

# Montana Department of Justice Office of the Child and Family Ombudsman 2020 Annual Report



**Contact the Ombudsman:**

**1-844-25CHILD**

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## Executive Summary

Welcome to the 2020 annual report of the Montana Department of Justice Office of the Child and Family Ombudsman (OCFO). This annual report is required by Montana Code 41-3-1211 and reports a summary of activities for January 1 through December 31, 2020.

OCFO's work is conducted through two primary activities: First, it responds to citizen questions and concerns about Montana's child protection systems by reviewing individual cases. Second, it collects and analyzes a tremendous amount of data. Both the citizens' questions and the data identify systemic issues in Montana's child welfare systems, including internal Child and Family Services Division (CFSD) practices, legal and judicial system challenges, and the role of community service providers. OCFO strives for effective and positive outcomes as it continues its commitment to strengthening the child protection system for those who work in it and for those who seek its assistance.

### Highlights for 2020:

- OCFO's founding Ombudsman, Traci Shinabarger, moved on after six years at OCFO. We extend our appreciation to Traci for building a solid foundation for OCFO;
- New Ombudsmen, Marci Buckles full time and Kaci Gaub-Bruno part time, joined OCFO bringing a wealth of experience in Montana's child welfare systems;
- The Department of Justice (DOJ) Missing Persons Specialist, OCFO and Department of Public Health and Human Services (DPHHS) consulted to refine the reports of youth who run from out of home placements to reduce risk of harm and shorten the time those youth are missing;
- OCFO remained accessible and responsive to citizens during the challenges of 2020 with a total of 302 contacts, only 24 fewer than in 2019;
- Each citizen who contacted OCFO received a survey requesting feedback;
- OCFO completed and closed all cases open from prior years;
- A 2019 request from a Montana newspaper for copies of all OCFO Findings Reports initiated a legal action from the Montana Department of Justice (DOJ) to the First Judicial District, Cause No: ADV-2019-1481. In 2020, the First judicial District Court in Helena issued a decision that OCFO case Finding Reports may not be published.

*"IT WAS GREAT TO HAVE A NEUTRAL PERSON TO SPEAK WITH WHILE WORKING WITH CHILD AND FAMILY SERVICES ..."*

OCFO SURVEY RESPONSE 2020

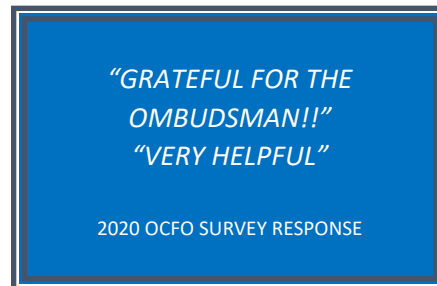
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## Mission

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 its mission, OCFO follows four principles consistent with the standards of the United States Ombudsman Association.



## Principles

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. It is part of the Montana Department of Justice’s Division of Criminal Investigation and managed by the Special Services Bureau.

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

OCFO is confidential. It adheres 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.

## Policies and Procedures

OCFO created and published policies and procedures to inform the public and stakeholders of the investigatory process of the office. Currently, OCFO’s policies and procedures are being revised as per the bills passed by the 2021 Montana Legislature. The policies and procedures will be available for review on the DOJ website effective July 15, 2021:

<https://dojmt.gov/enforcement/specialservices/ocfo-public-policy/>

To request assistance, 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](mailto:DOJOMBUDSMAN@mt.gov)**

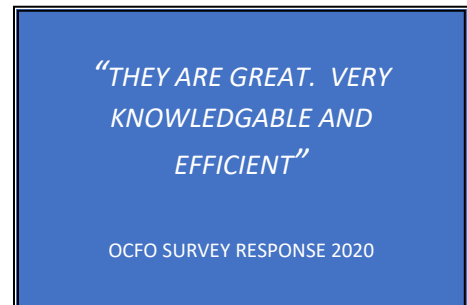
## Duty: Respond to Citizens' Requests

The 2020 pandemic significantly increased isolation for families and children. As children were restricted to their homes, the contact with non-familial adults simply stopped. Often, child abuse is reported by community members such as teachers, faith community members, coaches, service providers, medical and mental health professionals. Although child abuse reports from first responders remained consistent in 2020, the numbers of other types of reports diminished. Across the state, CFSD staff and the families they serve were impacted by COVID restrictions. The Ombudsman case reviews demonstrated that CFSD worked within required limitations:

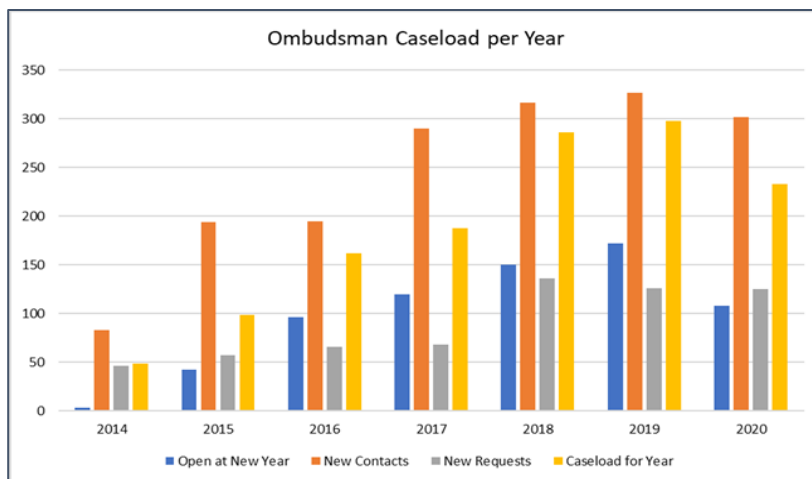
- Child Protection Specialists (CPS) remained available to clients and service providers;
- CPS responded to reports of child abuse and conducted investigations in person;
- Visitation continued between children and family were provided by zoom or TEAMS;
- Family Engagement Meetings (FEM) were consistently held by zoom or TEAMS;
- CFSD clients received mental health care through telehealth platforms;
- CFSD maintained their training programs using virtual delivery platforms;
- Foster families, group homes and residential facilities continued to accept children.

### 2020 Contact Data

When a citizen calls, emails, or writes OCFO, they begin the Intake process as a contact. If the contact submits a Request for Assistance form, they are then called a Requestor. OCFO reaches out to contacts at least three times to assist in completing the Request for Assistance form. The number of contacts and Requests are collected each year. At the end of each year, open contacts and open Requests carry over to the next year.



