



Children, Families, Health, and Human Services Interim Committee

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59th Montana Legislature

SENATE MEMBERS

TRUDI SCHMIDT--Chair
JOHN ESP
JERRY O'NEIL
DAN WEINBERG

HOUSE MEMBERS

BILL WARDEN--Vice Chair
EMELIE EATON
EVE FRANKLIN
DON ROBERTS

COMMITTEE STAFF

SUSAN FOX, Lead Staff
DAVID NISS, Staff Attorney
FONG HOM, Secretary

MINUTES

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

October 20, 2005

Capitol Building, Room 137
Helena, Montana

COMMITTEE MEMBERS PRESENT

SEN. TRUDI SCHMIDT, Chair
REP. BILL WARDEN, Vice Chair

SEN. JOHN ESP
SEN. JERRY O'NEIL
SEN. DAN WEINBERG

REP. EMELIE EATON
REP. EVE FRANKLIN

COMMITTEE MEMBERS EXCUSED

REP. DON ROBERTS

STAFF PRESENT

SUSAN FOX, Lead Staff
DAVID NISS, Staff Attorney
FONG HOM, Secretary

Visitors

Visitors' list, [Attachment #1](#).

CALL TO ORDER AND ROLL CALL

SEN. SCHMIDT called the meeting to order at 8:30 a.m. Committee Secretary called roll. Rep. Don Roberts was excused.

SEN. SCHMIDT gave opening remarks for today's meeting and reviewed the purpose of SJR 37. REP. SCHMIDT said that following each panel presentation, the Committee will ask questions of the panel members; there will be public comment on each specific issue following each panel presentation. Sen. Schmidt told the Committee and the public that she will state before each public comment that "Public comment be kept relevant to the specific panel. If you have written testimony, please turn it in to our secretary and we will have it copied for all members of the committee. There is no need to read it, just summarize it and give us the highlights as we will have the written copy. We will not be investigating individual cases and we will not accept any kind of witness statements or attacks on individuals in the system. We look forward to hearing from the interested parties and will ask that people who have not spoken before the committee in the past be allowed to go first. I expect to maintain decorum during the meeting and have the responsibility to end testimony if decorum is disrupted."

SJR 37: CHILD PROTECTIVE SERVICES SYSTEM PANEL DISCUSSIONS

INTAKE

MELISSA McDONALD, CI Supervisor, of Centralized Intake
MARCI BUCKLES, Intake Social Worker, Lewis and Clark County
DETECTIVE BRYAN FISCHER, Helena Police Department

MELISSA McDONALD, CI Supervisor, gave an overview of Centralized Intake.

Centralized Intake (CI) receives all reports of child abuse and neglect in the state of Montana. When an investigation by the field is required, a CI Specialist will use a list of cue questions to gather the information necessary to identify various types of abuse and neglect. A CI Report consists of a summary of the previous history, an overview of the family or the household composition, safety factors which impact the welfare of the children, and any other information that may be helpful in determining the course of action.

There are four basic types of CI Reports. The first type is a report requiring investigation (CPS Reports) and are assigned to the appropriate field supervisors for dissemination. These reports identify the type of abuse and neglect being alleged, the corresponding policy that supports the allegations, and the particular safety factors that create harm or the risk of harm to children.

The next type of report is the CFS Report. These are requests for services. Third party abuse or neglect, requests for courtesy supervision from one county to another, or requests for Code C supervision, home study, or other case activity by interstate compact. CFS Reports do not require investigation by workers in the field, however, they do require that some action be taken.

Child Protection Information, or CPIs, are the third type of report and are reports that contain no specific allegations of child abuse and neglect. These reports include concerns such as excessive school absences, doubts or concerns regarding the home environment, or an incident where an injury wasn't inflicted.

Licensing Reports are the fourth type of report which are made when a facility or a foster parent is alleged to have violated licensing requirements. The allegations in these reports do not meet criteria for abuse or neglect, but are a concern considering they have the added responsibility of providing care for children in the custody of the state.

CI Supervisors review the work of specialists. They are required to review each CPI report entered into the system, which provides an additional measure of protection for children. If there is a question that the report may not have been appropriately assigned, the supervisor will then listen to the recording and make any needed changes to the designation of that report.

A CI team is comprised of people from all the regions in the state and meet on a regular basis to discuss issues which may be identified with CI procedures, develop protocols for handling those issues, and acts as a second layer of quality assurance. Any category changes that are made are reviewed by the CI supervisors and bureau chief to determine if it was consistent with the risk assignment guidelines. This provides very helpful feedback in determining the level of consistency and determining the categorization of reports.

MARCI BUCKLES, Intake Social Worker, Lewis and Clark County, gave a presentation on her role as an Intake Worker.

It begins with a referral from Centralized Intake. If the referral is received by a phone call designating it as priority one referral and an emergency situation, they are required to assess the situation and either respond immediately or within 24 hours, depending on that particular case. Regular referral that come across by computer are assigned by their supervisor. They assess and prioritize each case that comes in and respond within 14 days. If they start an investigation, they have 60 days to investigate and close out the referral and do correct documentation for that. If that abuse or neglect that was reported to them is obvious and meets preponderance of evidence for substantiation, then they provide a substantiation and work with the family to correct the problems and the children are not in a situation to be removed from their home. If the abuse or neglect is of a significant nature and the children are in immediate danger of serious harm and the danger cannot be corrected immediately, the child will be removed and placed under emergency protective custody. After 48 hours, if the family is unable to correct the situation, and they are not able to provide for the safety of the children back in that home, then they would file for temporary legal custody with the courts and implement treatment plans working with the family towards reunification. Sometimes there are situations where there is a criminal act, they would make a referral to local law enforcement and work jointly on those investigations. When a child needs to be removed, it is with the option and the hope for reunification with their families. That is their first role and first goal with the Intake unit.

DETECTIVE BRYAN FISCHER, Helena Police Department, specializes in domestic violence, child abuse, and other duties as assigned. He conducts initial investigations into child abuse issues, domestic violence, drug use involving children. In law enforcement reports, many involved endangering the welfare of children, drug usage, domestic violence. In many cases, the Police Department receive reports from CI. Many times the Police Department is at a situation where children have been abandoned and are in need of some type of services, or a parent has either been arrested or is too intoxicated to take care of the children, they cannot help the children because they have no authority under the law to do anything. That authority comes from the Department of Family Services. Some of the gaps in the system is that the Department of Family Services is overworked; there is always an increasing caseload. The trend now is that with education, people are coming forth more and more often, reporting issues of child abuse.

QUESTIONS FROM THE COMMITTEE

SEN. O'NEIL asked Det. Fischer when he goes to a home to investigate, does he have a search warrant or any court order before he goes into the home or before he takes the child out of the home? DET. FISCHER said that 75% of the time there is a search warrant or an arrest warrant because people call saying there is a situation going on that an officer needs to investigate. Twenty-five percent of the time a drug search warrant is needed.

SEN. WILLIAMS asked Ms. McDonald what kind of oversight is involved in Central Intake. Should there be some soft skills training and what is Det. Fischer's reaction when he uses the system in calls. MS. McDONALD said it is helpful if somebody specifically requests that if they have a problem and feel that they haven't been treated well on the phone, if they would ask to speak with the supervisor. Playback review of every phone call is available immediately once the call has been terminated. If at any point, a supervisor feels that a CI specialist has become rude or short, that would be addressed immediately. DET. FISCHER said that his experience with CI has been that he hasn't had any problems from a reporting standpoint.

