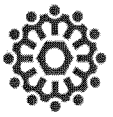
EXHIBIT 8
DATE 4.2.2019
SB 267



Montana Department of
LABOR & INDUSTRY

February 25, 2019

David Howard, Chair
Senate Public Health, Welfare and Safety
Montana State Senate
PO Box 200500
Helena MT 59620

Senator Howard and Committee Members

At their February 21, 2019 meeting, the Board of Private Alternative Adolescent Residential or Outdoor Programs (PAARP) voted to support SB267. SB267 will move the regulation of these private adolescent programs from the Department of Labor & Industry to the Department of Public Health & Human Services (DPHHS).

The Board is of the opinion that regulation under DPHHS will best serve the vulnerable youth enrolled in these programs. They regulate many programs that are similar in nature. They are better suited to perform the inspections and monitoring that is required to ensure safe care for children and adolescents currently enrolled in licensed programs under PAARP. Representatives of DPHHS are willing to work with the various stakeholders and programs affected by this change in order to establish consistent and reasonable rules that reflect the different levels of care offered by these programs.

We appreciate the Committee consideration of this bill and encourage legislative adoption of this bill.

Sincerely,

John L. Santa, Ph.D. Chair

Steve Bullock, Governor **BUSINESS STANDARDS DIVISION** – Board of Private Adolescent Residental or Outdoor Programs Galen Hollenbaugh, Commissioner

301 South Park P.O. Box 200513 Helena, MT 59620-0513 (406) 841-2392 FAX (406) 841-2305 dlibsdpap@mt.gov PAARP.MT.GOV

MONTANA DPHHS
Healthy People Healthy Communities

Fact Sheet
SB 267

Licensure Bureau Mission Statement

Protect the safety and well-being of Montanans through the licensing of Montana child, youth and health care facilities under the authority of the laws and regulations of the State of Montana. Licensing staff are experienced in conducting on site inspections and working with providers to meet the standards for quality programs. Licensing has standard protocols for completing complaint investigations and for ensuring the saftey of residents in Youth Care Programs.

The Licensing Bureau within the Quality Assurance Division currently licenses and inspects the following facilities across the state:

- 72 youth care facilities on an annual basis, including:

  53 Therapeutic Youth Group Homes
  3 Youth Group Homes
  7 Youth Group Home/Youth Shelter Care
  5 Youth Shelter Care
  3 Psychiatric Residential Treatment Facility
  1 Chemical Dependancy Treatment Facility

- Another 200 + residential facilities serving elderly or disabled adults and treatment services for mental illness and substance abuse

- Approximately 1,150 child care (day care) providers throughout the state

- 211 assisted living facilities

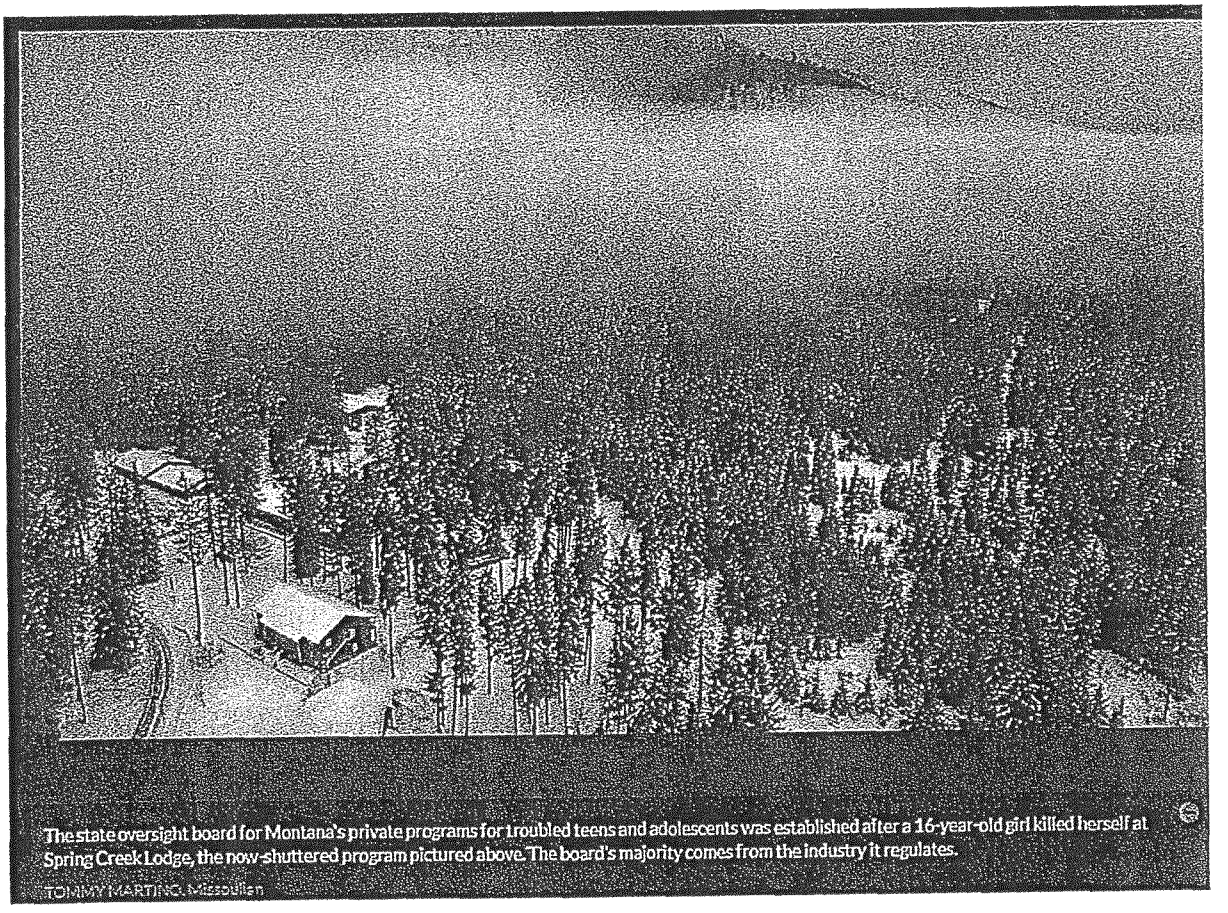
- Adult foster care, adult day care, infirmaries, mental health centers and other health care facilities

These activities are accomplished by the 32 Licensing Bureau staff.

MONTANA DPHHS
Healthy People Healthy Communities

"Fox Guards Henhouse" in Montana Programs for Troubled Teens

- LUCY TOMPKINS lucy.tompkins@gmail.com Jan 22, 2019



The state oversight board for Montana's private programs for troubled teens and adolescents was established after a 16-year-old girl killed herself at Spring Creek Lodge, the now-shuttered program pictured above. The board's majority comes from the industry it regulates.

