



# GOVERNOR STEVE BULLOCK'S PROTECT MONTANA KIDS COMMISSION REPORT

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



# Protect Montana Kids Commission Report

Submitted May \*\*, 2016

## Introduction (or Executive Summary)

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 an increase in the number of children and families that it is serving, and it feels 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 from our Montana legislature.

## Commission Members



- **Hon. Leslie Halligan, Chair**  
District Court Judge
- **Scott Darkenwald, Vice-Chair**  
Department of Justice
- **Ali Bovingdon**  
Office of the Governor
- **Sarah Corbally**  
Department of Public Health and Human Services
- **Bill Hooks**  
Office of the Public Defender
- **Schylar Canfield-Baber**  
Foster Youth Alumni & Student Assistance Foundation
- **Anne Lawrence**  
Flathead County Attorney's Office
- **Matt Lowy**  
Private Attorney
- **Megan Bailey**  
Tribal Member & Sunburst Mental Health Community Foundation
- **Joyce Funda**  
CASA Montana
- **Dr. Bart Klika**  
University of Montana School of Social Work
- **Dr. Tom Strizich**  
Partners in Pediatrics
- **Jaci Noonan**  
AWARE Inc.
- **Jani McCall**  
Consulting with Communities, Inc.
- **Rep. Chuck Hunter**  
Montana House of Representatives

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## Overview

Governor Steve Bullock convened the Protect Montana Kids commission to improve 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 to make recommendations. The executive order, signed by the Governor on September 21, 2015, 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:

1. To foster cooperation, communication, and coordinated approaches to support improved outcomes in child abuse and neglect cases;
2. 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;
3. To work toward establishing permanent funding for child protection system improvement priorities; and
4. To provide recommendations to the Governor regarding:
  - a. 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;
  - b. 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 child in Montana being abused or neglected;
  - c. Increasing transparency in the child protection system; and
  - d. 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.

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

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 Commission voted to include the following as members of the Statutory Subcommittee:

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

The 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 the Montana Child Protection System's needs for structural change and additional resources as set forth above and in Executive Order 14-2015. The Commission voted to include the following as member of the Workplace Culture Subcommittee:

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



- Jaci Noonan
- Dr. Bart Klika

The subcommittee met between December 2015 and March 2016 and provided its final recommendations to the full Commission on April 25, 2015.

## 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. At these meetings, 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 of Lewis & Clark County CASA
  - Anita Nybo, Co-Executive Director of Gallatin County CASA
  - Jayme Campbell, Executive Director of Flathead County CASA
  - Sean Carlin, Flathead County CASA Volunteer/Outreach Coordinator

The Commission also received data and background information from the Child and Family Services Division; 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.

The Commission gathered a vast amount of information and had many discussions among the members, within the time it had to perform its duties, in order to determine what 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 at:

<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 whether or not to adopt each recommendation. The final recommendations adopted by the Commission are set forth in the Commission Recommendations section of this report.

## 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 status of the Montana child protection system is deeply troubling. The system is in crisis and 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 grown from 1,507 to



3,179. This is over a 100% increase in the number of children in foster care over a seven year period. Much of the increase 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, there has been an increase in the number of severe child abuse cases and child abuse fatalities. The growing number of Montana children being served by the child protection system in Montana is alarming.

Although the Child and Family Services Division received some additional funding in the 2013 legislative session, it has not received any 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. The Division currently operates with over 40 modified FTE in an effort to address the increase in workload and caseload, yet Division Child Protection Specialists and Family Resource Specialists still carry caseloads that far exceed national standards. Some frontline staff carry caseloads over four times the numbers recommended by the Child Welfare League of America. In regards to licensing staff, there are fewer than 25 FTE to support and license the families and placements for Montana children in foster care. The Division 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 even 17 years ago. As previously noted, since that time, the number of FTE allocated to the Division has decreased slightly.

There is also a high level of turnover in these frontline Division positions. In 2015, the Division 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 is an issue faced by child welfare agencies nationally and is not unique to Montana.

There are staff and provider complaints that many in the Division 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 the Division must prioritize documentation and paperwork and increase its level of supervision. These conflicting reports and mandates put the Division in an extremely difficult position as it tries to manage the ongoing increases in caseload and workload with insufficient resources.

At any given time, there are also a large number of vacancies in the frontline positions of the Child and Family Services Division. Despite ongoing efforts, including the hiring of a Human Resources Specialist to address this issue, the Division has been unable to recruit, hire, and retain a qualified workforce. These vacancies result in supervisors carrying caseloads and do not allow for adequate training for staff who are required to operate in crisis mode without any breaks. It also fails to provide sufficient staff to conduct training for foster parents, providers, and stakeholders. The vacancies also contribute to a high level of burnout and secondary trauma within the agency that will not be changed unless additional resources are allocated to the Division.