SEN. WEINBERG asked Melissa to tell him about the background, the training, and the experience of the people who take Intake calls. MS. McDONALD said they are all social workers with Bachelor's degrees; the Specialists have a minimum of a Bachelor's degree, a few with Master's degrees. They are required to have experience working with children and families. They have a triage of training in the beginning where they are one-on-one with a supervisor and a specialist, and there is ongoing training throughout CI. They have regular staff meetings where any training issues or changes would be brought up. They are required to do the same training as field social workers as far as policy training every year. They are required to do Montana Child Abuse and Neglect training (MCAN).

SEN. WEINBERG asked about the longevity of employment. MS. McDONALD said that some people use their experience with CI to move into a field position to work directly with families.

There is a fairly consistent turnover because as positions out in the field become open, people with experience transfer to the field offices. SEN. WEINBERG asked for clarification on those people who come to work for Ms. Brown who don't necessarily have training in the field of child abuse and neglect. MS. McDONALD said they are required to have two years experience working with children and families, and that experience isn't necessary from the field. A lot of their workers come from AWARE or other therapeutic case management agencies around the state or from other states. They are required to have experience working with children and families, not necessarily within the division.

SEN. O'NEIL asked what the pay is. MS. McDONALD said that Centralized Intake Specialist is a Grade 14. That is about \$13.85 an hour.

SEN. WILLIAMS asked if they are think the system is functioning appropriately and if it is well-staffed to make that happen? MS. BUCKLES said there are not enough social workers in the field. For safety reasons, it is better to be in pairs when in the field investigating for a first contact. Doing proactive work with families versus reactive work with families, if there were more workers and the caseload not as high, that would be a benefit.

SEN. ESP asked Ms. Buckles how she works with law enforcement to do investigations? MS. BUCKLES said that she does joint investigations with law enforcement if they made the referral, if it was a criminal situation, and if it was a priority one. They would make decisions on their end about the child protection issues while law enforcement was making decisions that need to happen about the criminal case. If a history about an individual is needed to determine their safety, law enforcement contact is one way for her to get the criminal record with direct phone calls to the detectives either in the Police Department or in the Sheriff's Department.

SEN. O'NEIL asked when Det. Fischer goes out to a house to make an arrest and you find children there, do you take the children with you if there is no one else to take care of them, or do you call CI and get a social worker out there? DET. FISCHER said that they do not remove children from the home unless there is a dangerous situation. They do not have the authority to do that. If they have to arrest a family member and there are no family members there to take care of the children, they have to make that phone call and report that there is no one available to take the children. CI makes that a priority one call, a social worker will come out and our officer will stay there until a social worker can get there and make a proper placement.

SEN. O'NEIL asked Ms. McDonald if someone wanted to become a field worker, what steps does one go through? MS. McDONALD said that to become a field worker or a specialist, you are required to have a four-year degree, not necessarily in the field of Social Work. They are also required to have two years of experience working with children and families. When hired, there is the specified social worker training, the Montana Child Abuse and Neglect training, and training for Centralized Intake specialist.

SEN. WEINBERG asked what the minimum requirements for working as an Intake Social Worker is. ROD HUISMAN, Supervisor of North Central Region, said that the minimum requirements are a Bachelor's degree in the human services field. They also require two years of human services experience, such as working in a group home, running a daycare center, or being a child case aide for the Department. SEN. WEINBERG asked if Mr. Huisman thought that a four-year degree and then experience running a daycare center would prepare someone for trying to figure out this very difficult area of whether or not a child has been abused or neglected? MR. HUISMAN said absolutely not and that's why the Department provides comprehensive in-service training when a person is hired. They are required to attend an intensive two-week program called MCAN. In those two weeks, they spend in-depth training and some hands on training doing interviews, investigations, learning about the law, learning about working with foster care and the foster care system, going over child development issues, signs and symptoms of abuse and neglect. They also require workers to go through forensic interview training, which is a nationally accepted method and technique of interviewing children so that you can sort through what is really going on with the child and what the facts are as opposed to what a child may have been encouraged to talk about. In addition to that, there are some standard computer training. SEN. WEINBERG asked Mr. Huisman is he would recommend that one of the directions this Committee should go in their investigation be in the area of training people, or is he satisfied with the level of training and experience that people have? MR. HUISMAN said that as a supervisor he is satisfied with the initial training of the new worker. He does have some concerns about ongoing training and the availability of those opportunities for social workers after they have worked more than two years. SEN. WEINBERG asked if burnout is a factor in their line of work? MR. HUISMAN said that it is, especially on the field level providing the investigations and the ongoing services to families. SEN. WEINBERG asked Mr. Huisman to characterize heavy turnover. MR. HUISMAN said that economic impacts, people are staying on the job longer than they used to causes burnout.

SEN. WEINBERG asked Ms. Buckles if she could give them an idea of how they use the safety investigative assessment form and how long does it take someone to fill it out. Are there additional pages attached to the form or are all the answers put on the form itself? MS. BUCKLES said that with each case she is required to use the safety investigative assessment for each referral she receives. The document is on her computer and is available for her to fill out. The summary of contact is dependent on how much field work is needed to be done with an investigation.

SEN. WEINBERG asked that as a social worker who goes into family where there's been a report made and spends 20 minutes with that family, would she then be ready to fill out this form? MS. BUCKLES said that she would be ready to fill out the initial piece to the form and could possibly make a determination in 20 minutes that this family didn't require their services and there was no abuse or neglect occurring. If more details needed to be collected, it would take longer than 20 minutes if she needed to talk to more than just the family in regard to her

investigation. SEN. WEINBERG said that the reason he asked is that one item might ask for a determination about mental illness, another about drug abuse. These are tough questions. Is sufficient time being used before these determinations are made? MS. BUCKLES said that they have 60 days to complete an investigation. If an individual has a history of mental illness or drug or alcohol abuse, then part of their role would be collecting that information. If there is a concern about mental illness, they would have to address how that would impact the safety of the children, make referrals to the appropriate agencies, and let that assessment occur. SEN. WEINBERG asked if she would get that from a history, not from the interview process? MS. BUCKLES said it would be all those things would be done collectively, whatever is specific to that family at that time.

REP. EATON asked when a worker is given 60 days to complete a form, is this the same form or a short term form that is made in an immediate situation, or a form that is a continuation of a process that begins in an emergency situation? MS. BUCKLES said that the form is not onsite to be filled out at that moment. They have been trained to know what those immediate safety factors are with the child and whether or not they are in danger of immediate harm and if they need to be removed. That would be their opportunity to explain during the investigation what occurred that led them to be involved. It is not a form that is filled out in the heat of the moment.

REP. EATON asked that from a standpoint, what happens to the child once they are taken out of the home. How does the child fit into the flow of the paperwork that you have 60 days to complete? MS. BUCKLES said that they are assessing the child's safety at each step of the removal process. The child would be removed, opportunities would be looked at to correct the situation, and if not, then legal custody requests would be done through the courts and the work started with the families. The child and their safety and the impact they have from that removal is considered at every step. One of the strengths is that it isn't just one person making that decision.

REP. WARDEN asked Ms. McDonald how many of the 28,000 calls that she took last year were credible? MS. McDONALD said that she didn't have the specific numbers. The number of calls she takes is affected by the number of reports that would be entered and then some would be investigation, some would be put in the system as information. There was specifically 27,914 calls taken; there was 14,355 reports entered; 7,990 investigations, and total placements of 1,419 from those calls.

