

## 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 2015 annual report were addressed as well as outlining challenges and successes from 2016.

### 2015 Challenge Updates

**2015 Challenge #1: Timely Response to the Public.** The 2015 Legislature approved a staffing increase for OFCO and in 2016 a Deputy Child and Family Ombudsman was hired. The addition of the Deputy increased the efficiency of response time to citizen contacts.

**2015 Challenge #2: Expectations of the Office.** In 2016, OCFO's policy and procedure manual was revised to implement the 2015 legislative changes. The manual is available on the DOJ website.

### 2016 Challenges

**2016 Challenge #1: Communications with CFSD.** In April 2016, the CFSD Administrator vacated 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 can participate.

**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. Notifications are important and identify trends in the child protection system. A more comprehensive system is necessary to review the notifications in detail.

### 2016 Successes

**2016 Success #1: Communications with CFSD.** Communication with the Regional Administrators and OCFO response to individual requests from citizens continued to develop and improve. Regional Administrators and Centralized Intake are responsive to OCFO questions and concerns which increases efficient OCFO response to citizens.

**2016 Success #2: Equitable use of limited resources.** The addition of the Deputy Child and Family Ombudsman improved response time of our office, increased the number citizens served, and provided more comprehensive services to individual citizens. In the third year, response to citizen feedback from about specific cases improved. The Chief and Deputy Ombudsmen continue to support citizens by joining Family Engagement Meetings, meeting with CFSD staff, and improving communications and case decisions for families, children and service providers.

**2016 Success #3: Outreach.** A greater number of citizens and professionals were contacted by our staff and statewide awareness of OCFO's services increased substantially in 2016 including orientations and trainings for CFSD staff.

Traci L. Shinabarger, LCSW, MPA, BCBA  
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# Montana Department of Justice Office of the Child and Family Ombudsman Annual Report 2016



## Office of Child & Family Ombudsman

## Introduction

Welcome to the 2016 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, 2015 through December 15, 2016. We appreciate your interest in this important work.

## Mission

The **Office of the Child and Family Ombudsman** responds to 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.

The Office 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 member of the Montana Department of Justice, Division of Criminal Investigation, managed by the Children’s Justice Bureau.

The Office 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](mailto:DOJOMBUDSMAN@mt.gov)

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## Duty: Outreach and Education

Outreach efforts by the OCFO are required by statute and in 2016 included:

- Printing and distribution of brochures to the County Attorney offices and Office of Public Defenders in each county;
- “Meet the Ombudsman” presentations for CASA staff and volunteers in Great Falls, Missoula, and Havre;
- “Meet the Ombudsman” second round presentations for CFSD staff in Great Falls, Helena, and Miles City;
- “Meet the Ombudsman” presentations for new child protection specialist training classes;
- Presentation at the Montana Child Abuse and Neglect Conference;
- Presentation at the Child Advocacy Center Training.

OCFO conducts program evaluation through a survey of citizen contacts. The survey is anonymous and delivered to citizens through email or US mail. In 2016, the survey response rate is 24% with the following feedback:

- 92% reported feeling respected by the Ombudsman.
- 83% reported understanding the process of our office.
- 41% were satisfied with the outcomes working with the Ombudsman.

Notable comments included:

*“I only wish there were more of them throughout the state to handle cases more directly.”*

*“Maybe the most vital aid to have an ombudsman is for family members working with CPS. Good use of tax money. Thank you.”*

## Duty: Procedure Review

### 2016 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 November 9 & 10, 2016 to review fourteen child fatalities which occurred between July 1, 2015 and November 8, 2016. The team identified facts and practice suggestions that could improve response to with multiple risk factors. OCFO released a Child Fatality Review Report in December 2016.

### 2016 Request Trends

In addition to continued monitoring of trends from the previous year, those identified in 2016 include:

**Legal representation and court timelines.** OCFO is currently reviewing the timelines for court action required by law in every case identified by contacts in order to identify barriers and work to improve the legal process for families.