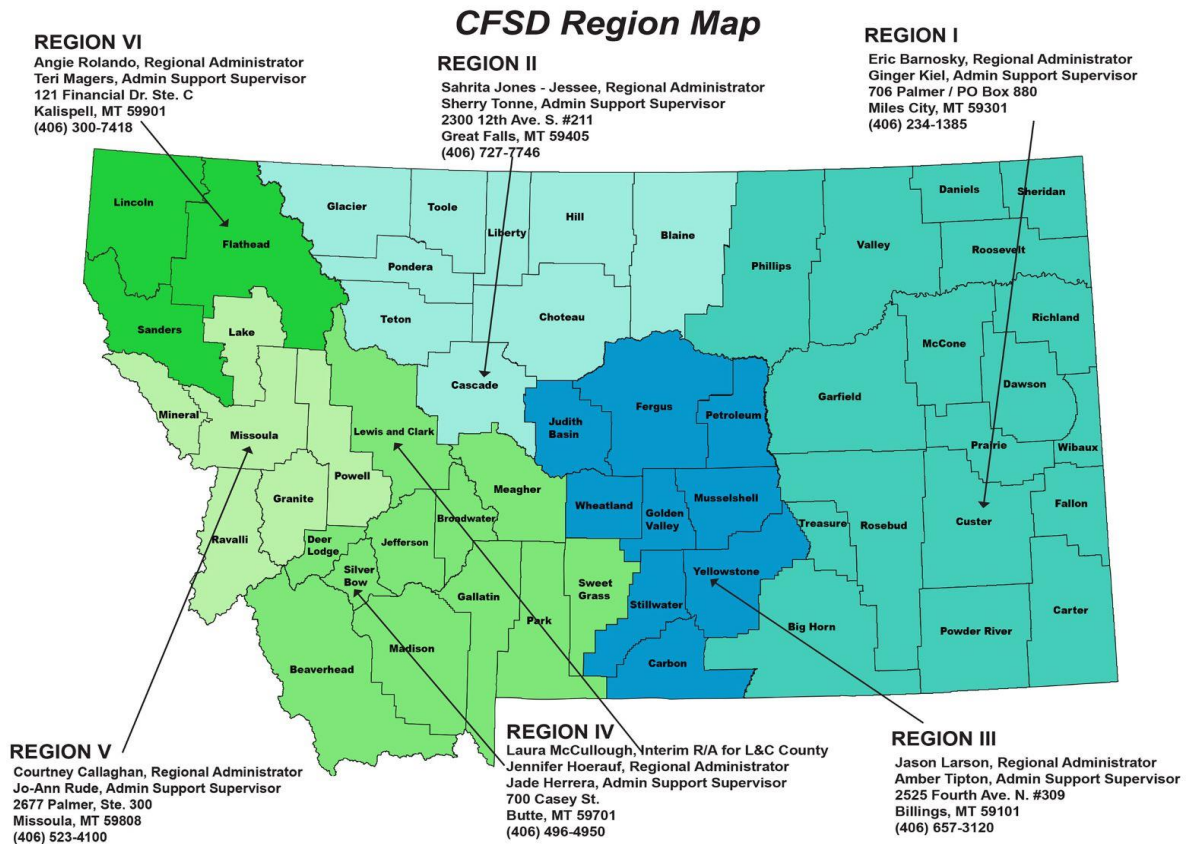
Graph 1: Caseload per year



There were 302 total contacts of which 41%, or 125 contacts, returned a Request for Assistance form to open a case review.

## 2020 Contact Data (continued)

The Child and Family Services Division’s statewide structure is based on six regions, each with a Regional Administrator. The number of counties and offices in each region varies. Each region has a main office and field offices. See the map below for more information regarding office locations.



### Percentage of contacts per CFSD Region:

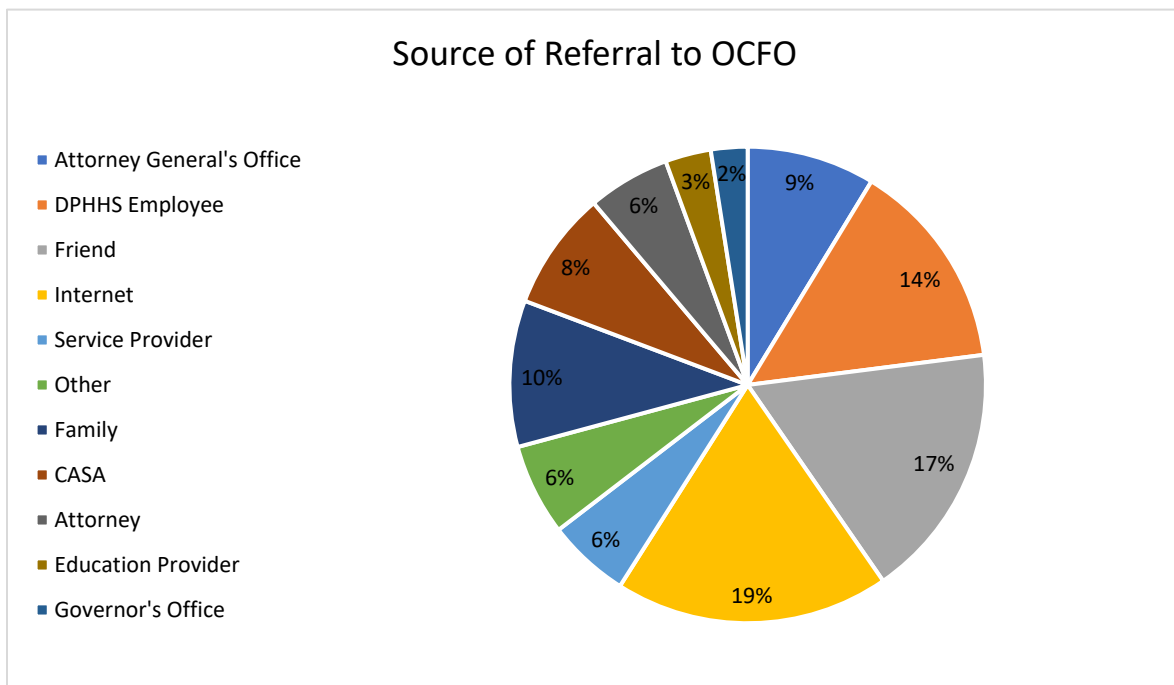
- Region I – 4%
- Region II – 17%
- Region III – 21%
- Region IV – 34%
- Region V – 10%
- Region VI – 14%

## 2020 Contact Data (continued)

The person or agency who refers a citizen to OCFO is tracked as the source of referral. Categories reported in 2020 are in Graph 2 below. This data helps OCFO understand where outreach is working and where more would be helpful. Half of referrals to OCFO came from three sources. The Internet at 19%, followed by Friends at 17%, and DPHHS Employees at 14%.



