

Senate Joint Resolution No. 37 Child Protective Services Overview and Draft Study Plan

Prepared by Susan Byorth Fox, Research Analyst
for the Children, Families, Health, and Human Services Interim Committee
July 2005, revised

Senate Joint Resolution No. 37 (SJR 37) requests an interim committee to "examine the child protective services system, and that the committee review the entire system from the initial call regarding an allegation of abuse or neglect and the effectiveness of the centralized intake system to the availability of prevention services and mediation, the child's voice in the process, the level of desired community involvement, and the potential reallocation of resources with safety and permanency at the forefront." The Legislative Council assigned this study to the Children, Families, Health, and Human Services Interim Committee (Interim Committee) with direction to coordinate with the Law and Justice Interim Committee.

This overview and draft study plan will provide:

- a background on what the child protective services system is;
- an outline of the resource materials that are available for the committee's study;
- a basic overview of the child protective services system process;
- a review of the state and federal laws regulating child protective services;
- identification of who's who in the system and court resources; and
- a proposed study schedule and work plan for the interim.

What is the Child Protective Service System?

The child protective service system is a part of the child welfare system. Child welfare can include the continuum of services from prevention and early intervention to child protection, but in Montana it is defined more narrowly to providing for the protection and care of abused or neglected children (52-2-101, MCA). In general, child protective services are services to children for whom a claim of abuse, neglect, or abandonment has been substantiated. The "system" of child protective services

includes multiple agencies in county, state, tribal, and federal government, the executive and judicial branches of government, and licensed private entities and persons in Montana.

In Montana, limited prevention and early intervention services are provided. Child abuse and neglect prevention activities have been provided through the Montana Children's Trust Fund since 1985. The Trust Fund is administratively attached to the Department of Public Health and Human Services (Department or DPHHS) and governed by a board that includes Department representation. It is funded by the Legislature, a Montana income tax check-off, divorce filing fees, and a federal grant. Funds are distributed to community-based nonprofit organizations. The Trust Fund may not be used to fund any other program or service administered by the department.

The Child and Family Services Division (CFSD) of the Department of Public Health and Human Services is the primary agency responsible for administering child protective services. The division receives and acts on complaints of child abuse or neglect, licenses and recruits for foster parents and homes, provides for referrals to community services or for in-home services for children, provides for foster care and out-of-home placement, and provides adoption and permanency services for whom children whose parents' rights have been terminated.

Reports of abuse or neglect trigger an assessment to determine the response. An investigation may be necessary to substantiate the claim. Emergency protective services may be initiated by the Department, law enforcement, or a county attorney prior to a court appearance, but a petition must be filed in court within 2 working days unless other acceptable arrangements are made. The Department can provide voluntary services for a limited time, but if the circumstances are not resolved through referral to community services or within the short time frame of voluntary protective services (approximately 2 months), voluntary services cannot be continued unless there has been substantiated child abuse, neglect, exploitation, or abandonment.

If state intervention into a family's life is required for the protection of children, the Department must involve the county attorney and the district court as soon as the children are safe. If a child needs a safe placement, the Department must place the child in a foster home, group home, or an appropriate treatment facility. If a child has medical, mental health, or other needs, the Child and Family Services Division must obtain services from other state agencies, some within other divisions of the Department. If a child cannot be reunited with the child's parents, a permanent placement must be found in an adoption, a guardianship, a permanent placement with a fit and willing relative, or a planned living arrangement.

Statute directs interagency cooperation with public and private agencies, including health, education, social services and law enforcement agencies, juvenile courts, and agencies concerned with the prevention, identification, and treatment of child abuse and neglect (41-3-107, MCA). Children and families in the system have multiple mental and physical health and other needs and must access services in other divisions and agencies. Because of limitations in the availability of other human services such as children's mental health, medicaid, and developmental disabilities in the past, families sought to surrender custody of their children to obtain services. That option is not available in Montana. In 2003, the law was amended to exclude from the definition of abandonment the voluntary surrender of a child to the Department solely because of parental inability to access publicly funded services.

