

Problems with Child & Family Services in Montana

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EXHIBIT 12

1. **78% of children are legally kidnapped by CFS from non-abusive homes.** In my own research of the stories I have heard this percentage is pretty close. I've also observed that families with 2 or more children are targeted.
2. **Children are kidnapped and abused for retaliation** - some have questioned the authority of their case worker or CFS - Judges even know this is what is happening in some cases. In the end it is the already abused children who suffer the most! This is an unconscionable and unconstitutional **abuse of power!**
3. **CFS case workers, supervisors and regional managers habitually disrespect and bully** parents, grandparents, lawyers, doctors, counselors, and their own providers - in home services and parenting educators. They prey on young mothers who have no family support. There are few counselors at least in Great Falls who are willing to work with children involved in Custody cases and especially children in the custody of CPS. Case workers constantly lie to parents. I you request to audio tape the meeting then the meeting will not happen. Even if you bring a witness with you the meeting , it is cancelled.
4. **CFS forces parents to use only counselors & evaluators who are under their control.** These evaluators and counselors should not be "filled in" by the CPS case workers and supervisors. Parents should be able to choose their own evaluator.
5. **Good, caring CFS workers are either fired or quit when they question or refuse to abuse children & families.** Rebecca Laubaugh obtained her social worker degree and was so excited to help families and children and landed a case worker job at CFS in Great Falls. She was fired after 3 months because she refused to be part of abusing children and families. She witnessed CFS going against a judge's order to return children to their parents. She also witnessed the case worker, Darcy Rupp and supervisor, Daryia Mowrey laugh and make jokes about the suffering they were putting parents through.

Another man went to college and also received his social worker degree - anxious to help children and families. He also landed a job as a case worker in Great Falls. After a few months he quit because he did not want to be a part of the abuse CFS was forcing him to inflict on children and families. He has small children and will not come forward because he is in great fear of retaliation. He has given up his education and is training to do another line of work because he wants no part of what "social work" looks like after working for the Great Falls CFS office.

Sarah Corbally stated in the news article on 7/26/2015 - *"At the same time, the annual turnover rate for Child and Family Services employees is 22 percent. That's down from 42 percent in recent years but is still too high," Corbally said. The agency is trying to improve recruitment and retention of high quality employees and prevent burnout, she said.*" If she really wants to recruit and retain high quality employees then she need to get rid of Marti Vining and Daryia Mowrey and I'm sure a lot more employees who are not helping children and families but rather abusing them and forcing the case workers who work under them to do the same. The only case workers who last are the ones willing to follow out the abusive orders of these corrupt managers like Daryia Mowry and April Jones.

6. **CFS workers are not properly trained in what an abuser looks like or what an abused child looks like.** They most often protect the abusers because one of the characteristics of an abuser or batterer is to be extremely charming and convincing. It is Child & Family Services job to protect ABUSED children - not the abusers! You would THINK that training their Case workers about abusers and their victims would be 1st and foremost in their training!

7. **CFS refuses to even acknowledge that sex abuse of children under age 5 exists;** We know firsthand of 9 families who have reported sexual abuse of children under the age of 5 in Montana. In all but 1, the alleged sex abuse was by the father. In all 9 cases after the sexual abuse was reported to CPS and investigated the offender was either outright given full custody of the children while the children were removed from the reporting parent or grandparents, or the offending parent was given unsupervised visits and partial custody. In 2 cases after several years of sexually abusing their daughters and other children, the father's were convicted and received 100 years in prison. CPS forced these children to live with their abusers!

8. **CFS currently operates under the 8 myths of child sexual abuse**

(http://www.leadershipcouncil.org/1/res/csa_myths.html)

CPS has used all of these myths in many cases we know about - The 8 myths is from a website by the leadership council.

Myth 1: Normal-appearing, well educated, middle-class people don't molest children - . "In her years of work with sex offenders, Dr. Salter has found they commonly employ a variety of tactics which allow them to gain access to children while concealing their activities. They tend to adopt a pattern of socially responsible and caring behavior in public. Many have practiced and perfected their ability to charm, to be likeable and to radiate a facade of sincerity and truthfulness. In fact, Dr. Salter has found that the life a child molester leads in public may be exemplary, almost surreal in its righteousness."