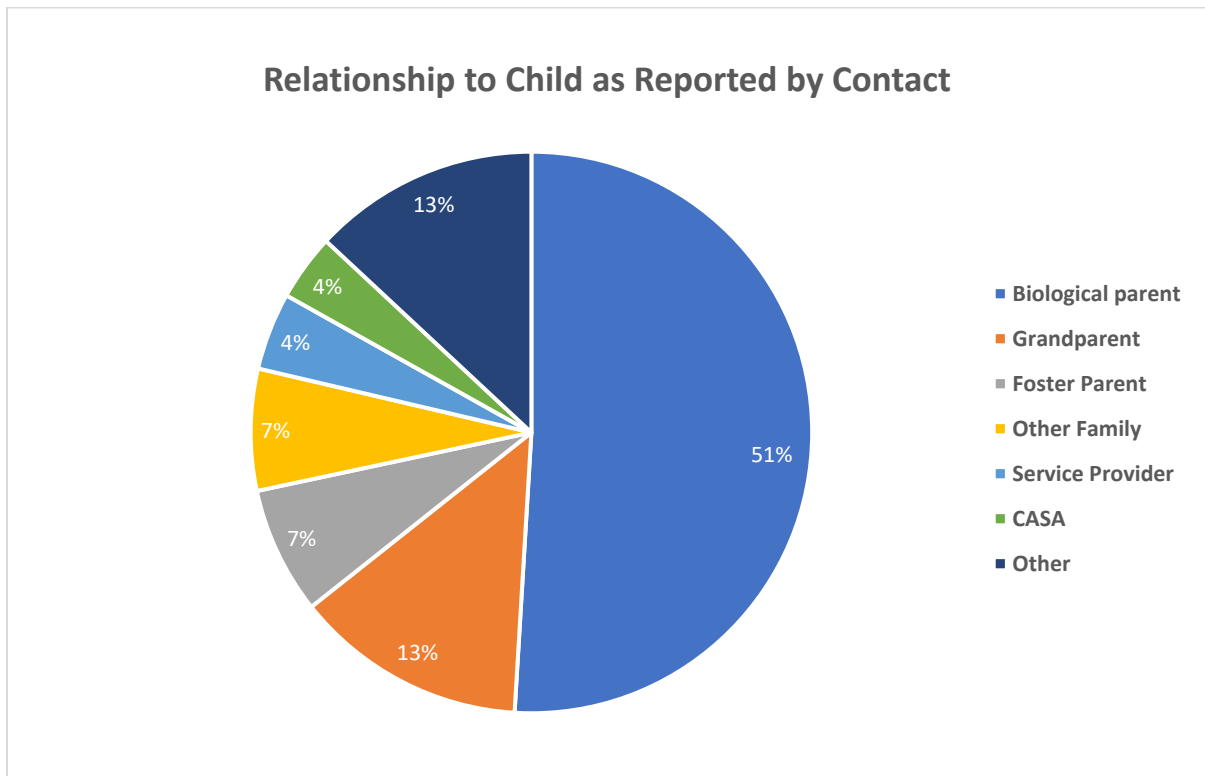
**GRAPH 2 : Source of Referrals to OCFO**



OCFO tracks the relationship of the contact and the child or children identified in the concern about CFSD action.

In 2020, Biological Parents were the largest category of contacts to OCFO at 51% followed by Grandparents and Court Appointed Special Advocates (CASA) at 13% each.

### GRAPH 3: Contacts by Relationship to the Child



OCFO tracks several types of factors and demographics to assess for trends or areas of need. Three of those factors are:

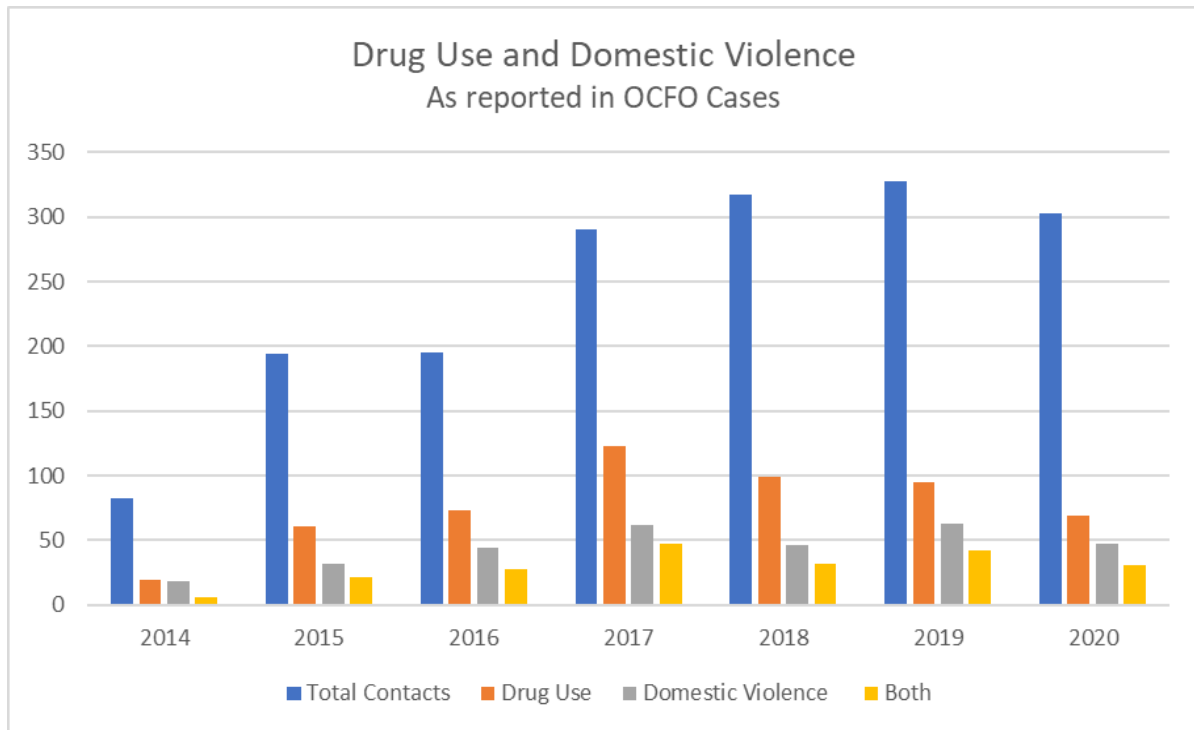
- Drug use;
- Domestic Violence;
- Parents or children living with disabilities.

In 2018, OCFO added data collection of whether a child or parent on an identified case a person was also living with a disability. In 2020, 11 Parents and 4 children identified as having a disability as defined by the Americans with Disabilities Act. In four cases, both a child and a parent with a disability were part of the same household.

- Contacts to OCFO who identified drug use as a factor dropped 6%;
- Contacts to OCFO who identified domestic violence as a factor dropped 3%;
- Cases with concerns about both drugs and domestic violence dropped 3%.



**GRAPH 4: Drug Use and Domestic Violence in OCFO Cases**



Contacts often report more than one concern. OCFO identifies and documents up to three main concerns per contact and works with citizens to address each concern or question in the most effective manner.