**Non-custodial parent involvement.** OFCO is preparing it’s first procedural review and report on the issue of involvement of non-custodial parents when their child has been abused.

**Notifications Data**

In addition to citizen contacts, Montana code 41-3-209 requires CFSD to notify our office 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 a count of the type of notifications received by our office. In Child Fatalities a criminal investigation is completed before the Ombudsman conduct a review.

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

**Duty: Resolve or Recommend**

In 2016, we received 195 contacts; 120 total contacts remain open. OCFO recommendations to DPHHS are available upon request. TABLE 3 below describes the status of contacts.

Outcomes	2016 Outcomes
Closed, no further contact.	65
Declined to intervene.	6
Mediated– Concerns fully resolved.	7
Mediated– Plan established.	4
Mediated– Questions answered.	2
Referred to services and closed.	43
Investigated and closed during 2016.	4
Open from 2016 contacts.	37
Open from previous years.	56
Pending review.	27

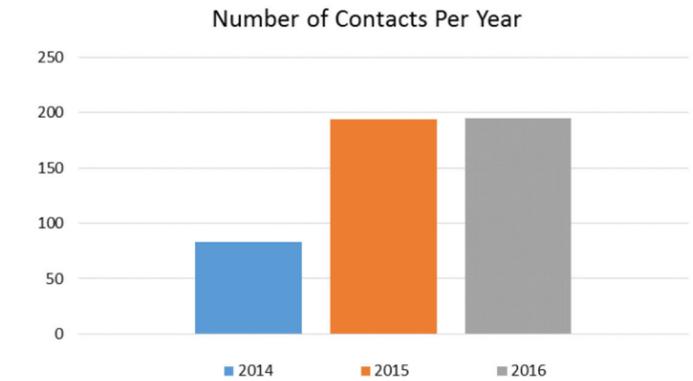
**Duty: Respond to Citizens' Requests**

**2016 Contact Data**

In 2016, OCFO received 195 total contacts from citizens, an average of four per week. The rate of contacts in 2016 is consistent with last year. We currently serve 120 open contacts.

**TABLE 1 and GRAPH 1: Contacts Per Year**

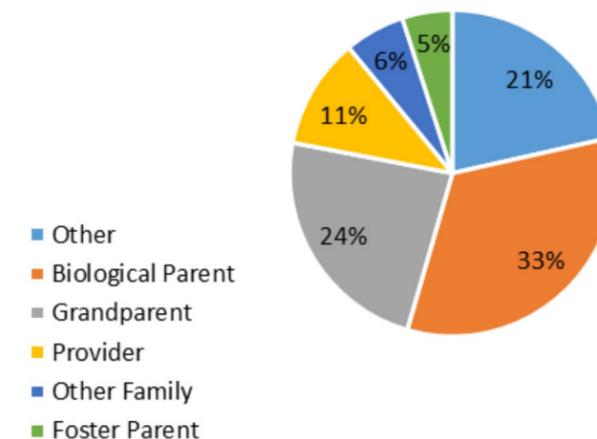
Year	Number of Contacts
2014	83
2015	194
2016	195
Total since 4/1/14	472



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. Other
4. Professional Service Provider
5. Other Family

