

Date 2-14-05  
SB 385

Testimony on Senate Bill 385

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- Oppose SB 385
  - Agree a process is needed to address individuals grievances and allegations of harm--also agree that processes can always be improved; however, do not believe SB 385 provides the mechanism to do that
  - The Division is constantly striving to improve the system--this applies to all the work done by the Division, including responding to grievances
  - Working with the Administration to identify ways to improve the processes we already have in place
- The Division responds to every complaint received and has a process in place to do so
  - Complaints generally two categories: Division staff either did something s/he shouldn't have or didn't do something s/he should have
  - Some complaints involve the decision to substantiate the abuse/neglect but the case does not involve court action
  - Also receive complaints that Division staff treated an individual disrespectfully
  - Take the grievances seriously and research every one received
  - Many grievances are in the area of child placement
- Process currently in place
  - Phone calls and letters
  - Refer to local level--social worker's supervisor, then Regional Administrator
  - If didn't feel the concern was adequately addressed at the local level, research at the state level
  - Respond back to the complainant
  - If the concern is about a substantiation - fair hearing process under Montana Administrative Procedures Act
  - If the concern is about the inappropriate placement of a child in out-of-home placement--heard by the court

- Issues specific to SB 385 as drafted
  - Inherent conflict of interest when ombudsman represents the interests of children, immediate and extended family members and child custodians
  - Conflict with others who have court appointed roles to advocate: child's guardian ad litem, attorney appointed for parents
  - Duplicative
    - Division's internal process
    - Governor's Advocate
    - Legislative Hotline
    - Judicial system
    - Fair hearing process
  - Adds another layer to an already complex system
  - Sets up a system for "second guessing" issues that, in most cases, have already been decided by the court
  - Direct, private contact with the child - adds another stranger to the life of a child who has already been traumatized
- For these reasons, please vote "do not pass" on SB 385