TOMMY MARTINO, Missoulian

It's been nearly 15 years since 16-year-old Karlye Newman hanged herself with her sweatshirt in a bathroom at Spring Creek Lodge Academy near Thompson Falls.

Fourteen years since the Montana Legislature — spurred in part by Karlye's death and a national focus on "tough love" residential treatment programs like Spring Creek — vowed oversight of the programs and their methods.

Twelve since the watered-down measures approved by the Legislature went into effect.

Ten since Spring Creek, beset by lawsuits and plummeting enrollment after Karlye's suicide, closed its doors.

Nearly two since Ben Jackson — a toddler when the Legislature heard the urgent pleas on behalf of vulnerable children in such programs — hanged himself at the Montana Academy in Marion. He was 16.

A yearlong review by the Missoulian showed that even as other states move to crack down on for-profit residential programs for troubled teens, many of the same issues that prompted the initial outcry here remain. Programs, clustered in western Montana, continue to operate with minimal oversight, sometimes charging parents desperate for help with struggling children more than $100,000 a year.

The programs' websites typically tout their state licensing. But while they handle children with sometimes severe emotional and behavioral problems, the programs are not overseen by mental health, child safety or education experts. Instead, they fall under the Department of Labor and Industry and a board whose majority comes from the industry it regulates, licenses and investigates.

Members of the state board, called the Private Alternative Adolescent Residential or Outdoor Program (PAARP), either declined to be interviewed on the record or did not return calls for comment. (PAARP Board Chairman John Santa, who runs Montana Academy in Marion, left a voicemail returning a phone call, but did not respond to multiple calls back.)

A review of the licensing and other PAARP documents, as well as court and law enforcement records, found that:

• Not a single one of 58 complaints investigated in the 12 years of PAARP's oversight has resulted in significant discipline against any program.

• Unlicensed counselors care for children with sometimes serious emotional, physical and mental disorders, including depression, trauma, suicidal thoughts, fetal alcohol syndrome and eating disorders.

• PAARP began granting licenses to the programs in 2007, but didn't do any inspections until 2010. Inspections are announced a week in advance and, in two recent cases, were done by phone or at a fishing site 70 miles away.

• Ownership and management of the programs is often a family affair, with nine of the 14 PAARP-licensed programs examined by the Missoulian showing at least two family members as owners and administrators, and one — Turning Winds, in Troy — with six, according to state licensing records. That raises conflict-of-interest issues in the event a complaint is filed against a program.

• Students often have no way of reporting abuse to their parents because unsupervised communication may be forbidden for months at a time or is monitored by staff.

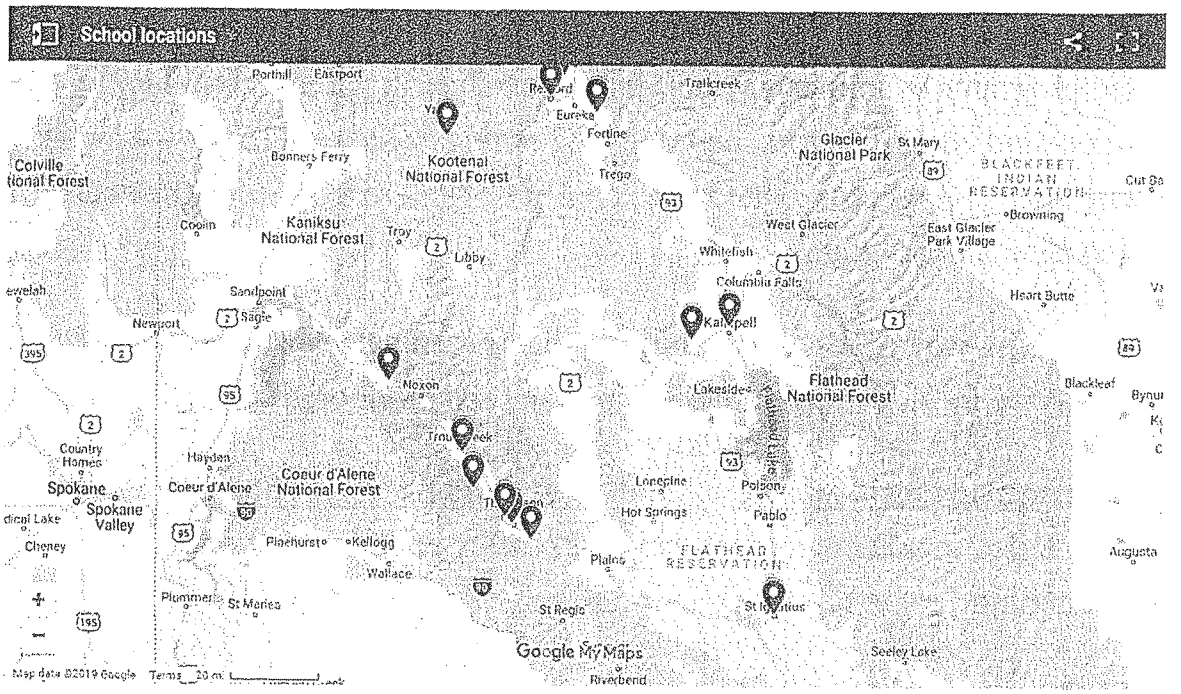
• At two programs, teenage residents were required to build their own housing, which was not inspected, failed to meet electrical and other safety codes and, at one, did not include indoor plumbing.

STUDENT-BUILT HOUSING (p. 452)

> **Galena Ridge is an outdoor wilderness program which according to its plan of operation operates in the summer months only. Upon visiting the program, it was found that the program has maintained some of its students through the winter in 2012-2013 and intended to do the same this winter season. A building has been constructed on the site that housed the program participant (s) through the winter. This building does not have running water and outdoor facilities are used year round. The building has not been inspected or permitted and was built by participants.**

View the entire document with DocumentCloud

• One program, Reflections Academy, has been sued three times in the last three months — most recently on Christmas Eve — for failing to protect teenage girls from alleged grooming and sexual assault by an employee who has worked in the industry for 15 years.



What are these programs?

The terms are myriad, and bewildering — Alternative adolescent program; residential school; therapeutic boarding school; wilderness program; treatment center — suggesting anything from a hard-core boot camp to a rehab facility.

At their most basic, therapeutic residential programs fall somewhere between rigorous military-style programs and the intensive therapy offered in rehab, although their methods often contain elements of both.

Two of the 16 programs licensed by the state have significant differences from the rest: Selkirk Outdoor Leadership and Education is based in Idaho but takes students on hiking trips in Montana; Sparrows Nest of Northwest Montana in Kalispell is a program for homeless children.