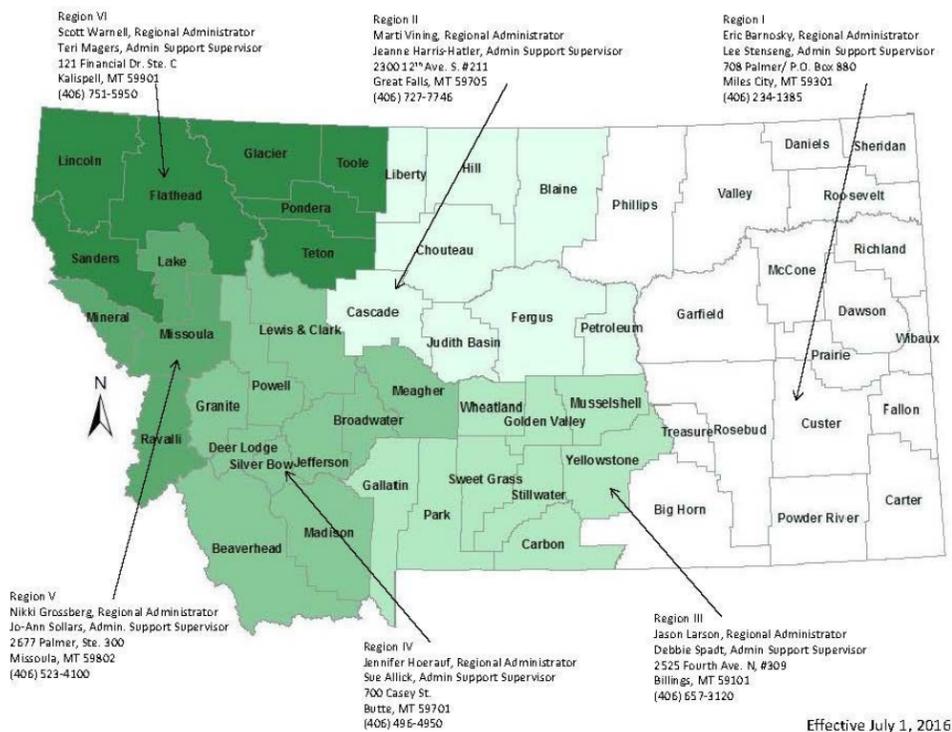
**GRAPH 2: Contacts by Relationship to Child (Percentage of total reported)**



**2016 Contact Data (continued)**

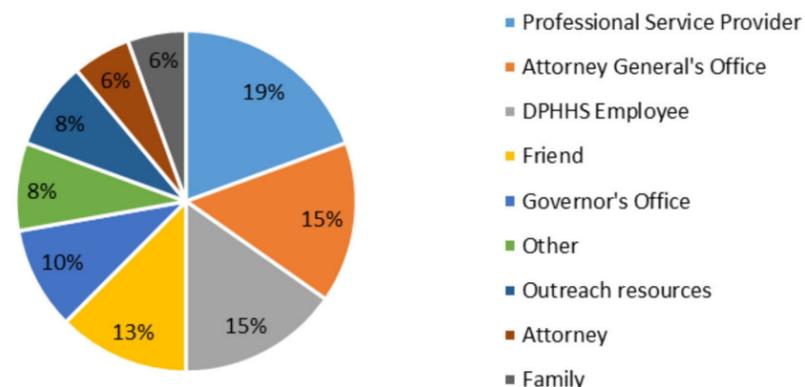
The Child and Family Services Division statewide structure is based on County CFSD offices and each county is assigned to a Regional Office. In February of 2016, CFSD Regions reorganized geographic regions from five regions to six regions. The map below identifies the Regions and the percent of contacts from each Region.

- Region I** – 11%
- Region II** – 15%
- Region III** – 16%
- Region IV** – 23.5%
- Region V** – 20.5%
- Region VI** – 9%
- Unknown** – 2.5% of contacts did not give their Region.
- Not applicable** – 2.5% of contacts did not involve MT CFSD.



Graph 3 shows the source of referrals to OFCO. In 2016, The primary source of referrals to our office are Community Professionals. DPHHS Employees refer at the second highest rate. Third, the Attorney General's Office and the Governors' Office, whose 15% referral rate is the same for 2016.