Both state and federal dollars fund the child protective services system and the system is highly regulated through both state and federal law. There are laws that define child abuse, neglect, and abandonment. There are laws for certain professionals to report suspected abuse or neglect. There are laws about the investigation and prosecution of abuse and neglect, about foster care and adoption, about reasonable efforts and services to preserve the family and when and how to terminate parental rights. There are laws relating to a child's race and ethnicity and with whom they may be placed. A child's ethnicity is important when an Indian tribe may be involved and trigger the federal Indian Child Welfare Act.

Interim Committee Background

The Children, Families, Health, and Human Services Interim Committee regularly monitors and studies child protective services. The 2001-2002 Interim Committee followed the Legislative audit of child protective services requested by House Joint Resolution No. 32 (L. 2001). In reviewing the audit results, the Interim Committee recommended House Joint Resolution No. 3 to the 2003 Legislature to study legal representation in child abuse and neglect proceedings. The 2003-2004 Interim Committee conducted the study which resulted in a formal recommendation to provide legal counsel to parents at the initiation of any court proceedings. The recommendation was forwarded to the Law and Justice Interim Committee for inclusion in the proposed statewide public defender system which was successfully enacted by the 2005 Legislature (SB 146, ch. 449, L. 2005.)

Resources available for committee study: past studies, reviews, evaluations, audits

In the past, a department study, a federal review, and three audits have been performed. Reviewing the results of the study, review, and audits will be the starting point of this study.

- ◆ **1999 Time Study for DPHHS by Hornby Zeller Associates, Inc.** For a one-month period in 1999, child welfare staff in the Department participated in a study of how work time is spent and how much time is spent on each case. The study was intended to determine whether the Department had sufficient staff to carry out its mandates; and secondarily, to examine allocations of staff across regions.
- ◆ **Child Protective Services Performance Audit (HJ 32) and Recommendations, Legislative Audit Division (2002), and Corrective Action Plan.** The Legislative Audit Division conducted a performance audit requested by HJR 32 and passed by the 2001 Legislature. The objectives included determining the services provided and the extent the services were uniform across the state; a review of the policies and procedures regarding the Indian Child Welfare Act and the extent to which the Department's policies and procedures reflected cultural needs, practices, and language; the extent to which training of social workers, county attorneys, and courts is relevant; and to examine

management, personnel and training needs of the department. A report was issued in October of 2002.

- ◆ **Child and Family Services Review of 2002 and Performance Improvement Plan.** The federal Child and Family Services Review is a result-oriented comprehensive monitoring review system designed to assist states in improving outcomes for children and families who come into contact with the child welfare system. It was developed and implemented by the federal Department of Health and Human Services in response to the mandate of the Social Security amendments of 1994, and the Adoption and Safe Families Act of 1997. The three-phase process includes a comprehensive self-assessment of a state's child welfare system in which a state reports its findings to the federal department. The second phase involves an extensive onsite assessment of each state involving three sites. The review includes foster care, in-home services cases and interviews with stakeholders in the system. The third phase involves a program improvement plan to address areas needing improvement over a 2-year implementation period. Montana's review occurred in 2002, and has been implementing its performance improvement plan for which results must be reported in January of 2006.
- ◆ **Title IV-E Foster Care Audit (2003) and corrective action plan.** Title IV-E of the Social Security Act provides the largest federal funding stream for child welfare services. Funds cover costs for room and board for foster care, subsidized adoption, training and some administrative costs. Funds are only available for low-income children. A federal review of eligibility compliance was completed in June of 2003. Montana was required to reimburse the federal funds that had been disallowed for the case review. A subsequent review will be conducted in 2005, and the potential penalties and disallowances will be extrapolated to the entire population for which federal reimbursement was claimed and may prove to be a substantial cost.
- ◆ **Court Assessment Program.** An initial assessment was done in 1996 in conjunction with the Child and Family Service Review by the Court Assessment Program that is attached to the Montana Supreme Court. The staff is currently conducting a reassessment and will provide information on the performance improvement plan related to the court.