The other 14, which were the focus of the Missoulian investigation, tout counseling and behavior modification as a way of turning struggling teens into mature, disciplined citizens, offering a lifeline to parents at the end of their rope.

"Have you seen alarming changes in your child's personality, behavior, or academic performance?" asks the website for Turning Winds, a program near Troy for up to 45

girls and boys ages 13 to 18. "Is your child engaging in self-destructive behaviors or have they just 'given up?' Are you finding it almost impossible to understand your child's change in behavior? How do you know whether its [sic] normal teenage rebellion or something more?"

Websites and promotional videos for the programs tend to show lodge-like facilities ringed by trees, and smiling students hiking or petting horses, testament to the mental and physical health benefits of vigorous outdoor activities.

Those images belie a reality, at least for some students, of harsh physical punishment, controversial "confrontation therapy," and isolation for emotionally fragile or even suicidal students, according to lawsuits against some of the programs, documents outlining the programs' procedures, and interviews with former students.

According to the Department of Labor and Industry, Ben Jackson is the only other teen to have taken his own life at a Montana residential program since Karlye Newman killed herself at Spring Creek Lodge Academy in 2004. Law enforcement records from Sanders and Lincoln counties show that others have tried:

In 2014, a teenage boy jumped from a window at Monarch School in Heron. He survived but, according to the report, with "fractured bones, in a lot of pain."

MONARCH SCHOOL (p. 1)

09:24 8247MCDON> RPT OF JUV MALE ATTEMPTED SUICIDE BY JUMPING FROM WINDOW, FRACTURED BONES, IN A LOT OF PAIN.

0924<1ST PG NX AMB; 3509 ADV ENRT FROM SO; NA 14 ACK PG
0927<NA31 ENRT TO BARN
0929<2ND PG, NA 2 RESPONDING TO BARN
0945<320 ENRT TO SCENE
1003<3509 AND 320 ON SCENE
10212<ENRT BONNER GEN WITH ONE JUV MALE
1039<3509 CLR SCENE

* View the entire document with DocumentCloud

In 2015, a 17-year-old girl jumped from an 8-foot balcony at Turning Winds in Troy, attempting to hurt herself.

TURNING WINDS (p. 1)

V BY 5647WILLI ON 07/09/2015
20:13 5647WILLI> TROY PAGED AMBULANCE TO RESPOND TO SEVENTEEN YEAR OLD FEMALE JUMPED FROM EIGHT FOOT BALCONY ATTEMPTING TO HURT THEMSELF.....HAS BACK AND LEG PAIN AT THIS TIME.....
56-6 ADV AND WILL MEET AT HOSPITAL
2015 TROY PAGED UPPER YAAK FIRE DEPT TO RESPOND
2035 UPPER YAAK CONTACTED LIFE FLIGHT RE PATIENT
2039 1400 HELICOPTER HAS BEEN PAGED (LIFEFLIGHT) TROY ON LINE WITH THEM AT THIS TIME ETA 32 MINUTES
2057 TROY AMBULANCE ON SCENE
2059 CALLED TROY TO HAVE FIRE CHIEF CALL 56-6

View the entire document with DocumentCloud

In 2012, a teenage girl at Clearview Horizon in Heron tried to kill herself by drinking bleach. Another girl cut herself and was hospitalized in that same year. In March, a girl drank bleach at Clearview again.

Programs typically respond to these behaviors by removing privileges, restricting communication home, or punishing youth with exercise and physical labor — methods experts say only worsen a young person's mental health.

Yet parents pay a hefty price to try to get their struggling teens back on track over the course of a summer, a year, or several years. Turning Winds' website, for instance, lists its cost at $283 per day, and demands a six-month minimum commitment, which works out to $51,506, plus unspecified enrollment fees. (It offers help in financing up to $35,000 of that cost through unregulated third-party companies.)

Six of Montana's licensed residential programs for troubled teens are clustered in sparsely populated Sanders County — two in Thompson Falls, three in Trout Creek, one in Heron — with only four people per square mile. It has the state's third-highest unemployment rate, according to December 2018 Department of Labor and Industry statistics. Neighboring Lincoln County — home to five programs (two in Troy, two in Eureka, one in Rexford) — has the highest unemployment rate.

Before Spring Creek Lodge Academy closed in 2009, it was Sanders County's largest employer, at one time housing 500 students.

Sen. Jennifer Fielder, R-Thompson Falls, said she has visited many of the programs located in her area and said they provide employment opportunities for local residents.

Nearby communities also benefit from volunteers when the programs lend their teenage residents out for community projects, like the spring cleanup.

"These schools really do add value to our community," she said.

Their "wilderness" or "outdoors" nature is no exaggeration: Most are located deep in the pine forests that once nurtured Montana's timber industry, miles from the nearest towns, which themselves are just dots on a map. Thompson Falls, the county seat for Sanders County and the mailing address for four current programs, has only about 1,000 residents; Trout Creek, the address for the Mountain Meadow Youth Ranch, Explorations Phoenix Mountain Collaborative and, until last year, Galena Ridge — about 260.

In addition to outdoor activities, such remote locations offer a unique benefit — if students are tempted to run away, there's nowhere for them to go.

The Montana Department of Labor and Industry said it doesn't know the exact number of children in the 14 state-licensed programs the Missoulian examined. Self-reported numbers from PAARP inspections show that at least 300 children are currently enrolled in these programs in Montana, although the most recent inspections for some date to 2010.

The vast majority, including nearly every former student with whom the Missoulian spoke, are from out of state, and some come from other countries.

One program, the Ranch for Kids ("a bridge of hope and healing for hurting families") in Rexford near the Canadian border in Lincoln County, specializes in adopted children, especially from Russia, according to its website. Its licensing application lists a Russian translator on staff. But while owner Joyce Sterkel Sutley and science teacher Harry Sutley have nursing licenses, state records show no licensed therapists on staff.

RANCH FOR KIDS LACK OF LICENSED THERAPISTS (p. 57)

Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: The Ranch for Kids (RFK) is a home for at risk adopted children (mainly international) who are having difficulty transitioning into their new adopted families and culture. There are no certified trained therapists or counselors on staff at the Ranch, all therapy services are contracted for separately by the parents with local therapist. The old Rexford School is under lease by RFK for the program facility. Housing is also contained within the school building.

View the entire document with DocumentCloud

No oversight for religious programs

Programs affiliated with religious institutions are exempt from any state regulation or licensing. This means no state agency oversees their practices, tracks the children in their care, or inspects their facilities. In fact, even when Child and Family Services (CFS) is called about abuse or neglect, its hands are tied.

Law enforcement can handle individual complaints. But while Montana CFS has substantiated reports of abuse and neglect at the religious programs, it has no authority to penalize them or their employees. Sarah Corbally, former CFS administrator, testified before a legislative committee in 2015 about the state's failure to protect children.

