

REBUILD THE TRUST - October 2015

The Department of Health & Human Services - Child & Family Services (DPHHS-CFS) IS ALL POWERFUL AND CAN NOT BE JUDGE, JURY, AND EXECUTIONER: THEIR POWER HAS BEEN ABUSED, NEEDS LIMITS, RETALIATION TACTICS HAVE TO STOP.

Policy changes that need to be made by Department of Family Services

1. **License Caseworkers: Caseworkers should at least have MA or MS or MSW degrees; CFS supervisors and Regional Managers should be licensed therapists.** You would have to pay the caseworkers and Supervisors more but it would be less \$ in the long run as you would have less caseload because the 78% of children removed from non-abusive, loving, protective homes would be lessened because caseworkers and their supervisors are going to know better how to do their job. This would solve so many problems especially in sex abuse cases in small children and domestic violence cases. Also this education will prepare the workers mentally and emotionally to handle this most difficult job. This would also free up the courts of at least 1/2 of its youth-in-need of care cases. All of these unnecessary removals of children are causing our court systems to be overloaded! If Caseworkers had degrees and were properly trained, there would not be a need for Supervisors as long as the Regional Administrator was a licensed therapist. Also there would be many less children in the mental health system whose lives have been destroyed by overzealous case workers removing them from loving homes where no abuse exists!
2. **Case workers should have entry level Law enforcement training on investigation such as investigation classes at the Law Academy.** When investigating a case get an overview from as many family members as possible, in other words as comprehensive as possible, etc. *In a July 25, 2015 web article entitled Child Sex Trafficking through Child "Protection" Services Exposed – Kidnapping Children for Sex - Stefano encourages the listeners of the program to call law enforcement, not CPS, if they encounter sexual or physical abuse of a child, because this is a crime, and CPS is not trained to handle crimes. Stefano says: The minute you call child protection services, you can rest assured that the investigation will not be done properly. Chances are the child will not be protected. She then gives the example of Los Angeles County, where in 2013 CPS took "thousands of children away from parents," and that 570 children were murdered while in the care of CPS and away from their families. <http://medicalkidnap.com/2015/07/21/child-sex-trafficking-through-child-protection-services-exposed-kidnapping-children-for-sex/>*
3. **Prove parents are clean and or sober before reunification:** 6 months to 1 year. No drugs or alcohol has to be incentive for reunification. A job that supports their children and family, not going back on welfare the cycle needs to be broken.
4. If a parent's treatment plan includes counseling, the **Parents should be able to choose a licensed counselor of their own choice.** Currently CFS workers will only allow counselors who they can control or ones who do not have time to see more clients - forcing the parents treatment plan to take more time. If a counselor is licensed by the State of Montana, they should be acceptable to satisfy the court's treatment plan(s).
5. Common sense assessments and honest discourse with families and the public. Show consistency especially with contractors such as Youth Dynamics and PhDs doing assessments. Their opinions must be consistent and not changing without just cause. **Allow all qualified licensed therapists to be contracted**

by DPHS instead of the few they can control. **All parents should be allowed to have an UNBIASED evaluation by an UNBIASED evaluator if one is required.** Other family members and all involved counselors and professionals should also be consulted in these evaluations.

6. **Immediate dismissal of CFS workers from their jobs when proven to have lied to the courts or falsified records.** If the Supervisor does not follow up on the accusations, the Supervisor's job should also be at risk.
7. CFS workers should have a **required ethics class** as part of continued education for licensees.
8. **Speed up adoption process** for grandparents or other parties.
9. **Return phone calls to concerned family members within 72 hours**, no exceptions.
10. **Oversight on Foster care** - set a level of care and conditions. Currently the foster care board is completely ignored. The foster care plan set in place by the foster care board must be followed. Parents are currently forced to sign off on foster care plans or are threatened that they will not get their children back unless they do.
11. **Investigate rumors and be able to rescind bad decisions.** Someone has to have that jurisdiction. Don't want to hear," there's nothing I can do," from attorneys or officers of the courts or legislators or Directors of the Departments. Wrong decisions have to be changeable.
12. **Show Cause hearing to be completed in required 20 days**, so parenting plans can be completed and not be interfered with. The law is not being followed.
13. **Supervised visitations should be video and audio recorded** to protect all parties.
14. **Case workers should be required to wear body cameras** when going into homes to do an investigation and especially when children are removed. All meetings with parents should also be video taped as the case workers LIE to the parents!
15. **Supervised visits should be allowed at night** so children do not have to miss school and parents do not have to miss work.
16. **Foster parents should be required to undergo drug testing at least initially** - even if grandparents.
17. **DPHHS workers should be required to treat "other" professionals with respect** and value their opinions - they are the experts - not the case workers & supervisors.
18. **DPHHS-CFS should not be allowed to go against a judge's ruling, especially the judge who is overseeing the case.** How can the DPHHS-CFS workers be accountable? Who will make them and how?
19. Have **set standards to follow when doing an investigation.**
20. Have **stiff fines for bullying and threatening parents or family members.** All parents and family members regardless of what their offenses should be treated with respect.
21. **Case workers must be required to know Montana law.** Recently a caseworker testified at a show cause hearing - lawyer *"So based on your training and experience is it appropriate parental behavior for a father to manipulate an infant's penis to make it erect?"* caseworker- *"I can't – I don't believe I've ever read anything in State training that exactly went to that. Since then I've had to research more into that and was concerned about the behavior. But since then of learning more, like, criminally, there's nothing because Dad didn't do it for his own sexual gratification. And counselors who are trained in that area have – I have been told that – during my investigation, that Father perhaps needed counseling to learn appropriate boundaries, but that was not an act of molesting the child."* and *"that a one-time thing is not going to do damage to the child."* In fact according to Montana state law what the father admitted to was an act of sexual abuse of the child and it is clearly a crime! The caseworker removed the child

from his protective mother and placed him with his father that admitted to doing this to him while his [REDACTED] [REDACTED] sister had highly sexualized behavior since the age of 1 and made many disclosures to her counselor about her dad masturbating her and other grievous sexual acts. The mother has been told repeatedly she is not getting her children back until she admits that her children have not been sexually abused by their father.