- ◆ **Family Foster Care Audit (2004), Legislative Audit Division.** The Legislative Audit Committee requested a performance audit of the Department recruitment, training, and retention of foster parents who provide direct foster care services. A December 2004 report was issued.

Child Protective Services System Process

The child protective services system is triggered by a report of abuse or neglect. Any person can make a report of abuse or neglect; however, there is a list of 10 categories of professionals and officials, i.e., physicians, nurses, school teachers, social workers, foster care workers, or clergy, that are "mandatory reporters" who are required to report when a child is suspected of having been abused or neglected.

In 2001, the Department instituted a Centralized Intake in which all calls are routed through the Child and Family Services Division (CFSD) for evaluation. A determination is made as to whether or not an investigation is required. In fiscal year 2004, the Department received 27,914 calls, entered 14,355 reports, made 7,990 investigations involving 13,381 children, and had 1,419 total placements. Of the 7,990 investigations, 994 were substantiated, 5,623 were unsubstantiated, and 661 were unfounded/other.

A definition for "unsubstantiated" was added in 2003. "Unsubstantiated" means that after an investigation, the investigator was unable to determine by a preponderance of the evidence that the reported abuse, neglect, or exploitation had occurred (41-3-102, MCA). "Unfounded" means that the determination is that the reported abuse, neglect, or exploitation had not occurred. If unfounded, the records must be destroyed. If the allegations are unable to be proven or are "unsubstantiated", the files are retained for 3 years and then destroyed unless there were previous substantiated reports or court orders involving the initial allegation.

If the CFSD has reasonable cause, it may provide emergency protective services or voluntary protective services. If the case comes to legal action, a series of show cause, adjudication, and dispositional hearings are held on petitions for various kinds of relief, including immediate protection and emergency protective services, temporary investigative authority, temporary legal custody, termination of the parent-

child relationship, or a determination that reunification or preservation services are not needed (under specific circumstances). There are immediate tools available to the CFSD and to the courts to remove a child from a dangerous circumstance, with short time frames for notice to parents and hearings that must be held. All placements must be approved by the District Court.

If the child is placed outside the child's home, two placement plans are initiated. Plan A outlines the steps needed to assist the parents to achieve the goal of returning the child to the family of origin as soon as possible. Plan B is to establish a permanent substitute home for the child if Plan A fails. The home may be with a relative, guardian, or adoptive parent.

Child protection proceedings may happen over a long period of time within statutory time requirements in order to provide the CFSD with an opportunity to provide services and to provide the parents with the opportunity to follow a treatment plan toward reunification with their child. Every case has unique circumstances, and the law allows for various options during the process. A case may go to termination proceedings very early if the conditions warrant it, or it may proceed over a longer period of time while the parents attempt to resolve their personal difficulties.

Treatment courts, also called problem-solving courts, are involved with families in the child protective services system who have a substance use disorder. There are three treatment courts in Montana: Yellowstone County Family Treatment Drug Court, and Lewistown and Miles City Family Treatment Courts. While there are other problem-solving courts for drug offenders and youth, these are specifically for families in the child protective services system. Treatment courts provide comprehensive collaboration among systems: judiciary, child welfare, treatment, and community representatives that does not occur to the same extent outside of a treatment court team that meets regularly. Social workers in the treatment court program have a lower caseload which is a benefit to the families in treatment court, but may increase the caseloads of other social workers.

Evaluation studies are being conducted and have shown that employment increases, substance abuse declines, the children experience less days in out-of-home care, and

there are higher reunification rates for families involved in treatment courts. Many parents can regain custody of their children with proper assistance and services provided through the treatment court that may not be available outside of the treatment court program.

Drug-endangered children are a major concern to law enforcement and to the child protective services system. Many children are present when a drug lab is busted and many children are in the system because of the abuse and neglect that happens at the hands of their substance-using and addicted parents. A Montana Alliance for Drug Endangered Children was formed in November of 2004, at a conference hosted by the Montana Narcotics Officers Association and the Montana Department of Justice. In its organizing stage, the Alliance is seeking a full-time coordinator/manager to set up training for local chapters. The local chapters will provide training and set up local networks of law enforcement, social workers, medical professionals, mental health professionals, and prosecutors.