**GRAPH 3: Source of Referrals to OFCO (Percentage of total reported)**



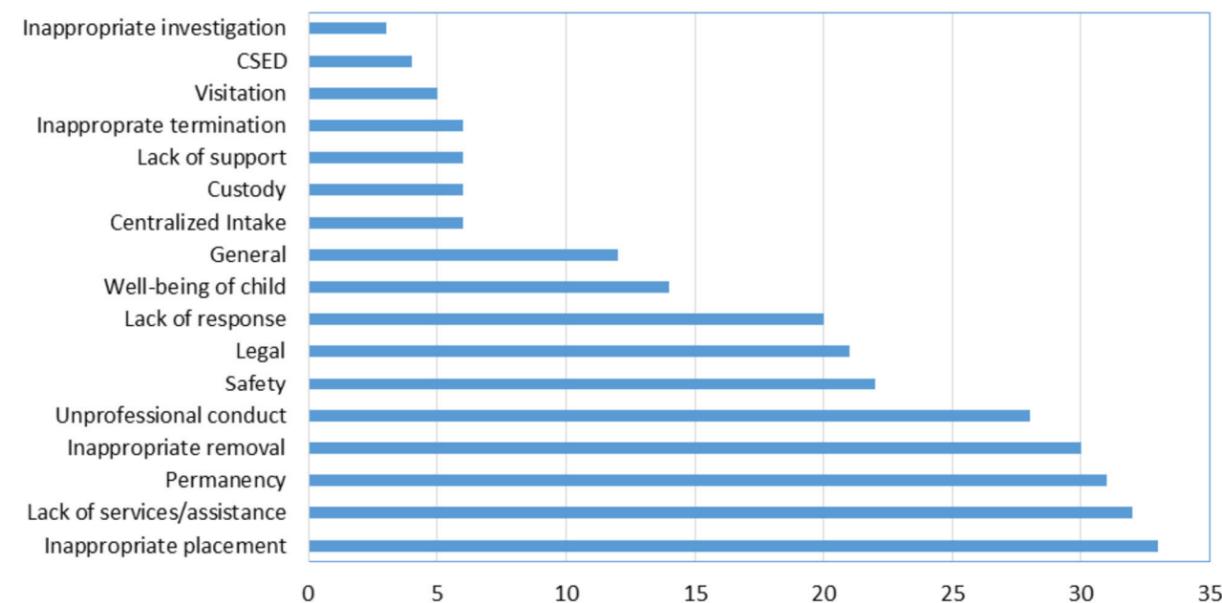
**2016 Contact Data (continued)**

In 2016, the most prevalent citizen concerns about children and families were:

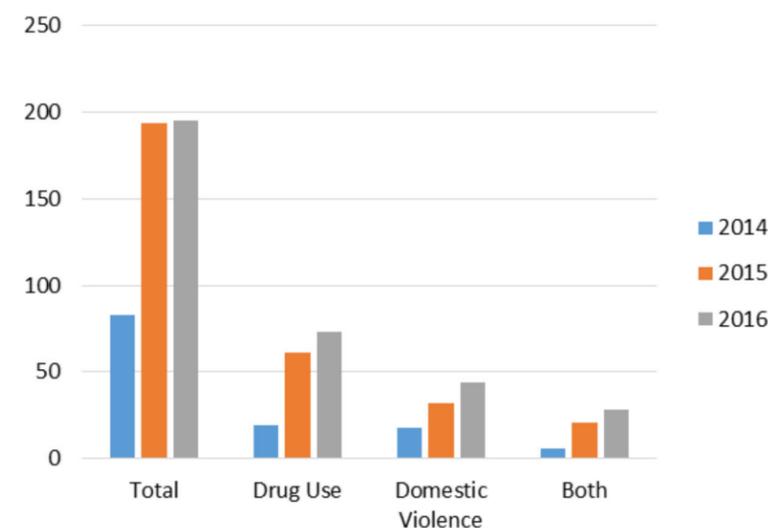
- Inappropriate placement: This is a decrease of 4%.
- Lack of services/assistance: This is a decrease of 13%.
- Permanency: This is an increase of 2%.
- Inappropriate removal: This is an increase of 4%.

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

**GRAPH 4: Concerns Reported by Contacts**



**GRAPH 5: Contacts including Drug Use and/or Domestic Violence**



Graph 5 shows the number of cases in which drug use, domestic violence, or both were considered factors in the case. While the rate of contacts remained consistent from 2015 to 2016, the number of cases involving drug use and domestic violence increased in 2016.