REP. WARDEN asked Ms. Buckles to elaborate on what priority one means. MS. BUCKLES said that a priority one is determined at Centralized Intake. When they receive that call, the social worker looks at the circumstances and asks if this child is in immediate danger of serious harm, or if they are out of the home, they need to get in there and find out if it safe for them to go home. Priority one would be an emergent situation that's determined to be worked at immediately by the field staff. REP. WARDEN said that in those cases if you put a child in an

emergency protective custody, the family has 48 hours to solve the issue or mitigate the problem, who decides after 48 hours whether the child can go back and that the problems have been taken care of. MS. BUCKLES said that they have the opportunity to provide 48 hours of protective custody to children that have been removed. The assessments will go on throughout by the social worker and the team that is working with her. If in that 48 hours there isn't an opportunity to alleviate that situation, it's a decision that is made by the field worker who responded, as well as their supervisor.

REP. WARDEN asked Det. Fischer that because the cases are going up and part of the reason is the methods of people being able to report them, would he say that these always existed and didn't get reported, or we have an epidemic of problems that are developing vis a vis the meth? DET. FISCHER said that they are seeing an increase due to the fact that people are more responsive to reporting what they see and that comes from education and public awareness. It is also due to the increase of drug and alcohol usage.

SEN. WEINBERG asked Det. Fischer that when he makes a report, does he feel that his reports should be investigated? DET. FISCHER said that the way the law is written, it requires that anytime a person feels that a child may be neglected or abused, they are required to report. It is up to the Department to see if that needs to be investigated.

SEN. ESP would like followup information on burnout. There are probably employment statistics that this Committee could look at to see what turnover is and where they go from here. We have in the past, looked at the requirements of having licensed social workers, maybe we could discuss the pros and cons of that debate.

MS. BUCKLES said a gap to address is the lack of foster parents in our communities to help us when there are children who need to be removed and safe care provided for them.

REP. EATON said in response to Ms. Buckles' comment, there was a debate in the House Children, Family Health and Human Services Committee that was contentious regarding whether children should go to a foster home or to the home of qualified relatives. Rep. Eaton wondered if Ms. Buckles' comment came from the fact that relatives are not nearby or whether or not it is the system that puts them in foster care rather than with a relative. MS. BUCKLES said the lack of foster parents stems from the very needs of the children who are in care and that the strengths and abilities that each foster family can provide is sometimes not a match. In regard to the family members, they always look first at qualified appropriate family members and depending upon the circumstances, if they are available. Another issue is that there may be family members out of state who express a desire and interest to take the child, but the goal is towards reunification and removing a child to another state isn't always in their best interests initially.

SEN. O'NEIL asked Mr. Huisman, if in his years of experience, has he seen children wrongfully removed from the home or not put back into the home as fast as he thought should be and what should be done to prevent that from happening. MR. HUISMAN said first, there are a lot of people involved in making those decisions about removal and return of children to the home. If a child is removed for more than 48 hours, they do an affidavit and submit it to the county attorney. He makes a decision whether or not to petition the court for some legal remedies. That petition is presented to the judge and the judge may or may not sign an order granting emergency protective services. The child is returned if the judge refuses to sign the order or if the county attorney refuses to file the petition. If the judge signs the order and we have emergency protective services, it is time limited. There is a show cause hearing that is set within 20 days of signing that petition. The case would go before the judge, evidence is presented on our side, the family would have a chance to tell the judge why they don't agree and would like their children back and the judge makes a decision whether or not the protective services that he granted the department would continue for a period of time. There are regular reviews set in court; there are foster care review meetings that are held; there are child protective team meetings that we attend and present cases, staff them and discuss treatment issues and monitoring treatment plans. It isn't just one person making that decision; it's a team of people making those kinds of decisions. In answering the question, there are some cases as a supervisor where the social workers aren't under his supervision and we returned children sooner than what that social worker may have wanted. There have been times in court where the judge has returned children that we have not requested and that was not our recommendation. Sometimes the judge is right and things go well, and other times we remove again.

SEN. O'NEIL asked if besides the family, is there anyone advocating for returning the child to the home? MR. HUISMAN said that when they go to court, the court appoints either a guardian ad litem or a CASA worker to represent the child.

PUBLIC COMMENT ON INTAKE

KANDI MATTHEW-JENKINS wanted to represent for her parents present who are trying to bear witness to some of the events in their cases and that she would like to claim some immunity for them from the retaliation because some have been retaliated against since the August 22 meeting; that the clarification of the 48 hours of investigation after a child is taken, be made more clearly because the onus is on the department and not the parents.

MAGGIE BROWN, Kalispell, said she started her interest in abuse in 1970. She is a registered nurse, has a degree in psychology, a Masters degree of divinity and a doctoral candidate for counseling. She asked Det. Fischer how much time is spent with same people? DET. FISCHER said that question is difficult to answer due to the fact that people move, some people stay and there are situations where they do have some success stories. Ms. Brown would like to see training in spiritual abuse, more training with social workers and have them licensed as

does registered nurses.

COLLEEN MURPHY, Executive Director, Montana Chapter, National Association of Social Workers, a licensed clinical social worker, supports mission of CFS, to keep families strong and children safe. Whenever we banter around the term "social worker" that a social worker is a person with a degree in social work. It is true that the department has about 30% of their work force actually have social work degree. She had an opportunity to participate in two nationwide conferences on developing policy statements for her association. One was on child abuse and neglect and the other was on child welfare. Discussed recruitment and retention issue that is happening across the country. Ms. Murphy provided information on child welfare (**EXHIBIT 1**).

JACQUELINE JORDON, Missoula, said that three years ago her high school counselor provided information to Central Intake on some sexual abuse concerning her oldest daughter and nothing has ever been done about it. Her husband has had some dealings with Centralized Intake regarding abuse of a child in her home and nothing has been done about that. Need to know how and where to go from here.

LYNETTE SCHLINGER, Missoula, stated for the record that no action be taken against her for retaliation. There are people in the room now who are on her case. She is here on behalf of her two small children to state on record that she will be doing an affidavit and mailing it in and she will not go away until she finds out what has happened to her children.

BONNIE ADEE, Mental Health Ombusman, said her mandate is centered in the mental health system to represent the interests of those in need of mental health services in the public system. Two comments: one, an observation that there isn't enough capacity to assist families who might be at risk for abuse and neglect; and a recommendation regarding training for the social workers in recognizing, understanding and accommodating parents with mental illness and disorders.

JENNIFER YOUNG, Great Falls, said she had an issue on the fact that intake case workers aren't taking any consideration and making sure that the children are not removed from the home and possible cases that they should be.

ANGELINA YOUNG, Great Falls, said that her granddaughter was removed and there was no effort to reunite them. She said that she thinks that social workers should take responsibility for their own actions and that social workers should be licensed.

MELISSA WORTHAM, Missoula, commented on Intake. Briefly discussed her case where there was no prevention, no investigation, no efforts to keep the children with the family, and falsifying documents for federal money.

BRENDA NAY, Billings, said that the reasons for removal of children are too broad. There are no reasonable efforts to keep children in the home.

ROXY WEAVER, Billings, said that her case has been ongoing for six years. Discussed her case where her daughter was placed in CCS. No reasonable efforts were provided, no in home services, no services were provided before department took custody. She is in process of second appeal. Wanted to point out that three judges made findings that reasonable efforts were provided; however, none were. Thinks that judges are part of the problem. The department has squandered six years of her daughter's childhood with at least 15 different placements in the last six years. There has been some retaliation against some parents since last August. She thinks the department needs to be dissolved. It is squandering federal money illegally. SEN. SCHMIDT asked Ms. Weaver to stay with the topic of Intake. MS. WEAVER said yes, how can you separate that? It is all interwoven together like a big tangled web.