Legal Requirements

Safety and protection of the child or the "best interests of the child" are the basis for all child abuse and neglect proceedings in the system. The system was developed and organized around the principles of protecting the rights of children. Child abuse and neglect proceedings are civil proceedings. The youth must be found to be a "youth in need of care" by the district court.

The "best interests of the child" are defined in statute as "the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child" (41-3-102, MCA). Parents have rights and obligations to their children, and State policy (41-3-101, MCA) provides that the protection of children should be achieved in a family environment to preserve the unity and welfare of the family whenever possible. This policy is tempered by the specific time parameters set forth in federal law that seeks permanency for the child (i.e., reunification, adoption, guardianship, or long-term or permanent legal custody) within approximately 22 months, instead of an endless stream of uncertainty and foster care placements for the child.

Federal Law

- ◆ **Social Security Act.** Title IV-B (Child Welfare Services Program) and Title IV-E (Adoption Assistance and Child Welfare Act of 1980) of the Social Security Act provide federal funds to states for a range of child welfare services and activities. Title IV-B also provides for family preservation and support services in the Promoting Safe and Stable Families Program, including time-limited family reunification services, and adoption promotion and support services. Amendments in 2001 also allow for educational and training vouchers for children who age-out of foster care. Title IV-E is limited to children of low-income families. This law also requires agencies to make reasonable efforts to keep families together and to return children in foster care to their homes.
- ◆ **Child Abuse Prevention and Treatment Act (CAPTA).** CAPTA provides a definition of child abuse and neglect behaviors that are reportable and requires certain professionals to report (mandatory reporters). The law minimally provides for the investigation and prosecution, provides child abuse prevention grants and services, and training for child protective services workers.
- ◆ **Adoption and Safe Families Act of 1997 (ASFA).** The ASFA (P.L. 105-89, 111 Stat. 2115) was enacted by Congress in November 1997, and is intended to promote safety and permanence for children who have been abused and neglected. In a December 1999 GAO report, it summarized the spirit of the Act as follows:
 - Under the amended provisions, states are required to find these children a safe, permanent home more quickly. In particular, two key provisions affect those children who are unable to safely return home within a reasonable time. First, the provision clarifying the circumstances under which states are not required to try to prevent a child's removal from home or to return a foster child home allows states to forgo services to preserve or reunite the biological family. Second, the provision on terminating parental rights establishes a time frame for states to begin proceedings to terminate parental rights for certain foster children for whom adoption is appropriate. As a result of these two provisions, states must make the difficult decision between the need to preserve parental rights and the need to give the child the opportunity to live in a permanent home within a reasonable time.

- ◆ **Indian Child Welfare Act (ICWA).** The ICWA was enacted to protect the interests of American Indian children and tribes and provides minimum standards for cases involving American Indian children. The standards are different because of the disparity in the number of Indian children in the system and because of the rights of tribes. The Department has an ICWA Specialist on staff. The 2005 Legislature enacted a bill to place in Montana statute some of the relevant definitions from ICWA in order to assist the process in following federal law.
- ◆ **John H. Chafee Foster Care Independence Program.** This program funds states to assist youth and young adults up to age 21 who are leaving foster care by providing educational, vocational, practical, and emotional supports and services. It also gives states the option to extend medicaid coverage to youths between 18 and 21 years of age who were in foster care on their 18th birthday.

State Law

- ◆ **Montana Code Annotated**

Title 41, chapter 3, MCA, provides the Department with the authority over child abuse and neglect cases. Many of the provisions include the federal requirements of the Adoption and Safe Families Act and the Indian Child Welfare Act or refer to the respective federal laws.

Title 42, MCA, is the Montana Adoption Act and provides for adoptions, including subsidized adoption.

Title 52, chapter 2, MCA, also provides general laws for child welfare services, multiagency children's services, multiagency service plan placement (system of care).

- ◆ **Montana Supreme Court Rulings**

Montana Supreme Court cases over the past 6 years will be reviewed to determine if there are any commonalities or trends that would inform the committee about issues within the child protective services system.