"I can tell you in just the last five years," she said then, "we've had over 30 reports of abuse and neglect, and we go in and we conduct investigations, and in numerous cases we substantiate abuse and neglect, and then nothing happens, because they're unlicensed and they're unregulated."

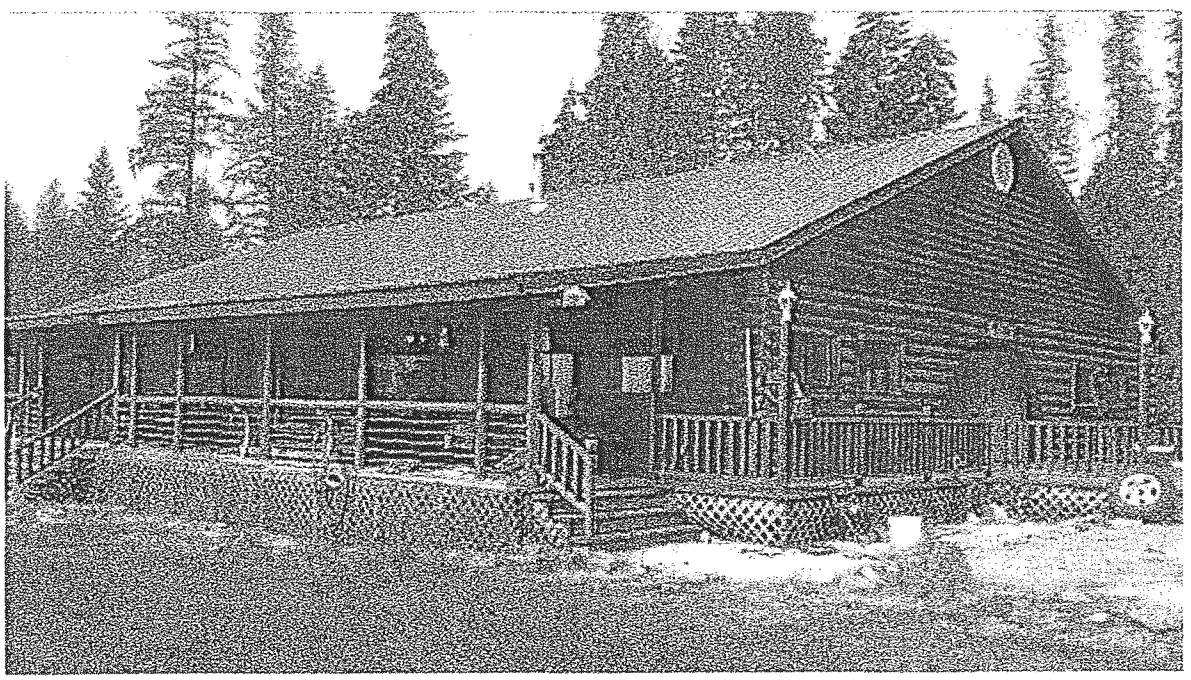
In theory, she said, the state could remove all the children from a facility in an extreme case, "and I'll be honest, we've had those discussions."

While law enforcement can act on complaints against individuals, the state cannot shut down or otherwise sanction a religious program. Even when a staff member has been found multiple times to be abusing children, which Corbally said has happened, the results of the investigation remain private in Montana, and the state doesn't have the authority to discipline unregulated programs or their employees.

The Legislature has been asked to change the law, bringing religious programs under the state regulatory umbrella, every legislative session since 2011. The efforts have always failed.

"The Montana Family Foundation kills it every time," Rep. Ellie Hill Smith, the former legislator from Missoula who carried the bill in 2017, said in an interview, of the influential conservative group. "They say people have a right to religious education. I say to them, 'I don't have a problem with that. What I have a problem with is religious education or group homes that don't have to comply with state laws like the rest of our schools.'"

DPHHS spokesman John Ebelt reiterated in an emailed statement that "per state law, DPHHS does not license these facilities. However, just as in every situation when we receive a call to the child abuse hotline regarding an allegation of child abuse and neglect, we respond appropriately by collecting the information and assigning it to the field for investigation, if warranted."



A photograph of Reflections Academy contained in state inspection reports. The program has been sued three times since Oct. 9 for alleged misrepresentation of its therapy practices and negligence in hiring a man accused of grooming girls there and sexually assaulting one of them.

'Fox guarding the henhouse'

Montana's non-religious residential treatment programs largely self-regulate through PAARP, whose five members are appointed by the governor from a list submitted by the industry.

The law regarding PAARP mandates that three of the five members come from the residential treatment program industry. When complaints come to the board, they are discussed in closed meetings then sent to a screening committee composed of two industry and one public member. It decides, also in private, how to respond.

"The fox guarding the henhouse," said Ben Jackson's father, who asked not to be identified by name to protect his family's privacy.

Judy Bovington, chief legal counsel for Labor and Industry, said complaints remain secret until there is proof the allegations are accurate.

"If someone filed a complaint against someone, it just doesn't become a feeding ground for defamation or salacious allegations," she said. "The screening panel requires they find reasonable cause" before the complaint is made public.

In PAARP's case, the screening panel's majority is made up of people from the industry.

Desperate parents

The desperation parents feel in seeking solutions for their children's problems makes Montana's weak oversight particularly troubling.

Ann Moderie, an attorney in Polson who has represented parents who sent their children to programs in Montana, as well as former students who experienced abuse, said she understands why parents place their children in the programs.

Parents often feel they've tried every kind of specialist in their area, she said, and they are frantic for help by the time they send their kids to a program in Montana.

"Parents are scared and trying to do what's right for them," Moderie said. "I've seen parents use retirement funds to send them to these schools, and then the children end up worse."

It's important to know that there are some good programs as well, Moderie said. Some students leave these programs feeling it helped them.

Sean Colin, who said he was sent to Montana Academy in 2015 after being expelled from a prep school on the East Coast for selling prescription drugs, said the 20 months he spent there taught him to be more mature and to stop putting on a facade.

But while it worked for him, he said some elements of the program, such as banning communication with anyone else for several days as punishment, could be a "nightmare" for his more troubled peers.

"I don't entirely think it was a good program for drug addiction or for people with actual problems," he said. "I think for a lot of kids with crippling depression and anything severe, you really need to go to something more specialized."

Missoulian reporter Seaborn Larson contributed to this story.

Rep. Ellie Hill Smith, D-Missoula, shown in this file photo from the 2017 Montana Legislature, tried repeatedly to bring religious programs under state regulation.