The Division 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 and accurate data is unable to be shared or made available in a timely manner to improve working conditions and outcomes for children and families. This exacerbates the crisis situation faced by the Division. A small amount of funding was allocated to the Division in the 2013 Legislative session to allow it 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 by the Child and Family Services Division, are contributing greatly to the crisis:

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

The strain on the Montana child protection system, and the crisis status reported by the Commission, is not limited to the Child and Family Services Division. 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 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 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 providing 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. It is apparent that 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 Recommendations

In formulating the following recommendations, the highest priorities were 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 an improvement plan, and ensure improvement efforts are maintained through the development of a long-term strategic plan.

Based on these above, and the discussions held within the subcommittees and at meetings of the 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.

### Recommended 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:

1. 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 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$BSRV.ActionQuery?P_SESS=20151&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=309&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)).
2. Introduce legislation to comply with the federal statutory changes resulting from the passage of the Preventing Sex Trafficking and Strengthening Families Act - H.R.4980, to include the specific amendments outlined at the March 16, 2016 meeting, to allow the state to continue to receive federal Title IV-E funding.
3. Reintroduce and pass HB 257 from the 2015 Montana Legislative Session, with any necessary updates or changes, to create a Foster Youth and Foster Parent Bill of Rights. (See [http://laws.leg.mt.gov/legprd/LAW0203W\\$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=)).

## Governor Steve Bullock's Protect Montana Kids Commission Report



4. 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.
5. Amend Montana Code Annotated Title 42: Adoption, to include open adoption and customary adoption alternatives for adoptions taking place in Montana District Courts.
6. In an effort to improve the timeliness of these case and increase consistency in practice to result in better outcomes for children, the Commission makes the following set of recommended statutory changes:
  - a. 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.
  - b. Amend the appropriate statute to allow for a “deferred” adjudication, 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 finding of abuse or neglect is withdrawn.
  - c. 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.
  - d. 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.
7. In an effort to streamline 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.
8. 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 a Guardian ad litem for a child.
9. Amend Montana Code Annotated § 41-3-112: Guardian ad litem, to clarify that when a CASA is appointed the CASA serves as the Guardian ad litem in the case.
10. Amend Montana Code Annotated § 41-3-108: Child Protection Teams, to allow for greater information sharing within these child protection teams.



11. Amend Title 41, Chapter 3 to change Social Worker to Child Protection Specialist as not all staff who serve in these positions have social work degrees.
12. Amend Montana Code Annotated § 41-3-422 to remove these cases from the formal civil discovery processes and to require parties to share necessary information to allow for timely resolution of these cases.
13. 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.
14. Amend Montana Code Annotated § 41-3-424: Dismissal, to allow the parties to object to the motion and to give the Court discretion to grant the motion.

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 child in Montana being abused or neglected:

1. Stabilize the Child and Family Services Division (CFSD) through the development and implementation of a short-term (12 month) plan that will focus on the following activities:
  - Increase Staffing:
    - Filling all current open positions within CFSD is an extremely high priority.
    - CFSD cannot perform its function without an adequate workforce. Full staffing must be achieved in order for CFSD to begin to develop long-term improvement plans.
    - Priority should be given to hiring of a new CFSD Administrator and Deputy Administrator.
    - The full-time human resources (HR) staff person that has been hired and funded by CFSD, should be housed in CFSD and in close proximity to the Administrator and Deputy Administrator. The dedication of this HR staff person to filling all open positions is essential.
  - Continue Current CFSD Strategic Initiatives and Priorities:
    - Immediate changes to the current CFSD initiatives and priorities prior to the development of an interim and long-term improvement plan would cause further instability to the workforce.
    - Thus, current CFSD strategic initiatives and priorities such as the Safety Science Systems and MCAN training should be maintained while a more comprehensive and integrated plan is developed.
    - CFSD should also continue with its plan to contract with the Council on Accreditation to do an assessment to determine what would be needed for CFSD to meet public child welfare agency accreditation standards. (See Attachment B).
    - Specific action steps to continue current CFSD strategic initiatives and priorities are identified in the Division's Strategic Initiatives Draft Plan. (See Attachment C).
  - Strategic Communication:



- Trust and confidence of both internal and external constituencies is critical to success. Such trust and confidence is best developed through clear and consistent messaging to all stakeholders.
  - CFSD can best achieve this by contracting for, hiring or identifying 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.
  - Monitoring of implementation of recommendations and ongoing oversight of CFSD Division by the State Advisory Council currently in place with these steps included:
    - Review and formalize Council Bylaws, update membership with needed stakeholder groups, and ensure appropriate representation in all areas exists. (See Attachment D).
    - Add a formal agenda item to the State Advisory Council quarterly meetings to specifically review the implementation of recommendations from the Governor related to the Commission's work.
2. Develop and implement a long-term comprehensive and strategic plan for CFSD that will address, at a minimum, the following areas:
- CFSD should meet national benchmarks for caseloads, supervision, and family support.
  - Communication:
    - Continue 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).
    - Review and amend Montana Code Annotated § 41-3-205 as needed. (See Attachment F).
    - Priority should also be given to the development of confidential or anonymous means of communication to alleviate concerns of retaliation by the CFSD towards staff, youth, natural, foster, kin and/or adoptive families and providers.
    - Review the 2015 report of the Child and Family Ombudsman and relevant recommendations. (See Attachment G).
  - Workplace Assessments: Understanding the current workplace environment is essential to addressing problems within the CFSD culture and climate.
    - A longitudinal study should be conducted to understand the workforce culture and climate. (See Attachment H).
    - Periodic brief web based anonymous workplace culture surveys should be conducted with a plan for immediate follow-up on results and plans to address identified issues. (See Attachment I).
    - Additionally, a workload study should be conducted that would look at the amount time necessary to complete tasks of particular types of cases.
    - Caseloads should continue to be reviewed in comparison with national standards. See PMK Commission materials reviewed at:  
<http://dphhs.mt.gov/Portals/85/Documents/ProtectMontanaKids/DOC091.pdf>.



- CFSD should contract with an external consultant to facilitate CFSD staff through a mission, vision and values process.
- Worker Recruitment
  - CFSD must continually prioritize the recruitment of staff with an eye towards increasing the number of college educated social workers.
- Worker Retention: Retention of trained staff is critical to maintaining a workforce that can meet the needs of Montana's children.
  - CFSD should develop opportunities for professional development and career advancement within all positions.
  - Evaluations of the current CFSD pay structure should be conducted.
- Training: The amount and quality of training provided to CFSD continues to be increased.
  - CFSD should prioritize training especially for newer workers and supervisors internally. (See Attachment J).
  - CFSD should consider development of a training unit to address both internal and external training needs.
  - CFSD should continue to partner with stakeholders to offer additional trainings. (See Attachments K and L).
- CFSD Leadership:
  - An ongoing structure for evaluation of CFSD leadership for the central office administrators, region administrators and supervisor levels, should be established and implemented. (See Attachment M).
  - Provide and improve training for CFSD leadership and supervisors. (See Attachment J).
- CFSD Accountability:
  - CFSD should create a process for tracking and coordinating the multi-agency coordination and integration of care within the Montana Child Protection System.
  - A culture of collective responsibility for safety and quality care among all participants in the Montana Child Protection System should be encouraged.
  - CFSD should prioritize the coordination of care to include data sharing with providers and other agencies.
  - CFSD should prioritize increasing access to trauma informed treatment.
  - Supporting documents regarding long-term goals for accountability are supported by ongoing involvement in multiagency efforts, grants, and programs. (See Attachments N and O).
- CFSD Policies and Procedures:
  - A better and more user friendly on line format for CFSD policies should be developed with emphasis on convenience and accessibility.
  - A review for the updating of forms and protocols is needed and should be undertaken.
  - ICWA review is needed, with emphasis on permanency and collective responsibility and integration of ICWA and CFSD.
- CFSD Opportunities:



- CFSD should be open to opportunities for partnership and collaboration with other agencies 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).
- IT and Database Capacity:

~~○ CFSD and DPHHS IT are currently working with the Montana Department of Corrections to modify the Offender Management Information System (OMIS) to be utilized for CFSD Intake, investigations, case management and data analytics. This process should be monitored closely and regularly for adequacy and reliability. A review and evaluation of CFSD IT and database capacity should be conducted. The review must include an evaluation of CFSD IT and database adequacy and reliability, with an eye toward being able to share data and information across agencies and systems.~~

3. Encourage Judicial Districts to adopt local court rules that would allow the same Judge to hear all matters related to the family and child.
4. 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.
5. Fund a program to provide college tuition waivers to all youth aging out of the Montana foster care system for state universities.
6. Increase child abuse prevention efforts through increased support and funding for evidence-based programs proven to prevent child abuse and neglect; such as, evidence-based home visiting programs like Nurse-Family Partnership or SafeCare Augmented, fund a State chapter of Prevent Child Abuse America, provide increased access to health care through a Medicaid waiver program, and expand early childhood education and high quality child care for the children and families served by the child protection system.

Recommendations for Increasing Transparency in the Child Protection System:

1. Reintroduce HB 309 from the 2015 Montana Legislative session, with any necessary updates or changes, to add a 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.
2. Create a confidential reporting system for ~~those workers within the agency, families and external stakeholders with concerns~~ to report ~~concerns to~~ so that there is no fear of retaliation and the



process for doing so is transparent.

3. 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).

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:

1. 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.
2. Add sufficient staff to the other related agencies that handle these cases to allow for more effectively 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 is hopeful that these recommendations will help inform the next steps for the Governor in his efforts to improve the Montana child protection system. The Commission is also 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 implores the Montana Legislature to support these recommendations and increase the resources allocated to prevention and treatment of child abuse and neglect in Montana.

## 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