SEN. SCHMIDT closed public comment.

SERVICES AND PLACEMENT PANEL

SUE GRAVATT, Missoula County, Intervention Worker

CINDY SCHMIDT, Missoula, foster parent

ROMY BENTLE, Missoula, foster parent

BARBARA SAMPLE, Billings, Director of Family Support Network, an in-home service provider

QUINCY AND MIRANDA WADDEL

KELLY HEATH

SUE GRAVATT, Intervention Social Worker, Missoula County, said that the Adoption and Safe Families Act structures the role of an intervention worker. The intervention social worker intervenes with the family to try to address the issues that caused the child to be removed, to use the time to rehabilitate a parent to be able to provide the kind of safety the child needs, to forge a partnership with the family, and to come to an agreement about treatment plans. A treatment plan is identifying the issues that caused the child to be at risk and removed from the home. They monitor treatment plans, support parents on the side, try to motivate the parents and work with them, be available to the parents to help them with things that they don't understand or they don't know how to access.

Family group conference is used to discuss what the family wants for the children. A big part of their work is placing children with their families. If for whatever reason the parent cannot be successful in completing their treatment plan, an intervention social worker looks at conducting permanency team meetings to talk about concurrent plans. Ms. Gravatt provided information on In-Home Services ([EXHIBIT 2](#)).

ROD HUISMAN, Supervisor of North Central Region, Great Falls, explained that during the intervention process, there is an ongoing legal case and in that legal case, the judge will hear

petitions for temporary legal custody, extension of legal temporary legal custody, possibly termination of parental rights, possibly improvement of a planned permanent living arrangement.

CINDY SCHMIDT, foster parent in Missoula, talked about foster care. Children are placed in foster care because they have been removed from their family. As foster parents, they are considered part of the team. The team is the birth family, the social worker, the therapist, the guardian ad litem, the CASA worker. If they are going to be considered a team member, they need to have a little more respect for their view of things. There is a serious lack of understanding in the community with the school personnel and medical personnel and therapists as to what the issues are and why the children act the way they do. Ms. Schmidt had a list of recommendations: as a foster parent, be notified of court hearings with the option to attend; would like to be a valued part of the team; believes there needs to be a monthly team meeting with the people who are currently working with the child; professionals in the community, including CASA workers need more training in understanding the issues related to the children; not enough social workers; not enough money to hire social workers; there are issues that they don't have adequate help for because the social workers are overloaded.

ROMY BENTLE, foster parent in Missoula, provided a written document of her presentation (**EXHIBIT 3**) to the Committee.

BARB SAMPLE, Director of Family Support Network, Billing, talked about the Family Support Network which is an in-home placement agency that has been in existence for 20 years. Family Support Network works with the families in their home, teaching them parenting skills, making sure that children are in a safe place and that the home is safe, conducts supervised visitations in their office. Family Support Network is not made up of social workers but ordinary people who believe that families need to have access to achieve goals of maintaining their children safely at home. Workers from the Family Support Network will go into the homes in the morning to make sure the children are ready for school and will go back in the evening to help put the children to bed. The costs of each visit is only \$13.00 and is a cheap way to intervene with families. It is important to understand that building the parents back to believe in themselves, to be the people who are sitting here before you, is something that they take seriously. Those who fail are the meth addicts. Family Support Network has revamped their interventions with meth addicts and it is more intensive. Ms. Sample distributed to the Committee a document entitled, The Recovery Dynamo: Illustrating the Cycles of Help (**EXHIBIT 4**).

QUINCY and MIRANDA WADDELL, told their story of when their children were taken away in 2003, because they were methamphetamine addicts. Through treatment they were lucky to have a person who supported them. After treatment they took parenting classes through Family Support Network. Miranda said if it hadn't been for Family Support, it would not have been smooth in getting children back.

KELLY HEATH submitted a written document of her presentation (**EXHIBIT 5**) to the Committee.

QUESTIONS FOR THE SERVICES AND PLACEMENT PANEL

SEN. ESP asked for information on Follow the Child program.

SEN. O'NEIL asked Miranda and Quincy Waddell why a person goes on meth and why don't they quit when it jeopardizes the family. KELLY said she self-medicated to make her numb and there is no way you can get away from it. MIRANDA said you can't just stop. You need certain people and patience to understand it. QUINCY said one loves meth and getting high. You need to understand yourself and change your lifestyle to be able to quit meth.

SEN. WEINBERG asked if they were involved in any kind of relapse or treatment program. QUINCY said that he went through the Matrix program in Billings and they have a social support group every week; he does a dual recovery meeting for mental disorder with chemical dependency along with Miranda. KELLY said she goes to AA, a recovery group in Billings; has completed two series of Dialectical Behavioral Therapy through Mental Health Center; has extensive counseling once a week.

SEN. WEINBERG asked if being in a drug treatment program is a prerequisite to requiring the services of Family Support Network. MS. SAMPLE said no.

SEN. O'NEIL asked Ms. Sample if personnel are social workers and how much do they get paid. MS. SAMPLE said they are not social workers and make between \$9 and \$10/hr. They are certified through the University of Iowa as family support specialists. She is in the process of becoming a certified trainer.

REP. EATON asked Sue Gravatt that if there are intervention social workers in every region? MS. GRAVATT said in rural counties, the same person can be both an investigator and an intervention social worker. MR. HUISMAN said most rural areas don't have enough staff to be broken down in units. A lot of the offices he supervises have only one social worker covering the entire county.

SEN. ESP asked Sue Gravatt how she defined best interests of child? MS. GRAVATT said that best interests are determined with a lot of careful thinking, individual circumstances, age of child, family dynamic, history of the child and the family, what services are available in the community, how willing people are to access services. SEN. ESP asked if Ms. Gravatt has ever used parental visits or lack of visits as motivational tool in intervention? MS. GRAVATT said that she tries very hard to keep the child in the forefront of that equation, that she does not use the child as a pawn. She said that one thing that is important is not to punish a child around issue of parents.

PUBLIC COMMENT

JODY DOWNHEART, Havre, a former meth addict whose children were removed in February 2003. Ms. Downheart said that in the beginning she was angry and she thought it was the system and the policemen's fault. She feels that the social worker is doing their job but it is hard because Havre does not have the resources that larger cities do. Because of the lack of resources, there are not enough workers to handle the heavy caseload. She feels that treatment programs should be longer than 30 days.

JOE LOSE, Clinical Director for Friends to Youth, Missoula, a family-based services in Missoula, Ravalli, Mineral and Lake Counties, distributed an information sheet (**EXHIBIT 6**) on Family Based Services, and read a letter (**EXHIBIT 7**) from a parent in Ravalli County where a family was reunited.

SHIRLEY TIERNAN, Missoula, worked for Child and Family Services for over 20 years as a social worker, supervisor, regional administrator and a bureau chief and is now retired. First of all, to those who talked about their meth addiction and how they overcame it, she appreciated their strength and wisdom. Every state must have a child protection agency. There is a need for more support for social workers, more funding to support quality work, more ongoing training and initial training, more support for foster parents, more support for organizations such as the one in Billings. She requests that when clients approach members of this committee or other legislators, to bring complaints against the agency, tell them that they must sign a release of information so the legislators can look at the entire file. Child and Family Services is not allowed to give that information.

MELISSA WORTHAN, Missoula, said that she never received a reason why her children were taken away, never had supervised visitation, thinks it is case by case. She thinks that a better system needs to be looked at.

LYNETTE SCHLINGER asked for protection from retaliation, that there is a member on this on this board that is on her case. She said that she does not feel that the foster parent in any aspect or form has tried to work with her as parents. SEN. SCHMIDT said to Lynette that there are to be no personal attacks.