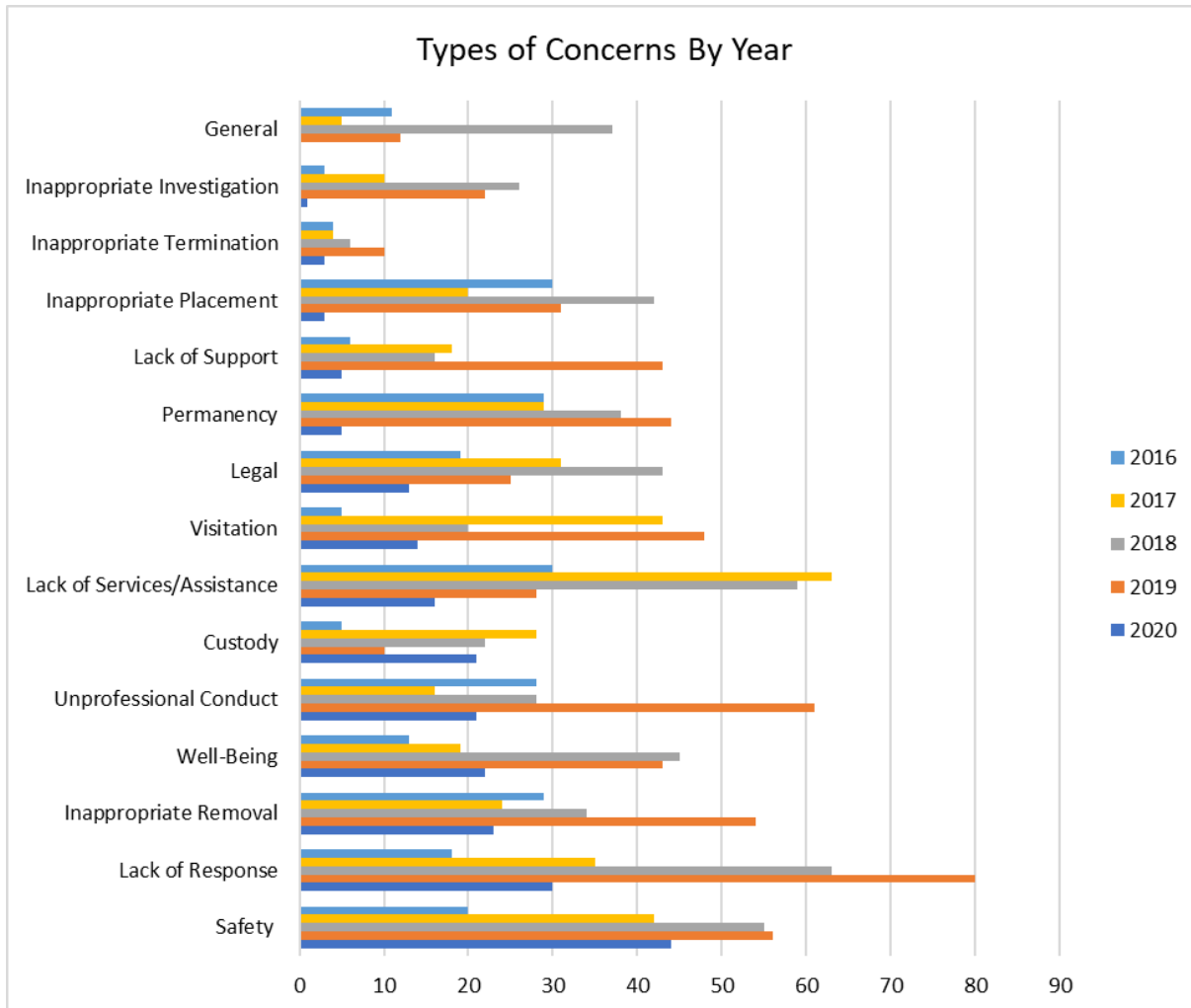
The most prevalent citizen concerns in 2020 about children and families were:

**Safety:** This included concerns that reports to CFSD were not being fully investigated or safety plans were not sufficient. In 2020, 15% of citizen contacts identified a safety concern for one or more children.

**Lack of response:** This reflects that a citizen’s calls, emails, or other inquiries did not get a response when they contacted or made requests of the Child Protective Specialist (CPS), Child Protective Specialist Supervisor (CPSS), Regional Administrator (RA) or other CFSD staff person. The number of contacts concerned with lack of response from CFSD dropped from 24% in 2019 to 10% in 2020.

**Inappropriate Removal:** In 2020, twenty-three citizen contacts, or 8%, identified concern about a child being removed from caregivers without adequate evidence of abuse and/or neglect. This concern includes concerns about a child being moved from one out of home placement to another without cause.

**GRAPH 5: Types of Concerns Reported by Contacts to OCFO**



## Duty: Investigate and Share Findings

### 2020 Outcomes

OCFO received 302 contacts this year. Of the contacts within OCFO jurisdiction to investigate, 125 submitted Request for Assistance forms by the close of the year. Per Montana Code, every request must be investigated by OCFO unless it meets one of five statutory reasons per MCA 4-3-1212 to decline. Those reasons include:

- OCFO investigated previously;
- a more effective remedy exists;

- the request is vexatious or not made in good faith;
- the requestor is not personally aggrieved;
- the case is too old to justify an investigation.

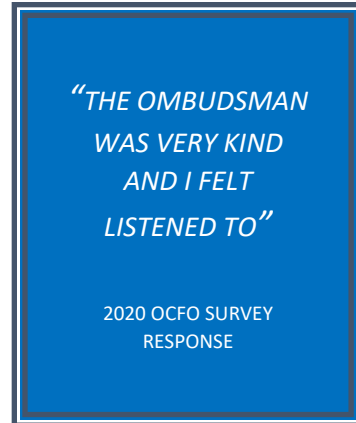
It is OCFO practice to make three attempts to obtain a request form from a contact before closing it as “no further contact.”

The range of interventions by OCFO includes referrals to services; addressing concerns directly with the requestor and CFSD; addressing concerns directly with legally mandated stakeholders; and in some cases, preparing a Findings Report which is delivered to DPHHS and to the requestor. The ombudsmen frequently provide resources to citizens even when the case is not appropriate for OCFO services or must be declined.

Table 1 describes in more detail the outcomes of individual contacts. All recommendations made to DPHHS through Findings Reports and responses to those recommendations can be found in Appendix II of this report.