Who's who in the child protective "system"

Child and Family Services Division

The Department of Public Health and Human Services administers the Child and Family Services Division (CFSD), which is responsible for child protective services. The staff provides state and federally mandated protective services to children who are abused, neglected, exploited, or abandoned. Services include receiving and investigating reports of suspected child abuse and neglect, domestic violence prevention, child protection, in-home services, foster care, reunification, adoption, and guardianship.

The Department uses a "centralized intake" for all reports of suspected abuse, neglect, and/or abandonment through the Child Abuse Hotline (1-866-820-5437 or TTY 1-866-341-8811), which operates 24 hours a day, 7 days a week. Centralized intake (CI) specialists determine the level of response needed. CI specialists screen reports, assess the level of risk to children, and prioritize reports according to the urgency of the allegation for response time needed from the assigned social worker. Based on its legal authority and responsibility, certain reports are sent to county offices to investigate. CI specialists also forward referrals to county offices indicating that families may need additional information regarding needed community resources to keep a family out of the system.

The 2007 biennial budget for the CFSD is \$112,000,527, which includes a complex mixture of state and federal funds. The budget was increased approximately 12% over the 2005 biennium. Federal funds include Titles IV-B and IV-E of the Social Security Act, Title XX, Temporary Assistance for Needy Families (TANF), Chaffee Foster Care Independence Act funds, and other sources. State sources include state general fund, payments from parents, payments from private insurance companies, and other sources, including several federal grants that support special activities.

The work of the CFSD is accomplished by employees in 340 positions. Thirty staff work out of three bureaus in the Helena central office: Operations and Fiscal, Program, and Training. Field staff work from 50 offices across the state, under the direction of five Regional Administrators located in Billings, Great Falls, Helena, Miles

City, and Missoula. Seventeen staff support the Centralized Intake Unit. These regional offices are advised by Local Family Services Advisory Councils, which serve as the link between local communities and the Department. The CFSD is the primary user of the Child and Adult Protective Services (CAPS) computer system.¹

Guardians Ad Litem and Court-Appointed Special Advocates

A guardian ad litem (GAL) is a person who advocates for the best interests of a child in an abuse and neglect proceeding. Section 41-3-112, MCA, provides that in every judicial proceeding, the court shall appoint for any child alleged to be abused or neglected, a guardian ad litem and provides that when necessary, the guardian ad litem may serve at public expense. The section also sets forth the duties of the guardian ad litem, such as investigations, interviews with the child, access to records, reports, appearance in proceedings, duties as directed by the court, and, if an attorney, the filing of motions. The federal Child Abuse Prevention and Treatment Act (P.L. 93-247, 1974) also requires the appointment of guardians ad litem for all children involved in abuse and neglect cases. The 2005 Legislature passed legislation requiring a guardian ad litem to have appropriate training specifically related to serving as a court-appointed representative, and will allow a non-CFSD Department employee to serve as a guardian ad litem.

A Court-Appointed Special Advocate (CASA) is a volunteer who is generally not an attorney and who is appointed as the guardian ad litem in areas of the state that have local programs (40 counties). In areas where CASA programs do not exist, the counties usually contract with an attorney guardian ad litem.

There are five models for CASA and GAL programs across the state with variations on the CASA and GAL, whether they are the same person, whether or not they are attorneys, or whether they are represented by or teamed with an attorney. Of the approximate 300 people involved in the statewide CASA networks, there are only 19 paid positions, most of which are part-time.² The CASA program was attached to the

¹The CFSD information was compiled from the DPHHS Child and Family Services Division website and the Legislative Fiscal Report, 2007 Biennium.

²Much of this information was provided by Ellen Bush in two documents: "Facts about Guardian ad Litem and CASA Advocacy in Montana," and "Montana CASA/GAL Program Models At A Glance".

Supreme Court but will become a separate private nonprofit organization in the coming year.

