

Report on March 30, 2005 Children and Families Interim Committee

The CFSD reported on the federal Child and Family Services Review and the two-year Performance Improvement plan that was recently completed. The CFSD passed 14 of the 41 items at the baseline and has since met or exceeded the benchmarks agreed on with the federal government. The federal standard was 90% for the 2002 review, but will be raised to a 95% success measure for the 2007-8 round which may be problematic to meet for approximately one-half of the items reviewed. The federal government is also changing its measures and methods for the next round. The CFSD has responded to the reviews with many systemic changes to make the system stronger.

The CFSD reported that it is now gathering statistics on drug use and involvement in the child protective services system: 65% of the cases involve drug use, 58% involve use of methamphetamine. This has an impact on the numbers of children entering and leaving the system. Children whose parents with methamphetamine addiction are spending more time in the system and more are coming in than leaving.

The CFSD expects to ask for additional employees to deal with the increasing caseloads. The Committee received initial reports on a workload study. In response to a legislative audit, the division has pursued a workload study that can measure the staffing needs of the division on an ongoing basis. The study measures time available, what services families receive, and what it takes for best practices. The study indicates that the child protective services system is woefully understaffed. Another time study will be done in May and an initial report available in July and a final report in October. The Department has included a request for 35 more staff, of which 29 would be direct care field staff, in the Executive Planning Process and is working on a fiscal note. The Committee has received testimony every meeting regarding the need for additional field staff and services to families and foster families.

The Committee also received information on foster parent recruitment and retention and the efforts the department has made to improve in response to a legislative audit. Advances in training and development of a statewide consistent effort were highlighted. The DPHHS is using a central number and a web site for recruiting foster parents, distributing brochures, using finder's fees, developing a PSA library and presentation tool kit and working with the faith community. The Committee heard compelling personal stories from a foster and adoptive mother and her adopted child who has overcome an extremely difficult childhood and found personal success with the support of her adopted family.

The Committee heard results of the Court Assessment Program (CAP), administered through the State Court Administrator's Office on the court practices for abused and neglected children. A recent Reassessment identified court-related issues of continuances, lack of training, and inconsistency in practices between districts, such as the number of treatment plans allowed, etc. The CAP is working on a strategic plan and will hold a Summit on the Protection of Children in late August.

The Committee held a court roundtable with Kathleen Jenks, Department of Justice Child Protection Unit, Sarah Corbally, Deputy County Attorney from Cascade County, the Honorable Jeffrey Sherlock and Randi Hood, Chief Public Defender. They provided the committee with insights into the struggles they feel within the court system and child protective services. Confusing statutes, state and federal timelines that are at odds with the practical realities of court resources and parents with addictions, variations in practice and expertise across the state, continuances, new filing rules, and lack of training were cited. The new public defender system is developing training and standards for representation of parents and children in child abuse and neglect cases. Various ideas were offered, such as taking the abuse and neglect cases out of the county attorney's duties, using a public health model rather than an adversarial model. Some states make the proceedings public and do not allow continuances.

The Committee decided to pursue the idea of rewriting the statutes and will consider options at the next meeting. The Committee will also be considering proposals to assist grandparents raising grandchildren both within and outside of the child protective services system and will be pursuing more information on the effects of methamphetamine on children and potential legislation to protect them.

The Committee will meet next on June 8 and 9 and (tentatively) hold its final meeting in August 18, 2006.

Staff reports on "Montana Child Abuse and Neglect Court Statistics and Case Analysis", "State and National Child Abuse and Neglect Data Comparisons, Definitions, and Burdens of Proof", and "Critical Time Lines in State Law: A Brief Review of Montana Statutes" are available on the committee webpage.

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