**TABLE 1 : Status of contacts to OCFO for 2018—2020.**

Outcome Measures	2018 Outcomes	2019 Outcomes	2020 Outcomes
Closed, no further contact.	53	64	101
Declined to intervene.	6	9	5
Referred and closed.	81	77	51
Mediated – Concerns fully resolved.	14	15	24
Mediated – Plan established.	10	20	35
Mediated – Questions answered.	18	13	74
Findings Report.	15	7	6
Open from current year contacts.	82	73	25
Open from previous years.	39	10	0
Pending review.	51	54	43



## Duty: Investigate and Share Findings

### 2020 Finding Reports and Recommendations

OCFO submitted six Findings Reports to DPHHS. Findings Reports are written to the director of DPHHS. Findings Reports are sent to the following:



- Citizen Requestor
- Deputy Attorney General
- Special Services Bureau Chief
- CFSD Regional Administrator
- CFSD Administrator
- Guardian ad Litem (GAL) and/or CASA

MCA 41-3-1212 requires DPHHS to respond to all reports. The 2021 Montana Legislature passed House Bill 426 which requires DPHHS to respond to OCFO Findings Reports and recommendations in 60 days. All recommendations and responses to the 2020 OCFO Reports to DPHHS are in Appendix II of this report.

### 2020 Notifications Data

Montana Code 41-3-209 requires CFSD to notify OCFO as follows:

- 1) Within one business day: The 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 service agreement.

There were six child fatalities that met the criteria in 41-3-209. OCFO conducted a review of those child deaths and that information is reported in the **2020 OCFO Child Fatality Report**.

- 2) Within five 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;
  - (c) 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;
  - (d) a third report received within the last 12 months about a child at risk of or who is suspected of being abused or neglected.

## **Cross Reports:**

Notifications received under 2) a) or “any criminal act concerning the abuse or neglect of a child” are called Cross Reports. A Cross Report occurs when law enforcement makes a report to CFSD Centralized Intake (CI) of suspected child abuse or when a CFSD centralized intake specialist reports a possible crime against a child to a local law enforcement agency. OCFO receives an email for each Cross Report statewide.

OCFO received 4,647 Cross Reports, which is comparable to 2019. OCFO initiated an analysis of cross report data from 2018 – 2020. The analysis project is in initial stages and additional information will be released in 2021.

## **Critical Incidents:**

**Runaways:** OCFO works closely with DPHHS CFSD and the DOJ Missing Persons Specialist to track any youth who is missing from an out of home placement, or who has been receiving services from CFSD. DOJ hosts a global email for reports of missing youth which assures that law enforcement is notified each time a youth is missing, and CFSD also notifies DOJ when the youth is located. The protocol increased communication between DPHHS and DOJ and resulted in a higher number of reported runaway youth.

OCFO, in conjunction with the DOJ Missing Persons Clearinghouse, have initiated an analysis of runaway data based upon the protocol between DPHHS and OCFO. The initial analysis shows that 96% of missing juveniles reported by CFSD to OCFO and DOJ Missing Persons Clearinghouse returned on their own before reported to law enforcement, or they were located, cleared, or cancelled by law enforcement. The remaining 4% constituted 5 youth with an age range of 15 - 18. OCFO worked with CFSD to assure that those individuals were located.

**Other Critical Incidents:** Notifications received under 2) (b) are called “Other Critical Incidents” in the table below. Other Critical Incidents covers all other notifications received about a child in foster care. These notifications cover any situation that would not normally occur such as non-routine hospitalizations, injuries, suicide attempts or neglect or abuse by substitute caregivers. There were 10 Other Critical Incidents reported.

**Alerts:** Notifications received under 2)(c) are called “Alerts” by OCFO. OCFO receives an Alert each time a third report on a child is entered by CI within a twelve-month period. This includes a new report to CI and a new incident on an open report. Alerts are now received through the Montana Family Safety Information System (MFSIS).

In 2020, OCFO received 2,787 alerts, a significant reduction from 2019 due to prior years of duplicative records. OCFO will work with CFSD to assess the data collection and dissemination of Alerts to assure accuracy.

**TABLE 2: Notifications received by OCFO.**

Type of Notification	2015	2016	2017	2018	2019	2020
Cross Reports	282	1,733	3,007	4,026	4,075	4,647
Runaways	6	46	55	44	56	108
Other Critical Incidents	1	32	24	30	32	10
Alerts	1,949 (as of 9/2015)	9,522	11,775	13,499	6,391	2,787

## Duty: Procedure Review

### 2020 Request Trends

MCA 41-3-211 (6) directs OCFO to “periodically review department procedures and promote best practice and effective programs by working collaboratively with the department to improve procedures, practices, and programs.” OCFO Findings Reports include case-specific procedure reviews for separate CFSD investigations and Dependent Neglect Temporary Legal Custody (TLC) cases. In 2020, CFSD initiated a comprehensive review and revision of policy and procedure. CFSD is providing the changes to OCFO and training both their staff and OCFO in the new practices.

“I FELT LIKE THE DEPARTMENT TOOK NOTICE OF OCFO INVOLVEMENT AND WORKED HARDER TO MOVE MY CASE ALONG MORE QUICKLY. THE FINDINGS REPORT WAS SHARED WITH ME AND IT WAS NICE TO KNOW THE OUTCOME OF THE OCFO REVIEW... I HOPE THAT THE DEPARTMENT HEEDS THE REPORT AND MAKES CHANGES THAT WILL BENEFIT CHILDREN.”

2020 OCFO Survey Response

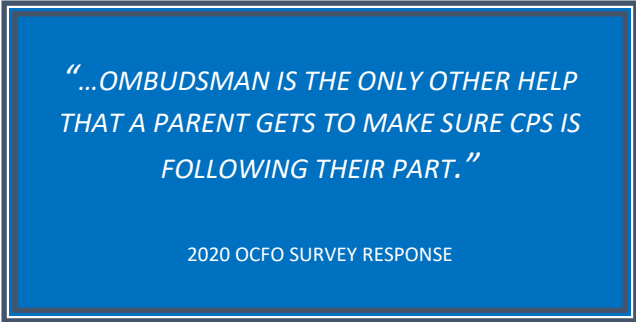
The 2021 Montana State Legislature passed House Bill 625 which directs OCFO to:

“...identify and report on systemic trends in the CFSD handling of cases and to make recommendations to improve the child protective system.”

House Bill 625 allows OCFO to broaden case analysis from a single case review requested by a citizen, to reviewing multiple cases to research how a pattern and a trend of practices in CFSD is occurring and to report on those issues twice each year. DPHHS CFSD is required to respond to the systemic issue reports within 60 days and provide a description of how recommendations will be implemented, or a description of the reasons a recommendation may not be implemented.

