengthening Families Act.</p>	<p>Completed.</p>
<p>DPHHS notify OCFO of all revisions, additions, deletions. or changes to CFSD policies, procedures or policy manual within three business days of implementation.</p>	<p>DPHHS will notify OCFO of changes in a timely fashion.</p>
<p>DPHHS review the case documents, specifically the deposition of the Regional Administrator and the Judge’s...Temporary Restraining Order, in full in this case. Consult on the inconsistencies across Regions and in cases with similar fact sets.</p>	
<p>DPHHS provide clarification to OCFO on the statements of the Regional Administrator that policies are “guidelines” and do not need to be followed. Provide a list of policies that are considered optional and/or at the full discretion of Regional Administrators.</p>	

Summer Recommendations (continued)	Response to Recommendation
<p>DPHHS provide the rationale and legal authority for Regional Administrator notes being kept separate from the case record or not maintained in the case management system or paper file.</p> <p>DPHHS retrain all CFSD staff on the diligent search process and 30-day notice and ongoing requirements. Assess the addition of a reminder application in the new case management system. Review the multiple policies addressing family finding and consider revision for ease of staff use.</p> <p>DPHHS retrain all CFSD staff on ACES or adverse childhood experiences and the research supporting a trauma informed practice. DPHHS create a policy on trauma informed practice. This is the second report recommending such a policy.</p> <p>DPHHS review and revise the policy on the Selection Committee. Specify who must attend. Increase the inclusion of external input, including but not limited to the CASA or GAL, the child’s attorney, and the children’s providers. Include forms to be used in policy. If continuing with the current forms, do so with the recommended revisions below. Publish the policy and forms online and on the staff resource sites.</p> <p>Revise the Selection Committee forms to include:</p> <ul style="list-style-type: none"> a) a clearer rating scale; b) a calculation formula that removes not applicable or kinship only criteria from penalizing the other families under consideration; c) a determination that the children will be rated together or separately; d) an explanation for that determination; e) the specific authority the RA has to change the decision of the committee; f) the factors the RA must know, consider, and document in the case record if the decision is changed; g) review of all documentation provided by providers and professionals associated with the children. <p>DPHHS create policy to assist CFSD in promptly providing case records to OCFO.</p> <p>DPHHS review the statute governing OCFO and create policy for CFSD to comply promptly with requests for information and responses to findings and recommendations.</p>	<p>DPHHS will continue to work with OCFO to facilitate communication and the exchange of information.</p>

Fall Recommendations (continued)	Response to Recommendations
<p>DPHHS revise and enhance training on policy and protocols related to cases involving domestic violence. Partner with domestic violence advocates or the Montana Victim Advocate Academy to provide training. Include county attorneys and public defenders in trainings on protocols. This is the second report recommending enhanced training on domestic violence protocols.</p> <p>DPHHS review and retrain CFSD staff on responding to case records requests from parent attorneys. Revise policy 502-3 to include OCFO and 2017 statutory changes.</p> <p>DPHHS review CFSD interventions and legal timelines in this case. Create policy regarding family drug treatment court, including the differences in practice and the importance of adhering to legal requirements in all cases.</p> <p>DPHHS instruct CFSD to ensure the child’s full medical file is in the case file. Allow access to the file by the care provider prior to adoption or guardianship by that provider.</p> <p>DPHHS instruct CFSD to clarify the child’s medical history in the case plan and report accurately on the child’s history and status in all proceedings, communications, and documents.</p> <p>DPHHS create a specific policy on working with individuals with disabilities. Define types of disabilities and the way a child or adult is assessed for a disability. Provide direction to Child Protection Specialists through policy on how to access assessments and how to report on results. Include in policy clear directions on nondiscrimination and active efforts.</p> <p>DPHHS create policy on Voluntary Protective Services Agreements to assist CPSs in implementing voluntary services and assessing the success of voluntary services. Include objective measurements of success where possible. Distinguish the difference between in-home/reunification services, in-home safety plans, and voluntary protective service agreements.</p> <p>DPHHS direct CFSD to review the policies and procedures regarding the philosophy of child protection. Create a policy on trauma informed practice.</p>	<p>DPHHS will pursue opportunities to enhance training. DPHHS responded at the same time to both recommendations.</p> <p>DPHHS will work with their Office of Legal Affairs to update the policy.</p> <p>A review of policy is underway. Interventions and legal timelines will be reviewed as recommended.</p> <p>CFSD staff will review polices and procedures in the coming months. DPHHS will work with university partners and keep OCFO appraised.</p>