This is Montana state law:

MCA 45-2-101 (67) "Sexual contact" means touching of the sexual or other intimate parts of the person of another, directly or through clothing, in order to knowingly or purposely:

(b) arouse or gratify the sexual response or desire of either party.

45-5-625. Sexual abuse of children. (1) A person commits the offense of sexual abuse of children if the person:

(a) knowingly employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated;

(b) "Sexual conduct" means: (i) actual or simulated: (D) masturbation;

21. **Case workers assigned to Sex abuse cases MUST have proper training in this area.** Currently they are operating under the common myths of Child Sexual Abuse (attached)

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

22. **Failure to comply with any new training in a timely manner will lead to immediate dismissal.**

23. All CFS workers should be dismissed and forced to re-apply for their current position. Nothing will change with the current staff - especially those in charge.

24. All CFS workers should be subjected to random drug testing.

Judicial Branch Changes

1. **Open courts:** use initials for the children for amenity to protect them. Make hearings open and transparent. Closed hearings are protecting the DPHHS-CFS workers more than the children.
2. **Lower standard of proof in Youth in need of Care and Custody sexual abuse cases** to civil proof (51%) not criminal proof (99%). Judges and CFS workers are basing their judgments on the standard of needing 99% proof that the abuse happened when there are allegations of child sexual abuse. This may already be the law but Judges are doing this.
3. **Larger fines for false reporting.**
4. **There should not be a time limit for child custody hearings if there is alleged sexual abuse.**
5. **Mandatory prison sentences for convicted child molesters.** In a case in [REDACTED] [REDACTED] a father ADMITTED to the abuse but was given a sentence with ALL of it suspended by Judge Niel who stated that it is too hard to determine guilt with children under 5. That sends a message that there is no penalty for abusing children as long as you admit it.
6. **Allow Guardian ad litem in divorce custody cases if there is alleged child or sexual abuse of the children.** Montana Code #41-3-112 regarding the Guardian ad litem includes "(1) In every judicial proceeding, the court shall appoint a Guardian ad litem for any child alleged to be abused or neglected." People have been told a Guardian ad litem cannot be assigned within a divorce custody case and they can only be assigned in "youth in need of care" cases. Also judges are failing to appoint guardian ad litem.
7. **Standing Master Judges should not be allowed to rule in "contested cases" whether it is a custody, divorce or youth in need of care case.** Montana is only 1 of 3 states left that allow Standing Master judges.

Standing Master judges are not elected they are appointed. This stops the checks and balances set up to keep our country free of tyrants. Citizens should be allowed to vote out a judge that they do not feel is doing a good job of upholding the law or being fair in their rulings. Standing Master Judges cannot be voted out of their position. They were originally only supposed to hear uncontested cases. If step#1 under DPHHS-C FS policy changes above was implemented it would free up the overload on the court system that is causing a need for more judges.

8. **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.**
9. **If a CFS worker breaks the law** - i.e. perjury or falsifying records or contempt of court - **they should be subject to prosecution** - just like any other citizen who breaks the law. Know of 2 cases where the judge KNEW the CFS worker was lying but ignored it. Why are CFS workers allowed to break the law?
10. All subpoenaed CFS workers should be forced to appear in court or be held in contempt of court. Why are they above the law and don't have to appear if they don't want to?

Legislature - Laws that need to be changed or created

1. Force the above policies on Department of Family Services - Child & Family Services if not implemented by the department by enacting laws.
2. Force the above judicial system changes by enacting laws if they don't change.
3. **Confidentiality use should be limited** to realistic measures. The current confidentiality laws protect DPHHS-CFS more than the children and families involved. These laws allow DPHHS-CFS workers to have **no** accountability for their actions or decisions. Use initials on documents. According to recent newspaper articles the legislature needs to open up disclosure of information in Neglect & Abuse cases. See attached Newspaper article.
4. **Loss of parental rights** in cases of sex abuse where the parent is the abuser.
5. CFS workers should not be protected from personal law suits against them when they break the law by the way they carry out their duties for the department of HHS. The "**Public Duty Doctrine**" was declared unconstitutional in the 73 New Montana Constitution. DPHHS-CFS workers should be accountable to the public for their actions and decisions.
6. **Have a Grievance Board instead of a Review Board.** Something that works does not appear to be in place. (Ombudsman). The Grievance Board or Review Board should not be controlled nor staffed by the department it is monitoring. This group should also have some recourse to cause change such as prosecution of DFS staff AND reversal of decisions. the Ombudsman office appears to be completely useless.
7. **Create a citizen board to oversee CFS** similar to mental health. CFS Must have an outside agency overseeing that they are actually following state and federal laws and their own policies.
8. **ICWA expert witnesses should NOT be subject under DFHHS...**it is a direct conflict of interest! Social workers threaten ICWA witnesses with failure to reimburse if they don't testify the way the state directs them. We know that for a fact!
9. Pass a law for a full investigation into the unethical, destructive and unlawful practices of DPHHS-Child and Family Services