In previous years, OCFO tracked and identified trends. Those include:

- **Noncustodial parents:** In some cases, a child could be moved to a safe parent instead of placed in out of home care.
- **Legal representation:** Children in the CFSD system and their parents are under-represented by attorneys. Without appropriate legal advice parents and guardians agree, or stipulate to, legal actions in their case without understanding their rights.
- **Visitation procedures:** Visits between a child in CFSD custody and a parent are not consistently provided per policy or per best practice recommendations.
- **Treatment planning:** Treatment plans written for parents with a goal of family reunification are not individualized to specific circumstances and are often difficult for parents to understand. Treatment plans also vary widely in how soon they are developed and ordered by the courts.
- **Affidavit accuracy:** OCFO’s review of the case specific Affidavits identify significant errors and inaccuracies in some Affidavits filed with the court by County Attorney offices. The CFSD case Affidavit is the foundation for the Dependent Neglect court action. It is important that CFSD improve Affidavit accuracy, assure the provision of all case facts and reduce subjective opinion-generated information in Affidavits.
- **Court timelines:** The timelines for Dependent Neglect cases in court are federally mandated to reduce the time a child is in out of home care and expedite a permanent plan for each child. OCFO regularly finds cases in which court timelines are not in compliance with the guidelines.

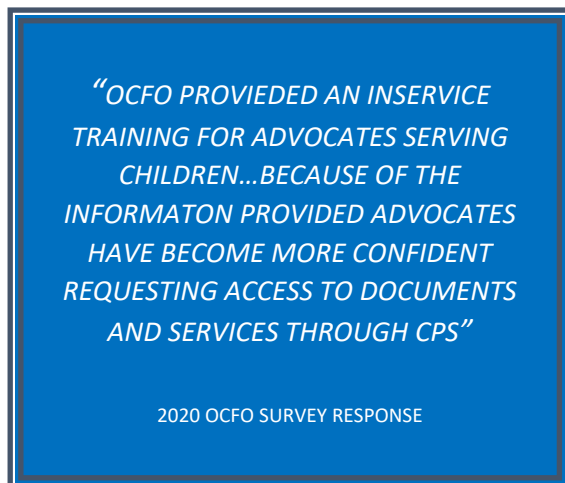


OCFO consults with DPHHS and CFSD leadership regularly to discuss casework, emerging trends, receive practice updates and maintain good communications. The information OCFO collects and maintains regarding trends and patterns in Montana’s child welfare system are available to DPHHS administration and management team. In 2021, OCFO will produce public reports to disseminate this information.

## Duty: Outreach and Education

### General Outreach

OCFO outreach is statutorily mandated. The challenges in 2020 moved outreach to electronic virtual platforms. The outreach material and presentations are all updated and presentations included:



- Montana Legal Services Association
- Attending the Kinship Navigator meeting
- Attending CFSD State Advisory Council meetings
- Participating in the Justice for Montanans AmeriCorps Program
- Multiple CFSD Field staff presentations each Region
- Attending the Montana Child Abuse and Neglect Conference;
- Presenting to CASA in Helena, and Ravalli County

The OCFO website is re-designed and updated to provide a more detailed description of the office and to answer frequently asked questions.

Each citizen who contacted OCFO in 2020 also received a survey to return anonymously and provide feedback to OCFO. The return rate of the 2020 surveys is 24%.

## Duty: Annual Report

The final section summarizes the challenges and successes for the year. As is often true, the challenges are the catalyst for the successes.

### 2020 Challenges

#### 2020 Challenge #1: Service Delivery

For 3 months in 2020, all the OCFO functions fell to a single Ombudsman which was very difficult as the numbers of contacts and Requests for Assistance for the year were similar to 2019. Customer service is OCFO's highest priority, thus when the time from receiving a formal Request and opening a case review increased to 6 weeks, it was a significant concern. The limited staff time required a close examination of each OCFO process as efficiency became a critical focus.



## **2020 Challenge #2: Data and case management**

OCFO receives thousands of lines of data from CFSD each year. In order to maintain customer service, the transfer and cataloging data tasks were a lower priority. In July, when a second Ombudsman and the AmeriCorps member joined the office, data collection processes were current by September. Updates and revisions to OCFO's electronic case management system, new in 2019, were initiated in early 2020 but also had a lower priority while the office was run by a single staff. The delay in updates was unfortunate but did not impact the quality-of-service delivery.

## **2020 Challenge #3: Legal Action**

In 2019, a Montana newspaper requested all the OCFO Finding Reports. That request led to a legal action between DOJ and DPHHS to determine if redacted OCFO reports could be published. The case was filed in the First Judicial District, Cause No: ADV-2019-1481. The steps in the legal and court process spanned all of 2020 and although not directly related to day-to-day functions of OCFO, the legal action was time consuming for all parties.

## **Duty: Annual Report**

### **2020 Successes**

#### **2020 Success #1: Service Delivery**

The Ombudsman conducted a detailed examination of all the procedures and operations of the office. Maintaining the intake of new cases, open cases, data collection, and reporting responsibilities obliged OCFO to evaluate day to day practices. When the new staff joined the office, they brought fresh eyes and new ideas to the work. All open cases carried from prior years were closed through an internal caseload review. The office started 2021 with a clean slate.

#### **2020 Success #2: Data and case management**

The data collection is refined and re-organized. Although capturing and sorting the different categories of information from CFSD is time consuming, new processes are in place to increase accuracy and efficiency. The Ombudsman worked with the AmeriCorps member to begin an analysis of the cross-reporting data which measures how CFSD and law enforcement agencies report suspected child abuse or crimes against a child between agencies. Cross Report data from years 2018 – 2020 has been evaluated and will provide information to inform systemic functions.

The electronic case management system update implementation is being phased in and the Ombudsman intake is more efficient. The ability to identify and capture patterns and trends between different cases is in development.

### **2020 Success #3: Legislation**

The 2021 Montana Legislature passed 3 bills to clarify the purpose and direction to OCFO. Each of the bills was supported by the Montana DOJ.

- HB 398 provides Legislators the authority to review the Ombudsman's case files under certain specific circumstances.
- HB 426 provides a 60-day deadline for DPHHS to respond to OCFO's Finding Reports and requires OCFO to include specific information in OCFO annual reports.
- HB625 provides OCFO the authority to conduct systemic investigations in addition to individual case reviews. The bill also affirms OCFO's authority to review a CFSD case when the same case may be being addressed by another manner.

### **Conclusion:**

Change and challenge were the key words for OCFO in 2020. As is true for everyone, OCFO continued to serve Montana citizens through unusual circumstances. We said goodbye to OCFO's first Ombudsman and brought on two new Ombudsmen who infused our work with energy and new perspectives. Between March and July Gala Goodwin was the single Ombudsman for the state and maintained a high level of services. Ms. Goodwin also directed that all the 2019 and 2020 cases be audited and 2021 began with OCFO current in casework with improved efficiencies. The current staff includes:

Dana Toole, LCSW – Special Services Bureau Chief  
Gala Goodwin, ACSW, LCSW – Child and Family Ombudsman  
Marci Buckles, BSW – Child and Family Ombudsman  
Kaci Gaub-Bruno, MA – Residential Investigator/Child and Family Ombudsman  
Matthew Schubert – AmeriCorps Member, Justice for Montanans

We would like to thank Attorney General Austin Knudsen, DCI Administrator Bryan Lockerby, and DOJ staff for their unwavering support and commitment to improving Montana's child protection and child welfare systems to build a better future for us all.