Reflections Academy School for girls sued 3 times in 3 months; claims of grooming, abuse

Seaborn Larson seaborn.larson@missoulian.com Jan 21, 2019

A residential treatment program for troubled teenage girls in Sanders County has been sued three times in three months oThe three lawsuits allege Pullan groomed the girls by showing them pornographic images on his cellphone, engaging in inappropriate physical contact and, in the case of one girl, sexually abusing her.ver allegations it misrepresented the qualifications of its staff and employed a man who groomed the young girls, sexually abusing at least one.

The civil lawsuits were filed between Oct. 5 and Christmas Eve, 2018, in Sanders County District Court.

Reflections Academy Inc., opened in 2016. Its owner, Michele "Mickey" Manning, is a longstanding, key player in Montana's private, for-profit teen treatment industry. She has worked for more than a decade with Chaffin Pullan, the man accused in the lawsuit of sexually grooming and abusing a Reflections resident.

SEXUAL ABUSE AT REFLECTIONS (p. 2)

16 home in Georgia in August 2017.

17 9. Thereafter, while [redacted] was under the care, custody, protection, supervision and

18 control of Defendant Reflections Academy at its facility near Thompson Falls, Sanders County,

19 Montana, A.R. was sexually abused and subjected to other physical, psychological and

20 emotionally abusive conduct, by Defendant, Chaffin Pullan, who was acting as an employee,

21 volunteer, official, agent, owner or other responsible person for and on behalf of Defendant

22 Reflections Academy.

View the entire document with DocumentCloud

All three cases allege Reflections Academy was negligent in hiring Pullan, failing to protect the three girls and not reporting the abuse to the proper authorities. Two name Manning as a defendant, as well.

Zander Blewett, a Great Falls attorney, represents the girl alleging sex abuse. "Now they're saying it's her fault because she was already 16 at the time,'' he said. "Our point is, well, for God's sake, they're a therapeutic boarding school."

Manning has not returned repeated calls for comment. A working phone number for Pullan could not be located.

One girl not included in the lawsuit told the Missoulian that Pullan has also housed girls at his home in Montana after they graduated from treatment programs. This was happening when Manning worked at another program, Clearview Horizon, before she opened Reflections.

The girl spoke anonymously with the Missoulian about her time at Clearview Horizon in 2014, where she went for treatment for an eating disorder. She said she didn't feel ready to return home when she graduated from Clearview's program after a year and Manning recommended she live with "someone who could continue to help with her recovery." That person was Chaffin Pullan.

Michelle "Mickey" Manning

The student said her parents were told Pullan could offer extra support and was experienced with caring for teens with mental health or behavioral issues, although his name is not listed in state records of individuals licensed or trained in those areas. The student's father paid Pullan to care for her, she said.

She lived with him for a few months, after which she visited home and refused to return to Pullan's home. He didn't monitor her eating behaviors at all, she said, and her recovery regressed.

"I probably reached an all-time low mentally with my eating disorder," she said. "It was not a good environment for me. It was worse than going home. A lot of what my dad was

understanding was Chaffin would take care of me and monitor that stuff. He didn't do any of that. He didn't realize any of the behaviors I was doing. He didn't have any experience with eating disorders, so he didn't know what to look for."

Pullan has also taken girls with him to Utah for this "treatment."

Missoula attorneys Lance Jasper and Rob Bell, who filed one of the lawsuits against Reflections, said once these girls had reached a level of achievement within the program, they would be transported with Pullan to Utah for a "transitional program" back to life outside Reflections.

Missoula attorneys Lance Jasper, left, and Rob Bell have litigated two lawsuits against residential treatment programs for troubled teens. They've also helped draft legislative language they hope will become part of a bill making teachers and counselors who engage in sexual relationships with students subject to prosecution.

TOM BAUER, Missoulian

All three lawsuits suggest Pullan was presented or acted as the "owner" of the program. Reflections' attorneys, however, say he was there as a volunteer until he was hired as an employee in December 2017, but denies he held an owner or manager position. They also say he was terminated in August.

In its initial response to one lawsuit, Reflections said it "lacked sufficient information to admit or deny whether Chaffin exposed Reflections students to pornography" or had sexual relationships with students. "However, after Chaffin was terminated, some girls at the school informed Manning that Chaffin had shown them inappropriate content, but Manning has no personal knowledge of that fact."

The girls' names or initials are included in court records; the Missoulian does not name reported victims of sexual crimes.

Former Sanders County Attorney Robert Zimmerman told the Missoulian his office declined at the time to press charges against Pullan because the girl was over the age of consent.

***

Manning was the principal at Spring Creek Lodge, another embattled school that closed down nearly a decade ago, the first of five different programs where she's worked since coming to Montana from California. She also once chaired the state board that oversees these programs. Since the board was created, the majority of its members are program directors from the industry.

Pullan was with Manning at Spring Creek 15 years ago. He was working there as assistant director when Karlye Newman, 16, hanged herself at the program after a team of untrained staff voted her off the "high-risk" status.

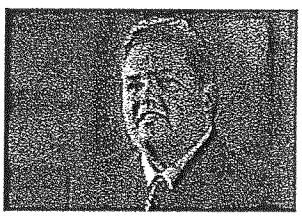
KARLYE'S SUICIDE (p. 18)

- 9/24 and 9/29: Karlye attempts to run away.
- 10/4: Karlye is taken off high-risk status by the votes of seven staffers, after signing a "Safety Contract."
- 10/6: Karlye writes: "I hate school. I hate being self taught. I hate not having a teacher teaching. This proves my theory – I am stupid. Everything is a bloody consequence! This place should burn in hell."
- 10/7: Karlye commits suicide after being left alone.

View the entire document with DocumentCloud

Pullan's place in Montana's troubled teen industry is also traced in the lawsuit filed by Karlye Newman's mother, and in a 2013 class-action suit filed in Utah against World Wide Association of Specialty Programs, with which Spring Creek Lodge was affiliated.

At Spring Creek, Pullan helped to run the biggest — at one time housing 500 minors — residential treatment program in the state.



Chaffin Pullan

Via Montana PBS

Since then, he and Manning have maintained a close business relationship. Reflections never mentions him on its website or state licensing application, although the lawsuits outline his activities.

Manning has worked at so many programs since coming to Montana — Spring Creek Lodge Academy, Star Peak Crossing, Riverview, Clearview Horizon — that when she submitted an application to license her newest program, Reflections, the documents often had the names of past programs, which the PAARP board requested she correct before being granted licensure.

Reflections' website also had testimonials from parents and students praising the program before it had even opened. Manning was required to take those down or say they were from a different program before she was given licensure.