ROXY WEAVER said that she did not see how that was a personal attack, just telling the truth. The Family Support Network... SEN. SCHMIDT said to Roxy that she can be excused.

ROXY WEAVER said the Family Support Network, I'd like to commend the parents. This is what they had envisioned a few years ago, a community support network, which is the Family Support Network. This is what real social work is all about. She was really impressed with what you guys had to say. DFS does need to be revamped and start over again. And we have

testified, you've heard us testify. This may be the last time I'm ever here to testify because it does no good. You're trying to shut us up. If I'm a meth addict, I can stand up here for five or ten minutes and visit, but I'm being dismissed for no reason... SEN. SCHMIDT said, Roxy, again no personal attacks and we're talking about this system.

ROXY WEAVER said define personal attack... SEN. SCHMIDT said you may leave now.

ROXY WEAVER asked why. I have a right to make a comment. I am a public member and I have a right to make a comment. I have one more thing to say. The department is wasting federal tax money to steal children away from taxpayers.

BRENDA NAY, Billings, said that first, to Family Support Network, work directly with them, commend all parents that have been working with Barb. She believes that Barb and her workers have been her sole support through all this. She does not think that children should have to be removed from homes in order to get that help. Help with their children should be made available even if they are not addicted to meth, even if they do not abuse their children, they should get the help that meth addicts get. She said that foster parents adopting the kids creates a problem. Even though they adopt the children, they still get paid to raise the children. KANDI MATTHEWS-JENKINS recommends that the Committee get a copy of the guidelines from the Federal Administration of Child and Families and compare them to the guidelines that are actually being used and to the testimony of the parents and to those who have already given you releases, they can show you the differences between what is in these guidelines and what is happening in Montana. It's all about case workers, it's all about their attitudes they should have, it's about the investigations, how they are suppose to do them, it's about their respect paid to the families, the encouragement for keeping the family together. If you take this as a study guide, you will understand that the law is made to support, but there are people within the system that don't.

COLLEEN MURPHY, Executive Director of Montana Chapter, National Association of Social Workers, said that from her experience of working on the budgeting and being on the Advisory Council, one of the things that you want to put up there is how much money there is to fund support services and where is it coming from. It isn't fair that some communities don't have anything and that the proportion of the budget that goes to these kinds of services is very small. She would encourage the Committee to familiarize themselves with the funding streams and the amount of the budget that goes to reintegration and prevention services.

PRESENTATION ON THE COURTS

FRED VAN VALKENBURG, Missoula County Attorney, President of Montana County Attorneys Association

DIANNE CONNER, Deputy County Attorney

JEFFREY SHERLOCK, District Judge, Helena

PEGGY PROBASCO, Child Support Enforcement, President-Elect of State Bar, and member of
Access to Justice Commission with the Supreme Court
BONNIE HOLMAN, CASA (Court Appointed Special Advocates) volunteer
BILL COLLINS, Program Director of CASA
MAUREEN McINNIS, Mediator, Great Falls
MAGGIE BROWN, Mediator, Kalispell

FRED VAN VALKENBURG, Missoula County Attorney, President of MT County Attorneys Association, introduced a member of his team, Dianne Conner, who will give her experiences in the County Attorney's Office. He also gave a brief background and overview of what the role of a county attorney is. Most county attorneys in the state of Montana are multi-task individuals. They do lots of different things in terms of running their offices and dealing with abuse and neglect cases is one of those. They usually come from the side of the law where they are dealing with criminal prosecutions. That has been their experience and that still remains their emphasis, and it is what their constituents have elected them to spend the bulk of their time doing. Some also work to a large degree at making sure that county commissioners and other officials in the county are fully represented on the civil matters that they deal with. Some of those county attorneys have little or no interest in dealing with abuse and neglect cases. They tend to believe that the Department of Public Health and Human Services ought to have its own legal staff to handle these cases because these cases largely involve working with social workers who are employees of DPHHS.

The kind of work that a county attorney does is unique. It involves an intersection of state, federal and occasionally tribal law. The intersection of the federal mandates in this area has a tremendous impact on the procedure that county attorneys go through in terms of dealing with abuse and neglect cases. It has largely to do with the federal government's funding of the Title IV-E program and the requirements that Congress has put in place in terms of making federal money available for foster care of youth who are in the system. In addition, the county attorneys deal with social workers who are employees of state government, who are different from police officers and law enforcement officers but are expected to do investigations into preparing reports which can be relied up by the county attorney who is handling the case to meet the burden of proof in a particular situation. To a large extent, those social workers have not been trained in the same way that law enforcement officers are in conducting those investigations and writing those reports and that causes some degree of difficulty in terms of that interaction.

DIANNE CONNER, Deputy County Attorney, gave an overview of what the Deputy County Attorney's role is. The large part of what they do is represent the Department of Public Health and Human Services in court, and advise the agency on questions relating to their supervision of children for other states, on voluntary agreements where they are working with the family without proceeding through the courts, and on how to file a formal court proceeding. The majority of the cases are filed because there is an emergency and the child needs to be

removed from the home. In those cases, a petition needs to be filed within two working days. Once the petition is filed, whether it is an emergency removal or not, there needs to be an initial hearing within 20 days. Temporary investigative authority can last for 90 days and within that time period, if the agency wants further involvement, it needs to petition the court to find the children Youths in Need of Care. It can ask for temporary legal custody for 6 months. Finally, there needs to be, if the agency remains involved after the extension of temporary legal custody, a hearing on further relief either for guardianship, for long-term legal custody, or for permanent legal custody, termination of the parents' rights and the right to consent to adoption. All of these hearings require petitions and motions. If no decision is made, the judge will make the final decision. The statute requires multiple orders where the court has to make very specific findings at every stage of the proceeding. From the deadlines involved, there is a lot of review that the court has to make on a timely basis. The judge is also involved throughout the proceeding. Many cases receive some federal funding through Title IV-E that provides some reimbursement for the state costs.

Ms. Connor discussed that in January, 2006, the Montana Supreme Court will be requiring that the County Attorney's Office file on each child separately. This may aid in providing some additional confidentiality for cases where there are different parents. However, it is going to be a burden as far as providing paperwork both for the social workers and for the attorneys.

JEFFREY SHERLOCK, District Judge, Helena, said that much of what he does has been mentioned by Fred Van Valkenburg and Dianne Connor. He prioritizes cases to get them done as quickly as possible because they become so involved emotionally on both sides. He also thinks that the county attorneys do a good job with cases involving children and the family, and foster care. The people of CASA helps everyone in the courts and he appreciates having them there.

PEGGY PROBASCO, Child Support Enforcement, President-Elect of State Bar, a member of Access to Justice Commission with the Supreme Court, conveyed to the Committee the proportions of the duties that will fall to public defenders under the Child Protective Services System. The court has a duty to assign an attorney to indigent persons. There may be several parties in these matters that can be indigent: the parents, other guardians, other interested parties, and children. Mr. Van Valkenburg talked about the criminal prosecution duties of county attorneys. They also have duties under the civil law and under the Child Protective Services. If you have a criminal defense attorney who is very capable and diligently represents their clients, sometimes that can create a chasm when they are asked to represent indigent parents in a system that is geared towards trying to unite a family which at its core, requires some cooperation between all the parties involved. If you can get that cooperation, it is better suited to do that if you have a portion of the public defender system that is dedicated just to that realm of those cases. Additionally, there will be situations when a child who is old enough to state their own desires and needs regardless of whether or not that is in the best interests of the

child, they may be in a situation where it is appropriate to assign them counsel. There are a lot of situations that the public defender can be a real positive force as long as their role outside of being a criminal defense lawyer is taken into account. You also have to look at the situations where you may have a public defender required for an indigent parent, as well as a public defender required for an indigent child whose interests may not be the same as the parents. You have to also look at conflicts of interest and the need to go beyond the public defender system as it is set up statewide to find people to fulfill those roles. In summary and generally speaking, a public defender is a real vital portion of the Child Protective Services System.