## Appendix I:

### Acronyms:

Acronyms found in the recommendations are defined as:

ACES: Adverse Childhood Experiences

CASA: Court Appointed Special Advocate

CFSD: Child and Family Services Division

CCIM: Complaints and Critical Incident Manager

CPS: Child Protection Specialist; CPSS: Child Protection Specialist Supervisor

DN: Dependency and Neglect

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

SAMS: Safety Assessment Management System

TLC: Temporary Legal Custody

TPR: Termination of Parental Rights

## Appendix II:

### 2020 Recommendations from OCFO to DPHHS

Recommendations are listed in the order they were issued as written, unless identifying information is re-worded to protect confidentiality. Responses from DPHHS/CFSD are below each recommendation in blue and are in summary form.

DPHHS has responded to each OCFO recommendation from 2020.

#### March 2020 Recommendations:

##### Report #1:

- 1) DPHHS direct CFSD to complete a fair and reasonable investigation of the non-custodial parent. Adhere to established policy if the children can be safely placed with their non-custodial parent. If the children cannot be safely placed with the non-custodial parent, explore all family resources per policy and procedure.

DPHHS Response: The court ordered that an ICPC be completed prior to placing children with the non-custodial parent due to safety concerns including drug use. The children were placed in an appropriate kinship family.

- 2) DPHHS direct CFSD to review relevant law, policy and procedure on working with noncustodial parents. Revise policy and procedures to include clear steps for determining whether safety concerns exist and collecting evidence to confirm or deny the concerns. Consider including the OCFO recommendations in this case as steps to take when investigating or supporting an out of state noncustodial parent.

DPHHS Response: Thank you for this recommendation. CFSD will implement your recommendation to review law, policy and procedure regarding noncustodial parents. CFSD is currently revising policy and procedures and will revisit the noncustodial parent policy. CFSD does follow recent Montana Supreme Court rulings closely and adapts policy to comply with law.

- 3) DPHHS direct CFSD to review relevant law, policy and procedure on ICPCs. Train or retrain field staff in identifying when an ICPC is required and what documentation is needed. Include steps for ensuring noncustodial parents are not disadvantaged due to a misunderstanding of the law, lack of resources in the field office, or uncorroborated allegations.

DPHHS Response: Thank you for this recommendation. The Department will implement your recommendation regarding training and review of ICPC law and policy through training with field staff.

However, CFSD did review the ICPC policy and procedure in this case and there were safety concerns that could not be alleviated. Placement hearings were overseen by the court and ICPC was ruled necessary.

- 4) DPHHS direct CFSD to review this case and others involving noncustodial parents and clarify for the field staff where a case may be closed or dismissed upon placement of the children with a safe parent, whether during an investigation or after legal intervention.

DPHHS Response: Thank you for this recommendation. The Department will implement your recommendation and review this noncustodial parent case and others with field staff. In this case, the noncustodial parent did not provide a physical address.

- 5) DPHHS direct CFSD to remove language in policy that places a preference on reunifying children with the parent from which they were removed and replace with language to assist the field investigating for safety and limiting the time a child is in foster care and out of the care of a safe parent.

DPHHS Response: Thank you for this recommendation. The Department will examine this language as CFSD is diligently working to update our policies and procedures to ensure they are aligned with the statute and the Department's mission.

**Report #2:**

- 1) DPHHS direct CFSD to recognize that significant time has passed and no further reports requiring investigation or CPS reports are found against the foster family, the licensing process is now centralized. Allow the foster family to reapply and through the licensing process and rules allowing such actions, fully examine any concerns and capacities, including requesting evaluations or services of the foster family, before determining whether to continue with the licensing process.

DPHHS Response: Thank you for this recommendation. The Department is able to implement this recommendation. The foster family can reapply through the licensing process and CFSD will assess their application and make a determination whether or not as the basis for revocation has been eliminated.

- 2) DPHHS direct CFSD to review the December 2019 report to Centralized Intake for appropriate category assignment.

DPHHS Response: Thank you for this recommendation. The Department will implement this recommendation.

- 3) DPHHS direct CFSD to update policy regarding the licensing process and publish online for public access.

DPHHS Response: Thank you for this recommendation. The Department will implement publishing the licensing process online in a more accessible fashion. However, ARM 37.51.101 through 37.51.210 clearly layout the licensing process and those rules are available online.

- 4) DPHHS review the Fair Hearing process and clarify in rule, policy, and procedure the process for both the Fair Hearing and the steps that occur to change a substantiation to a founded. Examine timeframes for holding Fair Hearings and create procedure as needed to increase timeliness and response to citizens requesting hearings. Provide to OCFO the code, rule, policy, and procedure specifics outlining why this family is currently not entitled to the Fair Hearing they requested.

DPHHS Response: Thank you for this recommendation. The Department will implement this recommendation and provide the process for the background check review process to OCFO. This foster family is not entitled to a Fair Hearing as laid out in ARM 37.47.610

- 5) DPHHS direct CFSD administrators to explore and implement models for dispute resolution or mediation within DPHHS or CFSD to address cases in which communication between field workers and citizens have deteriorated or ceased. In cases when issues are not addressed citizens may seek information which is inaccurate or erroneous and could further jeopardize child safety.

DPHHS Response: Thank you for this recommendation. The Department will implement this recommendation on a case-by-case basis when dispute resolution or mediation would best serve the interests of the child.

- 6) CFSD link the children on CAPS who are half-siblings. Review face to face contact records for both children. Ensure adoptive placements are consulted about their willingness and ability to facilitate sibling connection.

DPHHS Response: Thank you for this recommendation. The Department will implement this recommendation.

#### **April 2020 Recommendations:**

##### **Report #3:**

- 1) DPHHS direct CFSD to review the steps taken in this case to consider the application for licensure and the process for denial. Identify areas for clarification and systemization in the process to enhance fairness and thorough review when requested.

DPHHS Response: Thank you for this recommendation. The Department has already implemented this recommendation. The Department has reviewed the steps taken in this case to consider the application for licensure and issued a foster care license to the applicant.

- 2) DPHHS direct CFSD to publish in plain language on the CFSD website the steps in the licensing process, including application, review of applications, adverse actions to applications or licenses, and steps individuals may take to appeal an adverse decision.

DPHHS Response: Thank you for this recommendation. The Department will implement publishing the licensing process online in a more accessible fashion. However, ARM 37.51.101 through 37.51.210 clearly layout the licensing process and those rules are available online.

- 3) DPHHS direct CFSD to review the fair hearing process, including notice, response to requests, timeliness of hearings, and adherence to administrative rules and policies. Create directives for field staff and licensing staff for how field staff can meet ARM 37.5.307.