***

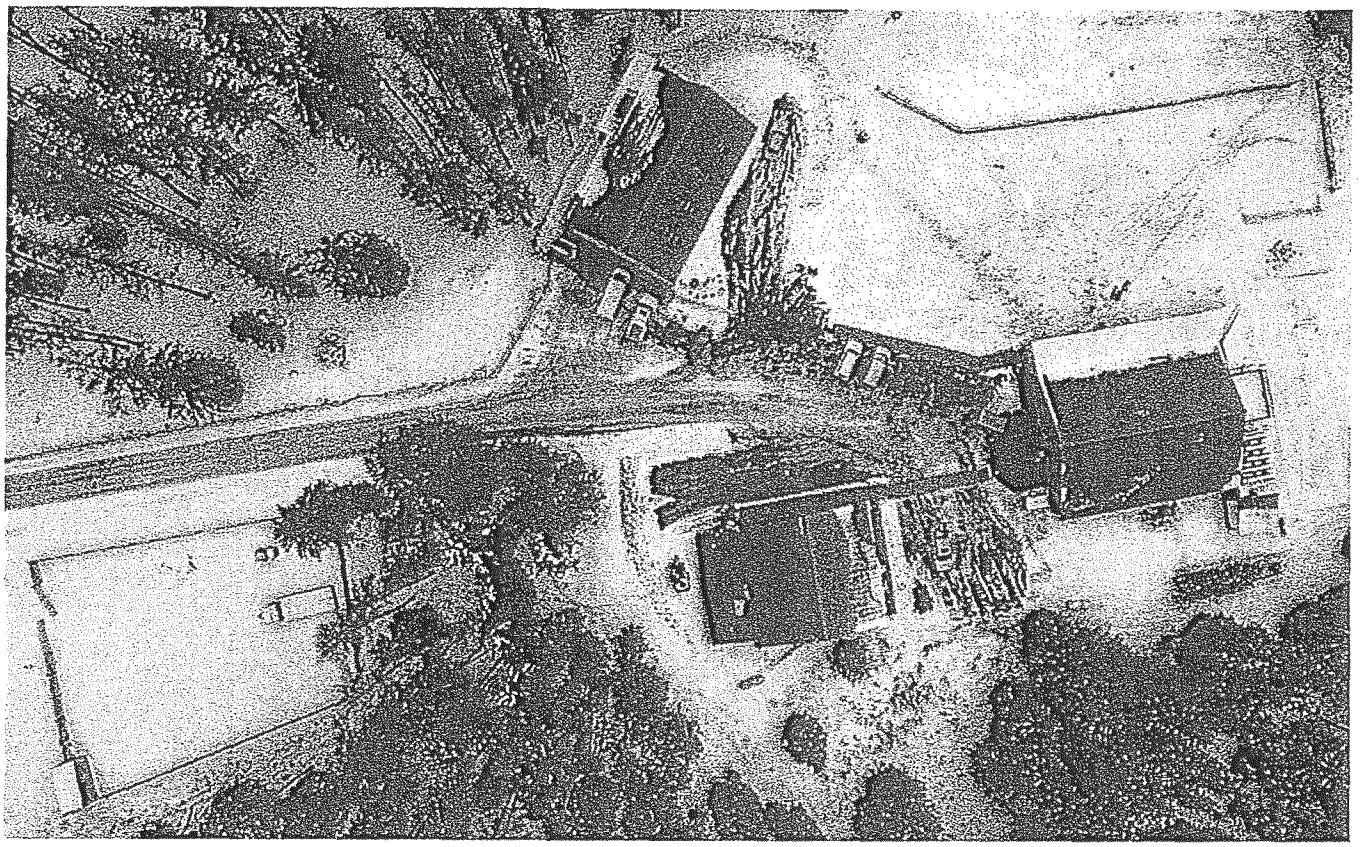
Jasper and Bell have helped draft legislative language they hope can become part of a bill already in the works that would make teachers who engage in sexual relationships with students subject to prosecution. Bell and Jasper's legislative addition would require anyone in a counselor-patient situation to fall under the same criminal scrutiny.

"Some of these legislators need to step forward and address the problem," Bell said. "These therapeutic environments are ripe for exploitation."

If this had been law already, Pullan "would have been subject to criminal prosecution, black-and-white," Bell said.

It's early in the three civil cases, but Bell said they still have questions about how these programs worked in their billing practices when it came to taking parents' tuition payments, which came to $5,000 a student per month.

"We fully intend to investigate their billing practices," Bell said.