Myth 2: People are too quick to believe an abuser is guilty, even if there is no supporting evidence. "In truth, people are too quick to believe that the accused is innocent, even if there is plenty of supporting evidence."

The "people" the author is talking about are the CPS workers - case workers, Supervisors and District Managers.

Myth 3: Child molesters molest indiscriminately. Research with sex offenders confirms that they tend to carefully select and "groom" their victims. They also groom the CFS workers!

Myth 4: Children who are being abused would immediately tell their parents.

The fact victims often fail to disclose their abuse in a timely fashion is frequently used as evidence that an alleged victim's story should be doubted. Research, however, shows that children who have been sexually assaulted often have considerable difficulty in revealing or discussing their abuse.

Estimates suggest that only 3% of all cases of child sexual abuse and only 12% of rapes involving children are ever reported to police. A nationally representative survey of over 3,000 women revealed that of those raped during childhood, 47% did not disclose to anyone for over 5 years post-rape. In fact, 28% of the victims reported that they had never told anyone about their childhood rape prior to the research interview.

In all cases of Child Sexual abuse by a parent where CPS is involved that we are aware of, CPS workers claim the child either fabricated the abuse to manipulate the parents or were "coached" by the other parent or their counselor's to tell about abuse that never happened. Why are these CFS workers and evaluators protecting these molesters?!!

Myth 5: Children who are being abused will show physical evidence of abuse. *A lack of physical evidence of sexual assault is often cited as support that an alleged perpetrator must be innocent. However, research shows that abnormal genital findings are rare even in cases where the abuse has been proven. Some acts, like fondling and oral sex, leave no physical traces. Even injuries from penetration heal very quickly in young children and thus abnormal genital findings are not common, especially if the child is examined more than 48 hours after the abuse. In fact, even with proven penetration in up to 95% of cases, genital examinations will be essentially normal.*

The CFS case workers are using this myth as "proof" sexual abuse of young children never happened. According to CFS if there is no physical evidence of the sexual abuse then it didn't happen - it was fabricated!

Myth 6: Hundreds of innocent men and women have been falsely accused and sent to prison for molesting children.

Over and over again, the media has raised the question whether America is in the midst of a hysterical overreaction to the perceived threat from pedophiles. Actual research, however, shows that, as a whole, our society continues to under-react and under-estimate the scope of the problem.

Prior to the 1980s, child sexual abuse was largely ignored, both by the law and by society as a whole.

In fact, research has consistently shown that few abusers are ever identified or incarcerated. Estimates suggest that only 3% of all cases of child sexual abuse and only 12% of rapes involving children are ever reported to police

Further research reveals that of the few cases reported to authorities, relatively few accused offenders are ever investigated or charged.

Myth 7: If asked about abuse, children tend to exaggerate and are prone to making false accusations.

Contrary to the popular misconception that children are prone to exaggerate sexual abuse, research shows that children often minimize and deny, rather than embellish what has happened to them. In cases where the children had tested positive to sexually transmitted diseases only 43% of the abused children interviewed gave any verbal confirmation of sexual contact. Another study involved a perpetrator who pled guilty after videotapes documenting his abuse of ten children were found by authorities. Despite this abundance of hard physical evidence, the researchers found a significant tendency among the children to deny or minimize their experiences. Some children simply did not want to disclose their experiences, some had difficulties remembering them, and one child lacked adequate concepts to understand and describe them. Even when interviews included leading questions, none of the children embellished their accounts or accused the perpetrator of acts that he hadn't actually committed

Some people believe that recantations are a sure sign that a child lied about the abuse. However, a recent study found that pressure from family members play a significant role in recantations. The researchers found a 23.1% recantation rate.

A Great Falls police detective said that in many cases he has had, the children recant after they see the fallout of telling about the abuse.