DPHHS Response: Thank you for this recommendation. The Department will not be implementing your recommendation as the Department with guidance from the Office of Legal Affairs, has already instituted an additional step in a negative licensing action. These additional steps afford an applicant the opportunity to respond to the proposed negative action prior to any negative licensing action being taken. This is clearly laid out in the letter the applicant receives from the Department concerning their case. The Department will not be implementing a directive to field staff and licensing staff on ARM 37.5.307, as the Department believes the rule is being followed and met appropriately.

- 4) DPHHS direct CFSD to review the process of waiving notice of adoption proceedings. Consider the responsibility of the Department to serve the needs of the child until the adoption is finalized and ensuring policies around adoption are met.

DPHHS Response: Thank you for this recommendation. The Department will not be implementing this recommendation. The Department provides their consent to the adoption prior to the adoption hearing. The adoption is a private action that is afforded to the family finalizing the adoption.

- 5) DPHHS direct CFSD to review the current open case and document family finding efforts, including documentation as to why the relative is not the placement for the child currently in foster care.

DPHHS Response: Thank you for this recommendation. The Department will be implementing this recommendation.

#### **Report #4:**

- 1) DPHHS direct CFSD to review best practices in the treatment for a child exhibiting sexualized behaviors and with a confirmed history of trauma at a young age. Consider permanency options, including guardianship with the kinship placement, that will protect the child and the other children in the home. Present those options to the court.

DPHHS Response: Thank you for this recommendation. CFSD will review best practices in the treatment of children exhibiting sexualized behaviors and will continue to work with each child's treatment team to ensure we are meeting their individualized needs.

- 2) DPHHS direct CFSD to hold a meeting of service providers for the child to coordinate for one treatment plan and identified responsibilities of each service provider. CFSD request that the treatment plan outline specific goals, objectives, and measurements in order to provide sufficient data to track progress.

DPHHS Response: Thank you for this recommendation. The Department agrees this recommendation would have been helpful to implement and believes this recommendation can be applied moving forward to similar cases to ensure consistency and support.

- 3) DPHHS direct CFSD to hold a meeting of service providers for the family to coordinate for one behavior plan to use in the home and identified responsibilities of each adult as to the plan. CFSD request that the plan outline step by step responses by the adults to target behaviors by the child, means by which the behavior and consequences will be tracked by the adult, and dates by which the data will be reviewed and assessed for progress and changes by the team. Incorporate clear expectations of supervision of the child. Make the behavior plan part of the SAMS safety plan.

DPHHS Response: Thank you for this recommendation. The Department will not be implementing behavior plans into the SAMS safety model, as it is intended to be used as a mechanism to address the safety of the parents not behavior of the children. The Department will encourage staff to hold Family Engagement Meetings where family and service providers are able to have a voice in creating an in-home safety plan to ensure the necessary safety and supports are in place for the youth and the family. CFSD relies on subject matter experts for clinical guidance for families and follows the professional

guidance recommendations of the providers in place for the child. CFSD will continue to rely on the family and express in the implementation and monitoring of the plan.

- 4) DPHHS direct CFSD to submit updated treatment plans for the parents should they be deemed necessary to implement the child's treatment plan and behavior plan consistently.

DPHHS Response: Thank you for this recommendation. The Department will implement this recommendation in specific instances where a child's needs and services are paramount to their safety.

- 5) DPHHS direct CFSD to address in policy when unique situations such as this case arise and how to develop teams to fully address the needs and concerns of the children, family, and providers.

DPHHS Response: Thank you for this recommendation. The Department's current policy is designed to provide structure to support case management decisions to achieve best outcomes for children and families. The Department will continue to emphasize that all staff work with the child's individual treatment team to ensure that the child and family's needs and concerns are being addressed.

## **May 2020**

### **Report #5:**

- 1) DPHHS direct CFSD to train all field staff on developing supportive plans for every child placed in kinship and foster care.

DPHHS Response: Thank you for this recommendation. The Department would request more information from the Ombudsman's Office regarding a "supportive plan" including what this would entail and how it would be utilized for children in Department care. The Department will also continue to emphasize the importance of using a placement stabilization plan when appropriate for children in kinship care and foster care.

At this time, the Department does not have a 'supportive plan' but does utilize foster care case plans for all children who have been placed into kinship or foster care. These plans are reviewed by the Foster Care Review Committee every six months and their recommendations are provided to the Court for review.

- 2) DPHHS direct CFSD to mandate that supportive plans are developed, reviewed, and followed for every child placed in kinship and foster care.

DPHHS Response: Thank you for this recommendation. The Department would request more information from the Ombudsman's Office regarding a "supportive plan" including what this would entail and how it would be utilized for children in Department care. The Department will also continue to emphasize the importance of using a placement stabilization plan when appropriate for children in kinship care and foster care.

At this time, the Department does not have a 'supportive plan' but does utilize foster care case plans for all children who have been placed into kinship or foster care. These plans are reviewed by the Foster Care Review Committee every six months and their recommendations are provided to the Court for review.



- 3) DPHHS direct CFSD to review and follow the policies regarding conducting family finding for every child placed in kinship and foster care.

DPHHS Response: Thank you for this recommendation. The Department will be implementing this recommendation and will provide additional training to staff regarding the importance of finding and maintaining familial connections for children in Department care as well as the tools and resources available to facilitate that process.

- 4) DPHHS direct CFSD to review the current open case and document the additional concern investigation and outcome of the investigation.

DPHHS Response: Thank you for this recommendation. The concern from the additional Information was addressed by the licensing staff. The documentation was attached to the provider number. The entry is contained in the CAPS system and documented in the PRCL notes.

## **June 2020**

### **Report #6:**

- 1) DPHHS direct CFSD to review the policies and procedures with CPS and CPSS's regarding care and custody of children specific to time frames, trial home placements, and termination of parental rights.

DPHHS Response: Thank you for this recommendation. The Department will implement this recommendation and review policies and procedures specific with trial home visits and termination of parental rights with CPS and CPSS staff.

- 2) DPHHS direct CFSD to review and follow their specific policies and procedures for supervisory and Regional Administrator reviews of cases.

DPHHS Response: Thank you for this recommendation. CFSD has a Regional Administrator in this region who is following these policies and procedures closely. CFSD will be implementing this recommendation through our management team and will discuss and promote guidance of policies and procedures. In addition, CFSD has developed a new supervisory tool for Regional Administrators to use in promoting best practice with supervisors.

- 3) DPHHS direct CFSD to immediately set up and complete monthly visits with the child and the caregiver.

DPHHS Response: Thank you for this recommendation. The Department is currently implementing this recommendation to ensure safety, permanency and well-being needs are being met. CFSD will ensure that monthly home visits are conducted and properly recorded in the Department's system.