BONNIE HOLMAN, CASA volunteer (Court Appointed Special Advocates), gave a presentation on the role in CASA (**EXHIBIT 8**). She has been involved in the program since it began. Her role as a CASA never changes because it is so important to remember what that is. What she sees the CASA doing is to be there to protect the children, be concerns for their needs and desires, and do what is best for the child.

BILL COLLINS, Program Director of CASA, commented that he was asked if he could identify issues within the protective services system or things that are happening that are positive. In working with the Child Protective Services, he sees first hand the level of stress felt by people in the system. It is critical when they have a reunification plan in place that children have the opportunity to be in contact on a regular basis with their parents. Given the situation where the system is in, there is not enough manpower to provide supervision for those visits. He believes that the foster parents are important and do not get the financial support they need.

MAUREEN McINNIS, Mediator, Great Falls, talked about mediation and how it can be used in this process. Mediation is where you listen to each side of the story and facilitate communication between the parties. Mediation is confidential and an opportunity for parties to give their stories. Mediation can facilitate more win-win situations.

MAGGIE BROWN, Mediator, Kalispell, is a mediator for children and families. Ms. Brown commented on some of the negative sides of working with children and families; the low pay, the interaction between the attorneys and her clients; her county does not recognize the importance of mediation.

QUESTIONS FROM COMMITTEE

REP. EATON asked if there are mediators in every region? MS. McINNIS said that you would find a mediator in every region.

SEN. O'NEIL asked Bonnie Holman if she makes recommendations to court in opposition to those recommendations of social workers, and what percentage of time? MS. HOLMAN said she does and it is a small percentage.

SEN. O'NEIL asked Maureen McInnis whether mediation would work and what might be needed to make it work? MS. McINNIS said that when a family is torn apart, the children are removed, you have a trauma situation and you have to address it. If you did mediation prior to that, you would de-escalate a great deal of the anger and bring it down to a level at which everyone is willing to work, find out what the problems are that led to that, and during that investigative period, present opportunities for DFS and the families getting together and resolving issues.

JUDGE SHERLOCK said he agrees with Ms. McInnis in that when there is a contested hearing, it is not a good situation. The sooner you can do mediation, calm things down, get people to agree, resolve before it gets out of hand and lawyers are involved.

SEN. ESP asked Judge Sherlock if he saw an insurmountable problem when there might be a possible conflict of interest between the public defender's office representing the parents and the children. JUDGE SHERLOCK said he did not see that as insurmountable. In his experience and in Helena, they have good lawyers and they have not had any problems.

SEN. ESP asked how one personally defines the best interests of the child.

BILL COLLINS said that for CASA, the best interest of child is best served when the child can live safely with the biological family. It is really a question of what is the least detrimental alternative for the child. What they hope to do through their work is try to help the child to an outcome that will serve their needs but understand that it is something that is less than what could have been had not the abuse and the removal taken place.

JUDGE SHERLOCK echos what Bill says, when child is physically and emotionally safe and has an opportunity to grow up without any physical and emotional trauma.

MS. McINNIS said that the best interest of the child is when developmentally, their needs are being met whether that can be done by the biological family or whether the biological family needs support in doing that.

MS. BROWN said if we don't meet needs preschool-wise in these children, we will be taking care of them for the rest of their lives. We will see them as teenagers going through the court system, they have attachment problems, they feel that the laws do not pertain to them, they see no reason for it, and even their mid-brain stops growing when they no longer have a bonding with a significant adult in their life.

MS. HOLMAN would reiterate what she said in her presentation, a child deserves and needs to feel safe and they deserve to be nurtured.

SEN. WEINBERG said that he has a sense from things said that there is a strong bias on the

part of CASA and others to return child to their biological parents. Should we have a look at that? After 30 hours of training, he did not know how a CASA volunteer can play a part in that determination and make recommendations as to what is the appropriate placement for a child when all we know is that there is usually some trauma going on. What he would like is that somewhere we revisit that bias in favor of returning the child to the family.

JUDGE SHERLOCK said the standard was "saving the family" when he first started in the court system. The severe cases he saw, he thought that that was not a good idea. He thinks that the standard now is what is best for the child.

MAUREEN McINNIS said family assessments can better determine because you have people who understand family systems, family development, child development and there needs to be more of a broad family look, assess the family and then meet the needs of the family.

BONNIE HOLMAN responded that she thinks the word "bias" is interesting and the fact that she has never seen or felt herself as being biased. People need to understand that they are there to do what is best for the child.

REP. EATON said to the Committee that she is trying to decide if she was biased in what she was hearing. There is a system that has a burden of protecting the best interest of child, via separating the parents from the children, it is heavy on the side of protecting and serving the children but yet it is being burdened by the complaints of the parents who have been alienated by the system. In support of that under the children's side, there is Child Protective Services, social workers, foster parents, guardians ad litem, CASA. Under the parent's side there is a system that will go into effect in 2006 with the public defender system, the Billings only family services system, law enforcement, and mediators. She does not know how you would write that down, but of all of that, the mediators would be the biggest role in that because you have parents who are uninformed about the system and angry, who have as adults, the power to be disruptive with that anger and yet everybody is focusing their efforts on the best interests of the children and there is no communication with the parents on what is the best interests of the children. If we want to focus more on mediation and/or education of the parents on this end of it.

REP. FRANKLIN said one of the gaps in her mind would be safe, stable transitional placement for children while we are sorting this out, whether you fall on side on focusing on best interests of the children in the absence of issues of parents or whether you are focused more on parental issues and reunification.

SEN. WILLIAMS and DIANNE CONNORS discussed criteria available to Indian children. There is a federal law, the Indian Child Welfare Act, that says when children are placed in foster care, the parents have to appear before a judge, and the judge has to make specific findings that the

parents understand their rights and are agreeing to that placement out of the home. The tribes need to be notified. If the child is eligible for enrollment, and the tribe is notified of possible placement, they would have the opportunity to intervene. If the child is to be out of the home for foster care, that has to be established by clear and convincing evidence that there is immediate and apparent danger that if the child were in the parents care, there would be serious physical and emotional harm. If parents rights are terminated for an Indian child, the proof has to be beyond a reasonable doubt that there would be a likelihood of serious physical or emotional harm to that child. In addition to those burdens of proof, there has to be a qualified expert who is generally a member of the child's tribe and is knowledgeable in tribal family matters who will testify.

SEN. O'NEIL said that he has heard that 80% of children of people in the prison system in Deer Lodge have been in foster care and 95% are from single families. Is that credible? JUDGE SHERLOCK said that he did not know. SEN. SCHMIDT said when she was on that subcommittee for the Department of Corrections, they asked a similar question and they don't have that information yet. REP. FRANKLIN said that when she did correctional health nursing and saw clients, the commonality was chaos whether it was from their biological family, whether they were in Pine Hills or foster care, or in a troubled family.

SEN. SCHMIDT asked Mr. Van Valkenburg if the courts are meeting their deadlines? MR. VAN VALKENBURG said that he thought that courts are doing a much better job of meeting deadlines but from discussing this matter with Shirley Brown at the Department of Public Health and Human Services, that Yellowstone and Missoula County are two places having problems in complying with the requirements for the Title IV E reimbursement.