We have not heard of even 1 case where children disclosed sexual abuse that CPS believed the child even in cases where the father ended up getting convicted of the crime and was sentenced to 100 years! Every Child sexual abuse case CPS is involved in - the CPS workers protect the molester, accuse the child of lying and the protective parents, grandparents and counselors of "coaching."

Myth 8: By using repeated interviews, therapists or police can easily implant false memories and cause false accusations among children of any age.

Although research has consistently shown that children rarely confabulate about having been abused and false allegations have been found to be rare the potential for false allegations continues to be an area of great concern in sex abuse cases.

Whenever prominent adults are accused of abuse, we frequently hear allegations improper questioning and suggestions that the child may have invented molestation stories to please probing authority figures. We also hear concerns that inappropriate, suggestive therapies by overzealous clinicians may have shaped or implanted the allegations.

Recent research suggests that these concerns have been greatly exaggerated. Overall, laboratory research using suggestive questioning has consistently shown that negative events, especially events involving a child's genitals, are relatively difficult to implant in children's statements. In fact, research shows that children are more likely to fail to report negative experiences that actually did happen to them, than falsely remember ones that did not.

end of 8 myths

9. Parents with drug addictions are set up for failure so the system can profit off their children's misery.

- I know 2 families where the children were removed from drug abusing mothers and placed with the grandparents. In both cases the children have been needlessly put through hell.
- In one case the children have been removed from the mother and sent to live with their grandmother 3 times. Each time the mother fails to get clean, is set up for failure, and the children are bounced around like a ball.
- In another case the children were placed with the grandfather and after a week taken away from him, sent to stay with an aunt while CPS could find a permanent foster home for them in another city only to be given back to the grandfather. This was needless hell these children went through.

Whatever "so called" treatment CFS is putting parents through is not working. I'm not sure if they even put them in treatment. Parents who are working hard on their treatment plans are bullied, lied to and abused by CFS case workers and supervisors.

In Montana's 2015-2019 Child & Family Services Plan under Permanency Outcome 1: Children have permanency and stability in their living situations - only 23% of the 50 sample cases reviewed substantially Achieved this outcome during the time period 4/1/2013 to 9/30/2013.

Montana had 13.1% of children who were discharged from foster care to reunification in the previous 12 months re-enter foster care in FFY 2013, less than 12 months from the date of discharge, The national standard is 9.9%. Is this because regional managers like Marti Vining threaten the parents at the time of reunification - that if they ever put their children in counseling or call the child abuse hotline again, they will never see their children again?!

10. there is no attempt to help parents or provide services to parents while keeping the children in the home which is what CFS is required to do by law and their own policies

In Montana's 2015-2019 Child & Family Services Plan which is published on the state's website for the time period 4/1/2013 to 9/30/2013, the 2nd Safety Outcome is "Children are safely maintained in their homes whenever possible and appropriate". According to the report "Montana has seen a sharp decrease in maintaining children safely in their homes, from 71% substantially achieved between April 2011-March 2011 down to 34% substantially achieved between April 2013 and September 2013 (this is the period my grandchildren were kidnapped). The report states that "in the past 2 years, Montana has experienced greater than 30% increase in children in foster care". the report goes on to say "In the June 2013 SAMS Fidelity Review conducted by ACTION for child protection, **Montana also identified that further training on**

implementation of In-Home Safety Plans with high fidelity was not occurring." also "The majority of the reasons for this period's Area Needing improvement ratings were documented as follows: Lack of ongoing assessment, lack of face-to-face with the children, and missing documents/documentation from both Child Protective Services and In-Home Services contractors. ..in at least 30% of the cases reviewed, reviewers noted a lack of CPS visitation with children and families.

11. **Children are removed with no proof of "immediate or apparent danger of harm" and kept for up to a year or more only to be given back with no explanation. CFS is breaking the law with many of their removals.**

Montana law indicates removal of a child may occur when the State believes "any child is in Immediate or apparent danger of harm." Section 41-3-301(1), Mont Code Ann, The policy is that children will only be removed when there is "imminent risk of harm. Section 41-3-101(1)(c), Mont. Code Ann.