Fall Recommendations (continued)	Response to Recommendation
<p>DPHHS to clarify in the policies and procedures where a child protection investigation is mandatory and where a licensing investigation is appropriate when the concern involves an out of home placement. Include measures for verifying information prior to a change in placement where immediate danger does not exist.</p>	<p>This recommendation will be included in the review of polices and procedures.</p>
<p>DPHHS direct CFSD to utilize placement stabilization forms and procedures where a substitute caregiver is willing and able.</p>	<p>DPHHS disagreed that placement stabilization was safe in this case. DPHHS will continue to use plans as appropriate.</p>
<p>CFSD amend the case record to reflect the case notes that are in error and add information to accurately reflect the events that occurred on the date of the placement change.</p>	<p>Upon further confirmation, DPHHS will address and correct errors in case notes.</p>
<p>DPHHS direct CFSD to create a policy on the use of drug testing during both the intake and ongoing stages of involvement with a family.</p>	
<p>DPHHS direct CFSD to create a policy on trial home visits, including requirements for monitoring and responding to new reports.</p>	
<p>DPHHS direct CFSD to review the policies and procedures regarding the philosophy of child protection.</p>	
<p>DPHHS direct CFSD to develop policy on trauma informed practice.</p>	
<p>DPHHS direct CFSD to review and follow policies and procedures on investigations.</p>	
<p>DPHHS direct CFSD all Child Protection Specialists to confirm all statements by parents with at least one credible collateral source.</p>	
<p>DPHHS direct CFSD to improve CPS and CPSS understanding and implementation of those policies .</p>	
<p>DPHHS direct CFSD review policies and procedures directing CPS in locating a family placement, based on Policy 304-2, and enhance directives and oversight to ensure searches are conducted within the first 30 days of placement in substitute care.</p>	<p>CFSD agrees with this recommendation and will directs staff to review policies and procedures on locating family placements.</p>
<p>DPHHS direct CFSD to review policies and procedures on kinship placements.</p>	<p>CFSD agrees with this recommendation and will directs staff to review policies and procedures on locating kinship placements.</p>

Fall Recommendations (continued)	Response to Recommendations
<p>DPHHS direct CFSD take all available steps to establish, support, fund, and maintain a relationship between Child #1 and biological sibling.</p> <p>DPHHS investigate further the practice of not providing a copy of the affidavit to the parents per Montana code.</p> <p>DPHHS direct CFSD to create a training specific to writing affidavits, which are documents of fact provided under oath.</p> <p>DPHHS direct CFSD to clarify policies and procedures in the CFSD Policy Manual on provision of documentation to parents. Consolidate and streamline policy directives where possible.</p> <p>DPHHS direct CFSD to clarify policies on reports received by the investigating CPS during an open investigation and how those reports should be documented.</p> <p>DPHHS review the FFAs and investigation in this case. Offer trainings in the field including interviews of collaterals and family members, use of voluntary services and safety plans, and the language used to describe the safety concerns clearly.</p> <p>DPHHS review FFA protocols for saving versions in SharePoint and for required supervisory reviews. Revise policy to reflect clear directives to CPSs and CPSSs.</p> <p>DPHHS review the statute governing OCFO and create policy for CFSD to comply promptly with requests for information and responses to findings and recommendations.</p> <p>DPHHS direct CFSD through policy to review parenting plans and court orders in parenting plan cases as part of their investigation and safety assessment.</p> <p>DPHHS direct CFSD to review the practice of requesting temporary legal custody in place of temporary investigative authority in its initial petition for Emergency Protective Services.</p> <p>Enhance directives in policy for CPSs working with County Attorneys to consider the evidence and most appropriate intervention.</p> <p>DPHHS investigate the allegations that mediation was impacted by the...request to OCFO.</p>	<p>CFSD agrees with supporting and maintaining family connections and will continue to work with staff to ensure this is occurring.</p>

Fall Recommendations (continued)	Response to Recommendations
<p>DPHHS review the decision to exclude family from visitation and placement. Provide OCFO with an explanation of procedure used to determine visitation and placement in a “neutral” setting and determination of paternal grandparents as the best interest of the child.</p>	<p>The decisions were based on the child’s safety, best interest, and consistency with the case plan.</p>
<p>DPHHS review the interactions and communication with the parents and family members in this case. Assess how CFSD may enhance MCAN and in the field training to increase strength based practice and positive responses to individuals in contact with CFSD.</p>	<p>DPHHS will undertake this recommendation and assess how CFSD can further enhance strength based practices and positive interactions with families.</p>
<p>DPHHS direct CFSD to clarify polices on use of safety plans and in-home/reunification services.</p>	<p>DPHHS believes this information is available and understood in policy.</p>
<p>DPHHS direct CFSD to review and revise policies on visitation. Streamline multiple policy manual locations of directives on visitation. Include specific steps for CPSSs to take to assess visitation with other significant relationships and/or connections to the child.</p>	<p>DPHHS will undertake a review of the polices and procedures.</p>
<p>DPHHS direct CFSD to develop policy the use of evaluations and funding of evaluations for extended family.</p>	<p>DPHHS will undertake a review of the polices and procedures. Evaluation in general are used as needed to assess safety.</p>
<p>DPHHS direct CFSD to create a policy outlining the process and procedures of the CICM. Publish the policy online and provide a copy to OCFO. Clarify the case decision tree and the authority the CICM has to make or change decisions made by the CPSS and RA.</p>	<p>CFSD will update in Policy Tech and inform OCFO when it is complete. DPHHS looks forward to discussing this with OCFO and developing a communication plan.</p>
<p>DPHHS direct CFSD to encourage CPSSs to contact OCFO to clarify communications and ask questions about OCFO’s process.</p>	<p>DPHHS looks forward to discussing this with OCFO and developing a communication plan.</p>
<p>DPHHS direct CFSD to allow OCFO to participate in the next FEM scheduled.</p>	<p>Report was not received in time. DPHHS looks forward to discussing this with OCFO and developing a communication plan.</p>
<p>DPHHS review all relevant legal rulings pertaining to noncustodial parents and the rights of extended family in custody matter, including In the Matter of JB, 278 Mont. 160, 923 P.2d 1096, 1996. Include description of current case law in policies regarding placement.</p>	<p>DPHHS’ Office of Legal Affairs will review the case and current law.</p>