The new statewide public defender system will address CASA and GAL. In the past, public defenders often served as guardian ad litem. A public defender may not be a guardian ad litem or court-appointed special advocate, unless the public defender is a private attorney and does not have a conflict of interest. A conflict of interest may exist because the "best interests of the child" may not be the same as what the child wants. A public defender may also be appointed for a guardian ad litem.

Foster Care Review Committees and Citizen Review Boards

Foster care review committees as provided for in Section 41-3-115, MCA, provides a review of child abuse and neglect cases to ensure the timely development of the proceedings. Unless a judicial district has a citizen review board, every judicial district is required to have a foster care review committee. It must include a person from the Department not involved in the placement of the child, a knowledgeable person from outside the Department, an Indian person or someone knowledgeable about Indian culture if the child is an Indian. The Department adopts the administrative rules regarding foster care review committees. Legislation passed in the 2005 Legislature allows the court to delegate the permanency hearing to the foster care review committee as a response to problems with timeliness of cases.

Citizen review boards are provided for in Title 41, chapter 3, part 10, MCA. The intent of the boards were to provide a more extensive review that is court-driven, not department-driven. The 2003 Legislature in budget-balancing reductions removed the state funding for the citizen review boards, including 4 FTE (\$300,000 general fund savings over the biennium). The state involvement in case reviews ceased in May 2003, and the district courts picked up the case reviews on their own in June 2003.

County Attorneys and the Department of Justice

Prosecution of child abuse and neglect cases is performed by the county attorneys in each county. The Department of Justice contains a Child Protection Unit that assists county attorneys across the state in handling more difficult child protection cases and

other legal matters in the district courts. Some county attorneys have objected to the responsibility and think that the state should have its own attorneys. The Law and Justice Interim Committee will be considering Senate Joint Resolution No. 40 (L. 2005), a study resolution on the delivery of county attorney services that may be relevant to this study.

Public Defenders

Defense of parties involved in child abuse and neglect proceedings will be changing because of the statewide public defender system enacted by the 2005 Legislature. New section 41-3-425, MCA, provides that any party involved in a petition filed pursuant to 41-3-422, MCA, has the right to counsel in all proceedings held pursuant to the petition. The court shall immediately appoint or have counsel assigned for: (a) any indigent parent, guardian, or other person having legal custody of a child or youth in a removal, placement, or termination proceeding pursuant to 41-3-422; (b) any child, youth, or guardian ad litem involved in a proceeding under a petition filed pursuant to 41-3-422; and (c) any party entitled to counsel at public expense under the federal Indian Child Welfare Act. Beginning July 1, 2006, the court must order the office of state public defender to immediately assign counsel pursuant to the Montana Public Defender Act pending a determination of eligibility.

Court Resources

The Office of the Court Administrator of the Supreme Court developed a Handbook on the Payment of State Costs for Montana's District Court (July 2003). In accordance with 3-5-901, MCA, district court costs paid directly by the state include certain expenses incurred by the state in a proceeding held pursuant to Title 41, chapter 3, part 4 or part 6, MCA, that seeks temporary investigative authority of a youth, temporary custody of a youth, or termination of the parent-child legal relationship and permanent custody. The change to a statewide public defender system required reallocating certain costs to the state court administrator for the district courts, to the statewide public defender system, and to the counties.

Study Issues

The basic study issue is: What are the strengths, weakness, and impediments to the child protective services system? What recommendations can the Interim Committee make?

I have identified some basic organizational categories that will assist the Committee in analyzing the various studies, reviews, and audits address. They are: legal authority, process (interagency cooperation, time lines, triggers, responsibilities), Department policies, training, workload, and budget.

Some specific questions presented by this study are:

1. How is the Department responding to the federal reviews and state audits? How does the Department respond to complaints from parents, family members, foster parents, advocates for children, etc?
2. How has the legislature responded to the Department's requests, i.e. budgets, FTEs, statutory changes?
3. How have the district courts, the county attorneys, and the judicial branch responded to the review and assessment and progress on the performance improvement plan? What are the ramifications of the progress?
4. What about prevention and early intervention, and alternative methods to dispute resolution like mediation, treatment courts?
5. What about the licensure of Department social workers, professionalization, and training?
6. What about obtaining services from other divisions, agencies?
7. How do CASAs and GALs do their job, how does it work?
8. Prioritize requirements, needs, wants; can we get rid of any requirements?
9. Is the system in the "best interest" of the kids?
10. Additional issues identified by the Committee members.