I know of 6 families who had children legally kidnapped by CPS for alleged physical abuse when one of their children had an accident. In all 6 cases after 7-24 months the charges were dropped but the children and families were irreparably harmed and live in fear of the very system that is supposed to protect them.

In Montana's 2015-2019 Child & Family Services Plan under Permanency Outcome 1: Children have permanency and stability in their living situations - it states that 70.4% of Montana children exited to reunification in less than 12 months from the time of most recent entry into foster care. In FFY 2012 the median length of time to reunification was 6.2 months.

Every day that a child is withheld from their parents is extreme psychological abuse, especially if there was no proof the child was in imminent risk of harm.

12. **CFS workers are lying to judges to get them to sign off on their schemes to profit from abusing children & families.** We know of at least 2 cases where the judge KNEW the case worker, supervisor, or District Manager was lying on the stand but did nothing!

13. **judges are so overworked from so many bogus abuse cases (78%)** they don't have time to wade thru the mounds of paperwork so they are forced to trust the CFS workers. Also the county attorneys, CFS supervisors, and court appointed attorneys ask for multiple extensions - causing more paperwork, scheduling and hearings for the judges. I also believe that judges don't want to set a precedence of ruling against CFS because their work and mission to protect abused children is SO VERY IMPORTANT !

14. **lawyers are reluctant to take cases against CFS.** Most of the lawyers who will take Youth in Need of care cases in Montana receive most of their income from these cases. They do not want to cross CPS for fear of missing out on the big money they are making off this corruption. Also they may know that if they cross CPS their own children or grandchildren may be taken.

15. **DFHHS-CFS should not be allowed to use County Attorney's for their lawyers in Child custody cases.** This is a conflict of interest. The Judicial and Administrative branches of government are to be kept separate. When the County attorneys (judicial branch) are the lawyers for the DPHHS-CFS (administrative branch) it is merging the 2 branches of government which are supposed to be a check & balance. When the County Attorney is the DPHHS-CFS's lawyers, there is no one to hold Child & Family Services employees accountable when they break the law. **All Montana state Administrative offices should have their own attorneys.**

16. **Indian/native children are being taken off of the reservations and adopted out against federal ICWA laws.** We have heard that hundreds of children have been taken and adopted out from the [REDACTED] Indian Reservation alone. In [REDACTED] case, her 1/2 native grandchildren have been removed from all native American influence and family. At the hearing, the ICWA worker stated it was not a problem. This so-called ICWA worker was not authorized to speak for the tribe but was someone the CFS supervisor "found".

In the State of Montana 2015-2019 Child & Family Services Plan under "Permanency Outcome 2: The continuity of Family Relationships and Connections is Preserved for Children for the sample period 4/1/13 to 9/30/13 under the subheading Preserving Connections the report states" The goal for CFSP 2010-2014 was met at 58%, .. 20% of the children in foster care assessed are Native American. The connections promoted and/or maintained by the agency included the child's maternal and paternal relatives, Tribes, ethnic and cultural practices, school, community and friends. **Native American children comprised 30% of the applicable cases; of these cases 67% of these children were placed with Native American relatives.**" What about the 33% who were not placed with Native American relatives? Were these placements against federal ICWA laws?

17. **parents are threatened they will never see their children again if they speak up about the abuse of power by CFS.** Marti Vining has threatened many parents that if they put their child into counseling or EVER call the child abuse hotline again, their children be removed and they will never see them again. Parents are even threatened by their lawyers that if they call the Omnibudsman Office, their parental rights will be removed and they will never see their children again.

18. **providers are threatened that if they don't go along with CFS agenda they will not get paid.** In one case when a parenting class provider stood up against the abuse being done to a mother and her children her pay was withheld, she was not given any more work from CFS and the other clients she already had were retaliated against. Social workers threaten ICWA witnesses with failure to reimburse if they don't testify the way the state directs them.