Recommendations	Response to Recommendations
<p>DPHHS direct CFSD to review policies and procedures on noncustodial parental rights. Clarify and enhance policies for ease of use by field staff.</p> <p>DPHHS review communication issues between the field and legal teams. Provide training and support to the field in working with legal teams to adhere to statutory requirements.</p> <p>DPHHS review all court filings pursuant to the...children's cases. Assess the caseload and legal delay issues presented in the county where the case is heard. Assist the field office in resolving any other legal delays on this and other cases in this office.</p> <p>DPHHS provide the rationale and legal authority for the attorney for the Department not filing for TLC immediately upon learning the order had expired.</p> <p>DPHHS review communication issues between the field and legal teams. Provide training and support to the field in working with legal teams to adhere to statutory timelines.</p> <p>DPHHS review provision of visitation and thorough documentation of visitation. Reassess the use of contract providers.</p> <p>DPHHS review the requirements for and consistency of provision of the FCRC recommendations to the court. Enhance or create policy to direct responsibility for adhering to policy and procedure.</p> <p>DPHHS direct CFSD to retrain staff on the requirements of face to face contact with the child. Consider the use of a reminder application in the new case management system.</p> <p>DPHHS direct CFSD to create a policy and procedure on addressing disputed SCRAM bracelet or other monitoring devices such as drug patches and breathalyzers. Include provisions for backup testing to confirm a positive SCRAM reading to support consistent practice for parents and staff.</p> <p>DPHHS direct CFSD to clarify assessments and forms used when considering conditions for return. Include questions to consider and document the best interest of the child when moving from one parent to another.</p>	<p>CFSD agrees to review the policies and procedures. CFSD's recommendations differed from the Court's ruling. CFSD will support and respect the Court's ruling.</p> <p>DPHHS will review communication and consider training in relation to this matter.</p> <p>CFSD will continue to provide training and consider the recommendation of a reminder application.</p> <p>CFSD will continue coordinate efforts and relay on experts when there is a dispute.</p> <p>CFSD recently implemented supervisor training on condition for return and will continue to align with the model and improve practice.</p>

Fall Recommendations (continued)	Response to Recommendations
<p>DPHHS review the practices in place for writing and monitoring treatment plans. Enhance policy directives and trainings to staff to assist in individualizing plans and assessing for the effectiveness of the interventions. Include training on when the use of psychosexual evaluation may be appropriate and when it may conflict with a person’s civil rights.</p> <p>DPHHS direct CFSD to allow OCFO to participate in family engagement meetings.</p> <p>DPHHS direct CFSD to provide training to staff specific to testifying in court proceedings.</p> <p>DPHHS develop a policy regarding the consideration of a transfer of a case to another worker when an effective helping relationship is significantly compromised. Improve the transparency of the process to improve understanding by citizens.</p> <p>DPHHS review the policies and procedures regarding the philosophy of child protection and best practice in family centered practice and trauma informed practice.</p> <p>DPHHS review all court filings pursuant to the...children’s cases. Assess the caseload and legal delay issues presented in the county where the case is heard. Assist the field office in resolving any other legal delays on this and other cases in this office.</p> <p>DPHHS provide the rationale and legal authority for the attorney for the Department not filing for TLC immediately upon learning the order had expired.</p> <p>DPHHS review communication issues between the field and legal teams. Provide training and support to the field in working with legal teams to adhere to statutory timelines.</p>	<p>CFSD will continue to develop individualized treatment plans. In regard to the use of psychosexual evaluation, CFSD will be mindful regarding their use and take the recommendation under consideration.</p> <p>DPHHS looks forward to discussing this with OCFO and developing a communication plan.</p> <p>CFSD recognizes this need and will further develop training to staff regarding the court process.</p> <p>CFSD will consider case transfers on a case by case basis. DPHHS established a process for addressing transparency as to Senate Bill 113, allowing legislators to review records. DPHHS will continue to incorporate transparency within the parameters of law and confidentiality.</p>