MAGGIE BROWN said there should be mediation between families not attorneys or the county. An official court document is written up and goes back to court. You don't have to be there and you can't speak if you were there. MR. VAN VALKENBURG said that you will not see mediation taking place without the Department of Public Health and Human Services being involved in these cases. You don't get mediation between the father and mother who have essentially abused the child and somebody else who is not even looking out for society's interests with respect to that child. MAGGIE McINNIS said that the mediation she saw was between the family and the Department of Public Health and Human Services for educational purposes and to outline what is all going on. Mediators need to be appropriately and well trained.

PUBLIC COMMENT

TYLER KUHN, Missoula, said he was here to represent his brothers and sisters. Mr. Kuhn discussed his case where an ex-CASA volunteer had been dropped out of the program because of unbecoming conduct. He does not believe that anyone who was asked to leave the program should be a guardian ad litem on a case. His voice and the voice of his siblings have not been heard at all on what their best interests are.

MATTHEW COOK, Missoula, said he was here to represent himself and his father. Mr. Cook discussed his case where neither he nor his father were adequately represented in the court system. He felt that because he was a minor no one listened to him. He is now in the process of a civil suit with his father to regain his father's credibility.

KANDI MATTHEW-JENKINS, said that she has two issues to comment on. One is the Constitutional rights of the parents and the family. She believes that no one discusses it, no one brings it up, no one thinks of it. All the laws that have been written in Family Services deal with the liberty interest that is in our Constitution. She recommends that there be an indepth study on those rights. She said that she also wanted to address discrimination. The Indian Child Welfare Act discriminates against whites, browns, yellows, purples, greens. She said that she thinks the most detrimental thing for any family is to be placed alone in the room with a case worker with nobody there, without an attorney present, or an advocate, or a family member. The first thing they do is start giving up their rights of self-incrimination because, as some of this panel has talked about, there is immediate anger. In some situations there is a rightfulness for that anger because those people believe they haven't done anything wrong and until they are proved wrong in a court of law with evidence, not a preponderance of evidence, not a psychological evaluation by a state contracted psychologist, that probably 25% of their income comes from doing cases in Child Protection Services, everybody knows where your bread and butter is. She said that she thinks that they need to understand that we are also white, so you can say anything you want about her, and that goes into preponderance of evidence. If she was black, it would be the same thing. If she was yellow, it would be the same thing. But if you are red, it's clear and convincing beyond a shadow of a doubt, I call that discrimination. As she has said to a couple of the representatives at one time, the boot is on the other foot now and us white folks don't want to be discriminated against and neither do the blacks and neither do the yellows. Thank you very much.

ROXY WEAVER, Billings, said to Judge Sherlock, shame on you for allowing a child to be dragged through the systems since 1989... SEN. SCHMIDT said that's enough Roxy, you're done. ROXY said how old is that child now, 25, 30? SEN. SCHMIDT said to Roxy, you're done. ROXY said you take a bear cub away from its momma and you're going to have... SEN. SCHMIDT asked if someone would escort her out. ROXY said don't touch me. SEN. SCHMIDT said you need to leave. ROXY said to create a hostile environment. SEN. SCHMIDT said to Roxy that security is coming next, so I would suggest you leave. ROXY said right, I already complained to the Governor because you guys won't let me talk in public. (Roxy leaves)

JACQUELINE JORDAN, Missoula, wanted to congratulate Sen. Weinberg for stating that he somewhat doubted that CASA or GAL with 30 hours experience would have the ability to make recommendations to a mental health or best interest of a child, especially when you are in a situation such as mine where the GAL was an ex-CASA and she was taken out of the system, she has absolutely no personal contact with the children for almost 2 years. She wanted to

make serious note that this individual has no credibility and no credentials in order to be able to make those kinds of decisions or assumptions, especially when they have had no personal time or interest in the case of these children. Something dramatic needs to change in that situation.

LILLIAN GUNDER, Stevensville, talked about her case where her son had run away from home and without explaining why, her son was removed and put into a foster home. She felt that no one notified her of her son's situation, had no help from her attorney, no TIA until after 4 months had passed since her son had been removed. Ms. Gunder provided an affidavit (**EXHIBIT 9**) of her case.

COLLEEN MURPHY, Executive Director of Montana Chapter, National Association of Social Workers, said that the court situation is perplexing to her because she thinks it is true that the deadlines are not met and that has resulted in the money not coming to the state which handicapped them. Discussed a model she encountered while in Argentina on how their system works with child protective services cases.

WARREN WRIGHT, Program Director for CASA in Missoula, said that it is important that the cases filed are not frivolous filings. He said that people who work in the Family and Child Services are working hard, they are understaffed, often times don't get all the training they need. In his opinion, the key to all this is the court system.

PERMANENCY AND SAFETY

CINDY DUFNER, Family Resource Worker
RICK LEHR, Family Group Decision making Coordinator
MANDY RICHARDS, Foster/Adoptive Parent
CINDY SCHMIDT, Foster/Adoptive Parent

CINDY DUFNER, Family Resource Worker, talked about her field of work and what she did. She managed the adoption and foster care program in Region One in eastern Montana, covering 8 counties: Carter, Custer, Fallon, Garfield, Powder River, Prairie, Rosebud, and Treasure Counties. She conducts initial evaluation as well as the relicensing of youth foster homes, guardianship homes, specialized homes, adoptive homes, and kinship care homes.

RICK LEHR, Family Group Decision Making (FGDM) Coordinator for Eastern Region, spoke on the origin of FGDM, its process, and its role in the delivery of services to children and families in the communities. There are FGDM Coordinators in each region of the State of Montana. FGDM is a strength-based child centered family focused approach dealing with issues of child abuse and neglect in families. His job begins when there is a referral from a worker or an FGDM and he assists supervisors and workers in assessing the appropriateness of an FGDM for a particular family. He prepares families prior to the meetings. The families can invite anyone to these meetings. It is important that a coordinator achieves a plan at these meetings,

which is a plan of safety and protection for the children. FGDM can be useful in assisting workers in not only placements but also in treatment plans.

MANDY RICHARDS, Foster/Adoptive Parent, Missoula, told her story of her three adopted children so that everyone could understand that permanency is important to children for their developmental needs. Ms. Richards provided a documentation (**EXHIBIT 10**) of her story.

CINDY SCHMIDT, Foster/Adoptive Parent, would like to address the issue of easier ways to adopt children with the understanding that they have birth parents who have rights. The whole issue of concurrent care is so these kids are not left hanging. She said that she would like access to children's files and would like to see workers hired specifically for the families when adoptions are final so they are not left hanging.

DANIELLE METCALF, Permanency Planning Specialist, is responsible for tracking permanency hearings and implementing permanency for every child in her region. She is responsible for knowing the stories of every child in her area and trying to assist social workers and supervisors in developing permanency goals for each child. They have talked about using Kids Management Authority (KMA) to look at permanency. KMA focuses on children with extensive mental health needs. Foster Care Review which is done every six months where members from court services, the communities, and school districts offer recommendations and their opinions on how they think they are doing their job. There is permanency staffing meetings where they invite professionals involved in the case, the FRS supervisor, Family Resource Specialists, and the social worker to talk about placement issues with the child. The court makes the final decisions on permanency.

QUESTIONS FROM COMMITTEE

SEN. O'NEIL asked Rick Lehr if FGDM is similar to mediation? MR. LEHR said that some of the skills used in facilitating the meeting are commonly used in mediation, but it is not mediation.