19. **When protective parents call the Child abuse hotline for help protecting their children from abuse the children are removed from the protective parent & given to the abuser.**

20. **Abused children are left in unsafe homes to die or be abused.** 2 grandmothers [REDACTED] [REDACTED] [REDACTED] [REDACTED] who had 3 grandchildren beaten to death when CPS refused to remove them from an abusive home although they were called repeatedly. photos have surfaced of the living conditions of [REDACTED] [REDACTED] and she was living in a home with 4 adult drug users. The conditions she lived in were appalling yet the case worker said there were no problems. In [REDACTED] another [REDACTED] girl [REDACTED], died in a fire in [REDACTED] after neighbors had repeatedly called CFS and the Sheriff. We have heard numerous reports from grandparents and other concern citizens who have called and called about abuse but nothing is done.

21. **The CFS case workers and Supervisors ignore the Foster Care board in place to oversee them and also go against Judges rulings.** They think they are above the law.

22. **all supervised visits should be recorded.** The so-called Supervised visits at the CFS office in Great Falls are not supervised. The Case aides normally sit in their office and play games on their computer. They often stand in the hall and talk about other parents where visiting parents can hear it.

23. DPHHS response to the news media reports of complaints was a **canned answer by Jon Ebelt, public information officer for the Mt Dept of Public Health & Human Services** - "But ultimately the decision to remove and place a child rests with the courts. We are constantly working to improve how we do our jobs to

promote the well-being of children and families in Montana." It is NOT the court's decision to remove and place children. It is up to CFS and then the courts sign off on it. The well being of children and families **is not** what is driving the decisions CFS makes on a daily basis, I believe it is money!

24. **Children are not being placed with siblings.** Marti Vining and April Jones in Great Falls allowed one of their case workers to place a newborn baby with a friend when the parents of the child's siblings desperately wanted to adopt their children's sister. The adoptive parents were not told about the child until she had already bonded with the "friend" of the case worker. This is against CFS policy where they are supposed to place siblings together if at all possible. In [REDACTED] case one of this grandchildren was sent to live with a cousin of the father in [REDACTED] while the girl's maternal aunt who one of the girl's siblings was placed with in [REDACTED] desperately wanted all 4 siblings to come and live with her. The adoption process for this girl started in August of 2015 to be adopted out to a family she hardly knows away from her siblings. Marty Vining and April Jones in Great Falls were involved with this case too.

From the State of Montana 2015-2019 Child & Family Services Plan:

Permanency Outcome 2: The Continuity of Family Relationships and Connections is Preserved for Children

Sample Period 4/1/13 – 9/30/13 Baseline: 50 Cases Total 57% Substantially Achieved

While some areas of family relationships improved (e.g., maintaining important connections, relative placement), maintaining the child's relationship with parents declined over the past few years. Enhanced focus on permanency through the use of permanency roundtables, and oversight of permanency outcomes through implementation of a CQI process by Child Welfare Managers, are significant efforts underway to improve these outcomes. Between April 2010 and March 2011, 51% of the cases reviewed were found to be Substantially Achieved. Between April 2011 and March 2012, 53% of the cases reviewed were found to be Substantially Achieved. A decline to 43% Substantially Achieved occurred between April 2012 and March 2013. In this most recent six month sample period, a 14% improvement was noted, and 57% of cases reviewed were Substantially Achieved.

Placement with siblings has been an area of strength for Montana, even with the influx of removals over the past few years. Substitute care providers and CFS staff value placing siblings together whenever possible. At a 100% 'strength' rating in this item, Montana will continue to strive to surpass its above 90% average over the past three years.

25. **When an emergency room doctor refused to falsify hospital records so CFS could kidnap children who had accidents - the doctors own children were kidnapped by CFS!** How many doctors have been threatened or paid off to falsify records so CFS can kidnap more children?

26. **CFS Case workers are "befriending" the CASA-CAN guardian ad-litem's - offering to give them rides to visits & court, take them to lunch etc.** to discuss the cases they both share - thus the ad-litem's are no longer "neutral" but are siding with CFS against the parents. The CASA-CAN ad-litem's receive 30 hours of training. Yet they are helping to make important decisions as to what is "best" for children. Trained Child psychologists should be making these decisions but CFS is convincing the ad-litem's to go against the trained counselors.