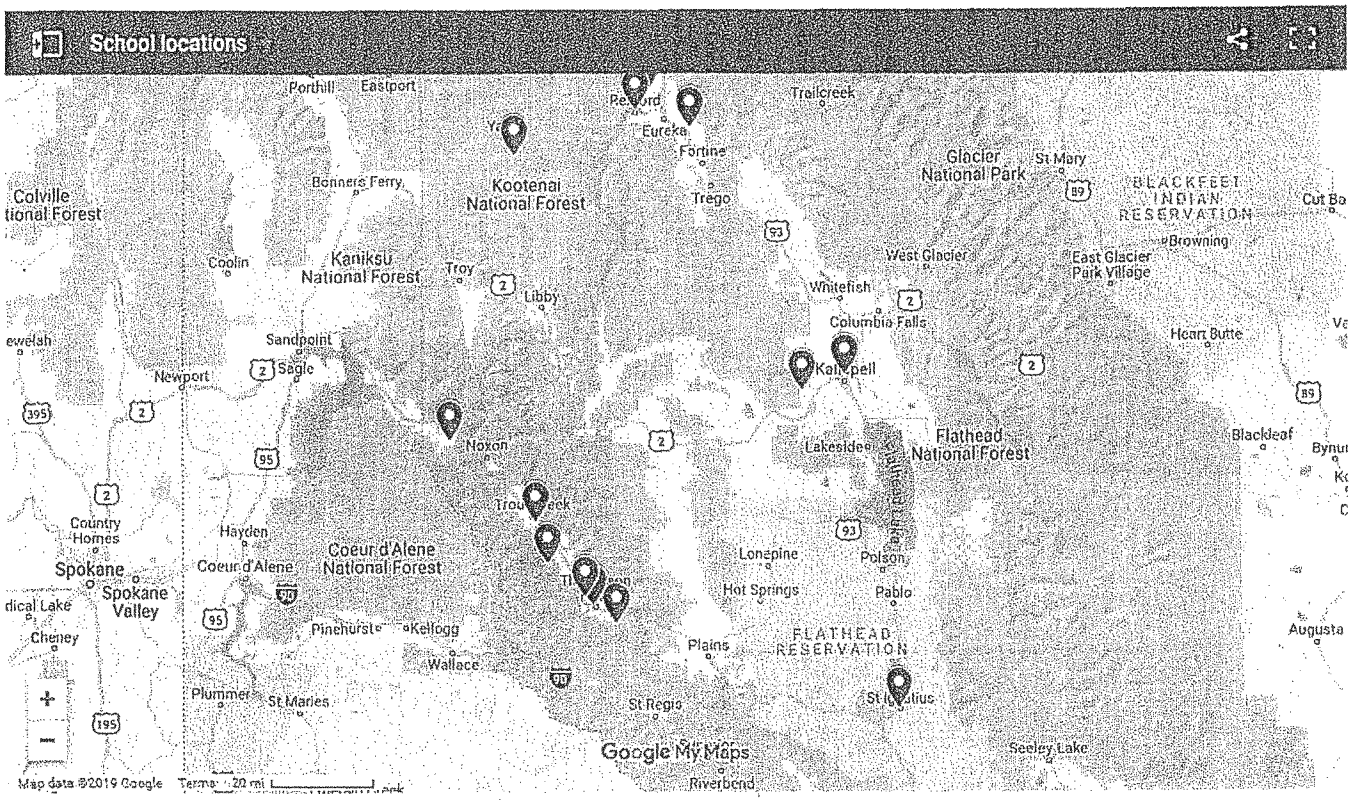


Reflections Academy, outside Thompson Falls, has been the subject of three civil lawsuits since October by families alleging program administrators misrepresented the type of therapy they would provide and failed to protect their daughters from a supervisor who groomed them for inappropriate sexual relationships.

TOMMY MARTINO, Missoulian

The state Private Adolescent Alternative Residential or Outdoor Programs (PAARP) board, which has full authority over investigating complaints against these programs, has never significantly disciplined any of Manning's programs, or any PAARP-licensed program for that matter.

Lucy Tompkins contributed to this story.


School locations
Porthill
Eastport
Eureka
Fortine
Trailcreek
Glacier National Park
St Mary
BLACKFEET INDIAN RESERVATION
Cut Ba
Colville
tional Forest
Bonners Ferry
Kootenai National Forest
Trego
Browning
West Glacier
East Glacier Park Village
Coolin
Kaniksu National Forest
Troy
Libby
Whitefish
Columbia Falls
Heart Butte
Sandpoint
Sagle
Newport
Kalispell
Noxon
Lakeside
Flathead National Forest
Blackleaf
Country Homes
Hayden
Coeur d'Alene National Forest
Coeur d'Alene
Spokane
Spokane Valley
Lonepine
Polson
Hot Springs
Pablo
Cheney
Pinehurst
Kellogg
Wallace
Plains
FLATHEAD RESERVATION
Augusta
Plummer
St Maries
St Regis
Seeley Lake
Riverbend
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Life and Death at Montana Academy

Lucy Tompkins lucy.tompkins@gmail.com Cameron Evans Cameron.evans@missoulian.com Jan 22, 2019

MARION — In January 2017, Ben Jackson arrived in Marion, Montana, where he would spend the last six weeks of his life. The blond, freckled 16-year-old had traveled from his hometown in Colorado to attend Montana Academy, a residential treatment program for struggling teens.

Ben's father, who wished to remain anonymous to protect his family's privacy, said Ben was struggling with depression and anxiety, as well as his diagnosis when he was 12 of Type 1 diabetes. Ben's parents had tried to find their son all the help they could in Colorado, but nothing seemed to be working.

"It's really defeating when you do everything you can and it's not good enough," said his father. "When a kid gets to a place where you feel like you can't keep him safe at home anymore, you have to do something.

They enrolled him in a wilderness treatment program in Colorado, which appeared to help Ben significantly.

"He was like a different person when we went up to visit him. We thought, 'This is great.' He's sharing his feelings and emotions with us, and we were learning how to communicate. We were under the impression that that would continue at Montana Academy."

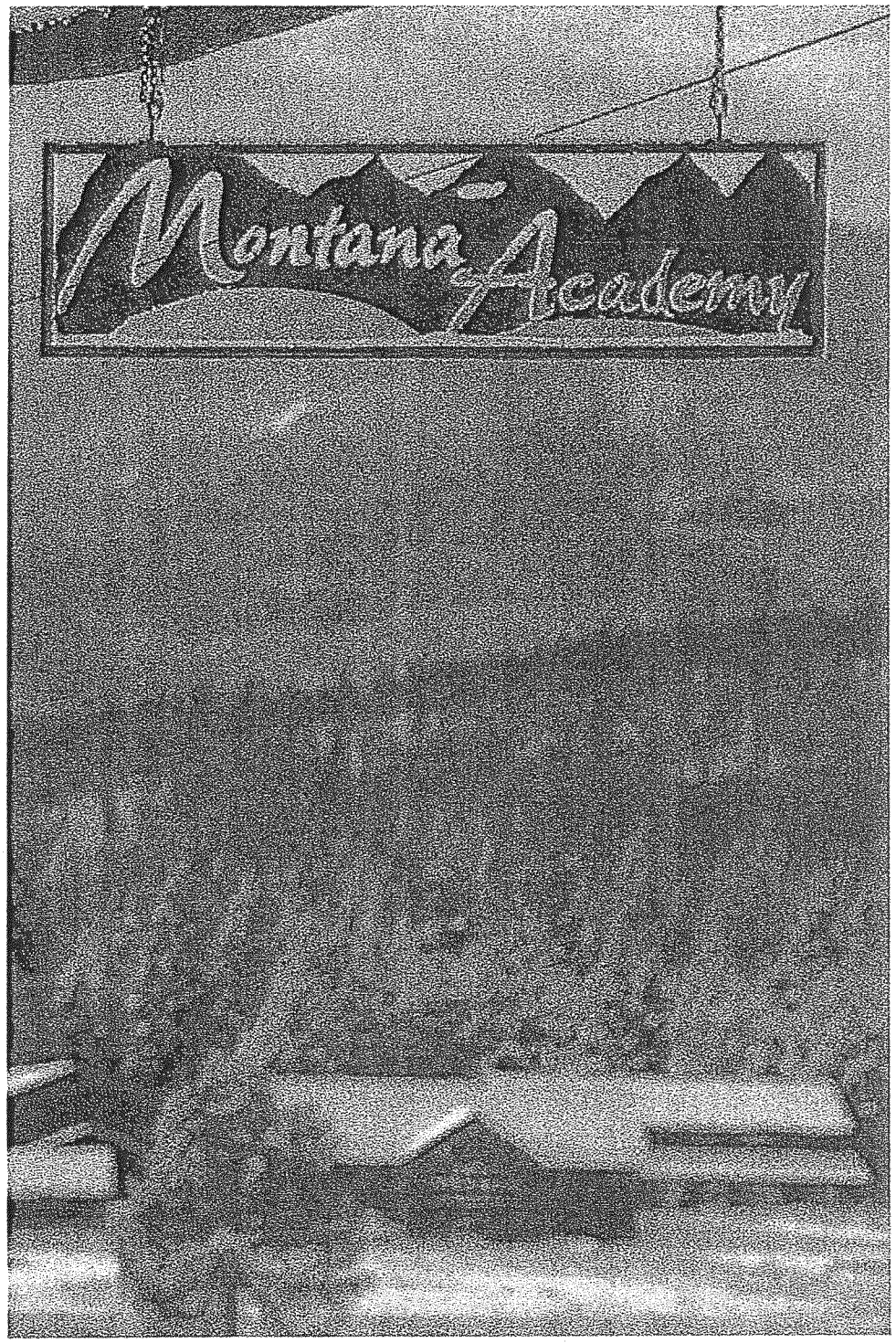
The wilderness program staff recommended Ben attend a longer-term residential program to solidify his progress and suggested Montana Academy. That sequence through programs is common in the industry — nearly all students at Montana Academy outside Marion go through a wilderness program first, according to student interviews and an interview with co-director John McKinnon.