Proposed Study Schedule and Work Plan

The Legislative Council has requested that the Interim Committee work with the Law and Justice Interim Committee on issues that may fall within their subject matter. The Law and Justice Interim Committee is responsible for monitoring the judicial branch and the Department of Justice. Issues with the district courts, county

attorneys, and the public defender system will be of interest to them. In parentheses is a reference to the date and subject for coordination with the Law and Justice Interim Committee.

(July 26, 2005. Law and Justice Committee. Staff will provide Draft Study Plan to members for information purposes and will accept any comments to be forwarded to Children and Families Interim Committee.)

1. **August 22, 2005** (First Meeting)

- Presentation of study plan -- basic elements of study, overview by Department, LAD.
- Adopt study plan

(September 21-22, 2005. Law and Justice Interim Committee - Staff update on adopted study plan.)

2. **October 27-28, 2005*** (Second Meeting) - 1 day dedicated to this study.

- Learn about "whole" child protective services system: in a panel discussion on system's strengths and weaknesses with representation from: Department (D), courts (C), parents (P), tribal (S) providers, and child (CH) perspectives.

Potential panel members:

- ▶ Division Administrator - Shirley Brown (D)
- ▶ social worker (D)
- ▶ supervisor/regional administrator (D)
- ▶ centralized intake (D) - Chris Purcell
- ▶ county attorney (C)
- ▶ defense/private attorney for parents (P)
- ▶ district court judge (C)
- ▶ Tribes/BIA/ICWA (Tribes)
- ▶ DOJ Child Protection Unit (C)
- ▶ CASA (CH) - Ellen Bush
- ▶ GAL (CH) (C) - Sherri Rafter
- ▶ Court Assessment Program (C), Sherri Rafter
- ▶ In-home services (S)
- ▶ Foster parents (S) - Montana State Foster and Adoptive Parent Association

- ▶ FCRCs (D)
- ▶ Drug-Endangered Children - Montana Alliance for Drug-Endangered Children (C) - Agent Spanogle
- ▶ Montana Children's Trust Fund (S)
- ▶ Domestic Violence (S)
- ▶ Children's mental health, Medicaid, System of Care, children and youth with developmental disabilities (D, S)
- ▶ Parents and advocates for parents and extended family members

Option to consider: Meet in conjunction with potential Special Session?

(January 19, 2006. Law and Justice Interim Committee. Staff update.)

3. **January 27, 2006** (Third Meeting)

- Management Analyst Mick Leary - workload process, 1999 Time Study Process
- Legal requirements: MCA, ASFA, ICWA, CAPTA, MT SC Decisions

4. **March 30-31, 2006** (Fourth Meeting)

- Performance Improvement Plan - Update on report to federal government - strengths, weaknesses, needs.
- Court Assessment Program - reassessment based on 1996 assessment.
- IV-E Review and PIP - report on first time, progress, where are we at? Cost to state?
- Take stock - where are we at? do we need additional information? preliminary recommendations?

(May 11-12, 2006 - Law and Justice - staff update and coordinate, preliminary proposals?)

5. **June 8-9, 2006** (Fifth Meeting)

- Finalize committee requests for information and recommendations.
- Review CFSD EPP requests and their fate for 2007 Governor's budget.
- Identify issues that may require future legislative action.
- Request committee bills to be drafted based on study recommendations, etc.

(June 29 and 30, 2006 - Law and Justice Interim Committee - Present CFHHS Interim Committee recommendations for final comments.)

6. **August 18, 2006** (Final Meeting)

- Complete study plans, final recommendations, final report outline adoption.
- Receive report on Department EPP process and make formal agency bill draft requests
- Adoption of committee bill drafts.

(August 31, 2006. Law and Justice Interim Committee - Final recommendations.)

*** Committee dates subject to change.**