27. **CFS is consistently placing children with known and admitted abusers.** In some cases the children are removed from the protective parent and placed with the "known" abusive parent.

28. **CFS consistently DOES NOT act in the best interest of the children.** Are they making decisions based on what generates the most money for the Department? When children should be removed they are not and when children are not being abused they are removed! So many of these workers are not parents and do not have a clue of what is best for children - especially infants & young children

29. Parents who call CFS for help or have their children removed by CFS are being billed for services CFS is providing to their children against their wishes! Some parents are forced to pay for their own treatment plan providers- counselors, parenting classes, evaluations, even visitation happening with their children at the CFS offices!

30. We have heard that case workers are given quotas of the number of children they must remove or they will lose their jobs.

31. We have news that photos of several CFS workers smoking marijuana at parties have turned up. Also 2 higher ups in DFS and CFS were recently kicked out of a restaurant in Great Falls for being drunk and disorderly. It is unknown if this drunken meeting was paid for by a state credit card. One is the same person who we have photos of using marijuana and is the person in #32 below.

32. It is reported that a CFS worker protected her own sister and left her nephew in a drug house until the mother died of an overdose. As far as we know this CFS higher manager has been fired.

33. It is reported that another CFS regional supervisor has been put on administrative leave for failing a drug test. Have her children been removed and her family destroyed by CFS for her drug use - what they do to everyone else!

34. A CFS case worker and her supervisor were subpoenaed in a child custody hearing and they failed to appear in court so they should have been in contempt of court - but they must be above the law and did not have to appear with no penalty!

Thus there is no one to call when a child is being abused - no TRUE help for abused children. Where are we to turn for help when we suspect a child is being abused?!

There are TV ads, billboards and flyers placed around the state telling people to call the child abuse hotline if they suspect abuse. On our vehicle re-registration forms that are mailed to us there is a message:

"A MESSAGE FROM ATTORNEY GENERAL TIM FOX: Child abuse and neglect are more common in Montana than many people realize. Each year, over 2,000 cases of child abuse or neglect are confirmed in Montana. Most of the cases -- about 90% - involve neglect. Nearly 15% of these young victims are physically abused; about 5% are subjected to sexual abuse. You have the power to help prevent child abuse. Call 1-866-820-KIDS (5437) toll free if you suspect abuse."

Protecting children is an illusion. That is not what is happening once CFS gets involved!

A full investigation into the unethical, abusive and illegal practices of Child & Family Services is needed by an outside entity. We are asking for an immediate dismissal of CFS employees: Sarah Corbally, Cory Costello (done), Marti Vining, Daryia Mowrey, Darcie Rupp, Jessica Arndt, April Jones, Tracy Hemry, Ike Jesse, Pamela Liccard, Lee Griffin, Robert (Bob) Custer, Kayla Moodie, Cyndi Char, Thomas Irvine, Bob Weber, Alicia Justice, Crystal Marie Wolff, Abby Cassidy, Jennifer Best and Eric Barnosky. In most cases these CFS workers are NOT making decisions based on what is in the best interests of the Children! We believe true reform will not take place until these people are removed from their jobs.

After studying the State of Montana 2015-2019 Child & Family Services Plan I understand what Marti Vining and other Regional managers are doing - their focus may be getting bettering ratings in the report rather than protecting abused children. The report clearly states that the department is failing in its mission as each % of failure is actual children's lives that WILL be affected negatively by having CFS involved in their lives. Has pressure been put on these managers from above so that they have lost sight of their mission? Judge Greg Pinski told us that it is every parent's constitutional right to conceive and bare children and then parent their own children. He said that Child & Family Services and the Courts job is to work together to help parents exercise the right to parent their own children. We heard that a case worker in Great Falls bragged that she had the most parental terminations in the state! Every termination is a tragedy - where parents are not willing or able to parent their own children and the children are not able to live with their own parents. I do believe that adopted children are loved just as much as biological children. I also believe that money has come into play in this failing system and is corrupting it.