REP. EATON asked Danielle Metcalf if birth parents who live in a different region and the child who is going through the foster care system is placed in another region, can children be moved from one region to another? MS. METCALF said it depended upon where each case is at. Typically if a parent is living in one county and doing visits, and since the goal is to reunify the parents, the child is not moved out of the region unless there would be circumstances where that would be in the child's best interests or the family requests that.

REP. FRANKLIN asked both Mandy and Cindy, from their experience and colleagues of theirs and friends who have been foster and adoptive parents, could they talk a little more about the kinds of services or resources that would help or recruit more families and retain them?

MANDY RICHARDS said that after you are an adoptive parent, being able to have more training

and information about children who have issues. CINDY SCHMIDT said that pre-service training that is offered is adequate.

SEN. WEINBERG asked Cindy to answer his question in a general sense and not be specific to cases, about the process where some kids go through many foster homes in a couple of years. What happens, what goes wrong? MS. SCHMIDT said a couple of things she's seen is the high turnover rate in social workers. There are cases where you think you know what you are getting yourself into before you get into it and then you get this child who is three months old and you agree to be a concurrent home for this child if necessary, and you realize what you've gotten yourself into and how it tears you apart inside to see the day to day process of what's going on and you decide that you just can't do it. So the child has to be moved to another home. Sometimes the behavior of the children are so severe that you cannot handle that child and the child has to be moved. SEN. WEINBERG asked why would a change of turnover of a social worker result in a change of foster placement. MS. SCHMIDT said that there are some social workers that are on top of things and there are some who are not. Sometimes you don't feel like you as a foster parent are getting your needs met.

SEN. WILLIAMS ask what kinds of additional support would have helped you before you got into adoption, what aren't we doing to prepare people to be adoptive parents? CINDY SCHMIDT said they do not have access to the child's file until the end before he is adopted but the child may have been in their home for a year and they may have already agreed that they will adopt him, but they still knew nothing about the family except what they have learned from the family. She said that she would like access to more information sooner. SEN WILLIAMS asked Shirley Brown if the reason that there is no access to the file is because of confidentiality? MS. BROWN said yes. We can share with the foster parents information on what we know about the child in terms of behaviors, but information about the parents is confidential.

PUBLIC COMMENT

COLLEEN MURPHY, Executive Director Montana Chapter, National Association of Social Workers, who represents 560 professional social workers in the state, talked about the payment for foster care parents. She said that she feels that multi-placements are injurious to children.

KANDI MATTHEW-JENKINS, Missoula, said that there are two sides to every coin. One side that is not heard from is that there is a lot of abuse of children in our society and it is increasing, not because of drug use but because of the deterioration of the focus on the family unit. Not just from family services but within our school systems. She congratulates foster parents, but feels that foster parenting should be in conjunction with having a relationship with the parents. She is against foster homes that have many children and get paid a large amount of money.

BRENDA NAY, Billings, referring to a comment that this is for the permanency and safety, she

wonders whose safety are they really concerned with. She feels that the only concerns are them covering up their own mistakes. All she has heard today is money. Children are not just a paycheck.

ROXY WEAVER, Billings, said Donald William Anderson, locked up for 11 years of his life by the Department, he never experienced permanency, he never will.

TWILA COSTIGAN, worked with the state for 15 years, doing intake and ongoing intervention and Family Resource Specialist work. She has worked with adoptions and is now currently at Intermountain Children's Home, running a permanency and therapeutic program and works with birth, kinship, post and pre-adopt families. She said there are huge gaps in the child welfare system. One gap is prevention and in-home family services and post-adopt services; another gap is training. When money goes, the training goes, the prevention goes. Foster/Adoptive training is not as good as in past.

BONNIE ADEE, Mental Health Ombusman, said that birth parents do have access to care they might need. There could be better coordination between clinical providers and the social workers. She is pleased to say that there is a complaint process where she can refer people. She said that she thinks that open adoption is beneficial to everyone.

SEN. SCHMIDT thanked everyone on panel, to Shirley and to Susan for her work.

COMMITTEE WORK

SUSAN FOX said that she will take all the information and put it into a legible format and consolidate some ideas, will do legal review and send it out, or have a longer presentation/discussion with the Committee. Ms. Fox suggested that the Committee take a look at what was heard today and pick those which they are interested in looking at.

The Audit Division did an audit on foster care. Kent Wilcox of the Audit Division dealt with recruitment and retention. Ms. Fox would like to have Mr. Wilcox come and discuss the recommendations which they provided through their audit.

SEN. WEINBERG said he would like to look at better training and better pay for the people who work with child abuse and neglect cases.

SEN. O'NEIL said that he is interested in Family Group Decision Making Coordinator and the push for mediation. He would like some interplay between the department and the families and children early in a situation so families could understand what they did wrong and what the department wants them to do, and they can tell the department their side of the story, informal environment before they go to court.

SEN. ESP said that he would be interested in hearing more from Shirley Brown on preventive

care, the new formal complaint process and how policies are developed and how that would fit in.

SEN. SCHMIDT said she is interested in better training for post-adoptive services.

SEN. WEINBERG believes in confidentiality but adoptive parent not having information, how can adoptive parent make that commitment if they don't get full story. It might be useful to look at confidentiality rules around adoption.

SEN. ESP said another issue is lack of resources, that meetings had to be cancelled because there were not enough people to do the meeting. SUSAN FOX said in response that each region has what is called Resource and Referral Agency. Many are doing parent trainings and some are court-ordered. The one in Helena has recently been asked by the court to develop a supervised training program. SHIRLEY BROWN added that most supervised visitation that they are able to offer is via contract with programs like Family Support Network, Hearts and Homes in Bozeman. Again, it is a matter of resources.

REP. FRANKLIN went back to the audit that was a review of our resources in Child Protective Services that said in order to meet our statutory requirements at the basic we were 60 social workers down statewide. That was just to meet the bare minimum. There are lot of creative people, both in the human services community and foster/adoptive parents. But if we are 60 social workers down, it doesn't matter how creative we are. That remains huge. We always have to go back and say resources, resources, resources. We are not funding at the level to meet the basic requirements.

SEN. O'NEIL asked if we have a waiting list of people wanting to work as social workers, or does the pay need to be raised in order to get more people to work. SHIRLEY BROWN said it depends upon the area and the time of year. Recruitment and turnover is an issue. Budget is another issue. She said they are a stressed system because they are underfunded. They are in the process of developing a caseload/workload system.

SEN. ESP said that in Montana we have two standards: Native American and everybody else. Do you think that because of the two standards, there are more Native American children who either die or are severely abused and neglected because of the two standards? Is it harder to get the court to remove an Indian child than it is another child? SHIRLEY BROWN said that she thinks that if you look at the kids in our system and you consider that there are different standards, we actually have an over representation of Native children in our system. We pay for IV E children who are in foster care on the reservation under the jurisdiction of tribal court. But if you take those kids away, about 25% of the children in our care are Native. She thinks that having a higher standard for any group of children is not a good idea. If you have a higher standard, children are going to more at risk than those children who have the lower standard.

SEN. WEINBERG made a suggestion that there should be incentives with the University System to train people and in return they receive a tax rebate if they hire on and stay with the system. MS. BROWN said that they have a contract with the University of Montana School of Social Work where stipends are offered to social work students. If they are a stipend student, they have to be in the protective services training track, do an internship, and once they graduate, they have to commit to taking a position with them for a period of time.

ADJOURN

SEN. SCHMIDT adjourned the meeting at 5:45 p.m., and will reconvene at 8 a.m. on October 21, 2005.

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