Top-notch program

Ben's father said Montana Academy was supposed to be "the Harvard of these places, a real top-notch program." It cost about $8,000 a month, plus fees, to send his son there, he

said. (The Montana Academy website now lists monthly costs at $8,750, along with a $2,000 acceptance fee and monthly $150 charges for student allowances.) They visited the campus together, and met with the school director, who assured him the program could accommodate Ben's health needs.

All of Montana Academy's management is certified and licensed, according to its state licensing application. It was opened by two psychologists, a psychiatrist and a social worker who had grown disillusioned with treating youth in crisis in a hospital setting.



Montana Academy, located near Marion, opened in 1997 as a way to "move psychiatric care out from under hospital overheads and to reduce the cost" for teenagers that could be treated on an open ranch, co-director John McKinnon said. A boy from Colorado with severe depression killed himself there in 2017.

TOMMY MARTINO, Missoulian

John Santa, a cognitive psychologist with a doctorate from Purdue University, opened the academy in 1997 with co-director McKinnon and their wives. McKinnon was the clinical director of Adolescent Psychiatry & Substance Abuse at the Charter Hospital of Fort Worth, Texas, before moving to Montana. He then became the medical director of Pathways Treatment Center in Kalispell.

The pair started the academy, McKinnon said, to escape the "constraints" of managed care: the growing influence of insurance companies on their work with patients.

"Our mission was to move psychiatric care out from under hospital overheads and to reduce the cost, and to do that for selected kids who were suitable for treatment on an open ranch," he told the Missoulian.

In the first few years, they accepted teens with 50 different diagnoses of mental disorders, "everything from trauma to major depression, to suicidality, to anxiety syndromes, to various addictions and so on," McKinnon said.

As children arrived at the ranch, McKinnon said he and his wife Rosemary began to notice a pattern in interviews with parents.

The way parents described their children fit into five categories, which are now written on the Montana Academy website: "selfish self-preoccupation and self-importance (narcissism); an obliviousness to others [sic] feelings (lack of empathy); a failure to connect present behavior to future outcomes (lack of goals, plans or reflexive anticipation of consequences); a 'puppet' quality in close relationships; and concrete, selfish ethical thinking (a lack of abstract or social moral ideals, such as 'honor' or 'the good of the family')."

Montana Academy co-owner Carol Santa kisses Holly, who asked that her last name not be used, at her graduation in 2004 as co-owners John Santa (far left) and John McKinnon look on.

Courtesy photo

When a parent arrived at the ranch, McKinnon and his wife listed what they called "1,2,3,4,5" to see if those attributes described the child.

"By the time I got to 5 they almost invariably said to me 'Oh, my God, Dr. McKinnon, how did you describe my daughter so accurately? You've never even met her.' And they would say that so often that Rosemary and I would look at each other and wink. It was literally funny. I could make them say that just by rehearsing 1,2,3,4,5."

McKinnon said he realized that those five things were what parents wanted them to fix; that the heart of the problem wasn't depression or anxiety or drug use, it was what McKinnon later dubbed "immaturity." He compared the troubled teenager's developmental stage to that of a 3-year-old.

"At the heart of it all, they were beginning to feel like their daughter was beginning to be a jerk and somebody who was failing and somebody who wasn't going to get to college," he said. "And if she wasn't careful or he wasn't careful, he's going to end up in Sing Sing [prison] because he doesn't seem to have a conscience or any restraint."

Diagnosis: Immaturity

McKinnon said this immaturity theory became the basis for treating every one of the roughly 70 students Montana Academy housed, including students like Ben Jackson, whose father said he had severe depression.

Immaturity, McKinnon said, "turned out to be the common denominator among the students we were sent."

To treat teens' problems and help them mature, McKinnon later theorized, requires two things: recognition of their trauma or history, and setting limits.

"You have to think about Montana Academy as a place where 'no' is built into the structure," he said.

On Feb. 12, 2017, about six weeks after Ben Jackson's father dropped him off in Montana, the youth hanged himself in the bathroom.

"My feeling is that they look at the money and they don't necessarily look at the kid," Ben's father said. "It turns my stomach, quite frankly. I'd really research every aspect of these programs before you send your kid to one. We thought we did. You send your kid to a place where you think they're the experts and they may or may not be. Who knows?"

Ben's father is still trying to understand what happened to his son in those six weeks. He wonders if Ben might have said something about his worsening mental health had he been able to talk to his parents without supervision.

"All the calls are monitored and all the communication is monitored going in and out, so I'm not sure how you can really judge where somebody is when they could get in trouble for something they say," he said.

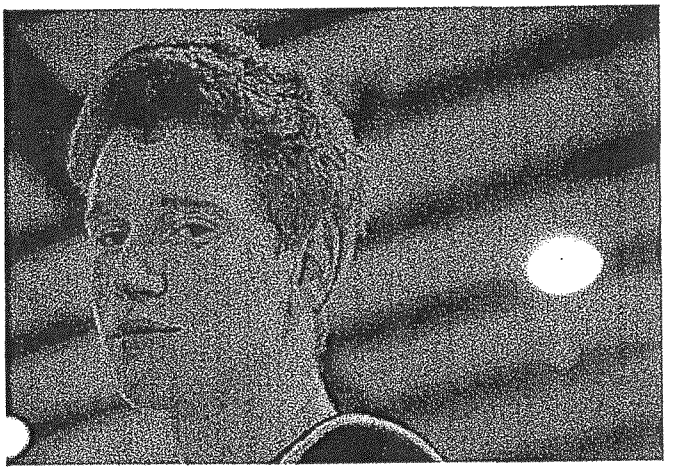
Students don't get unsupervised calls with parents until they reach the third level in the program, which can take months, and at that point calls are limited to 15 minutes, once a week, according to the program's policies and procedures, obtained by the Missoulian through a records request.

After Ben's death, John McKinnon wrote to parents in a March 31, 2017, newsletter about the youth's suicide: "We would be kidding ourselves if we thought we could make an open ranch completely safe for a suicidal teenager. Moreover, if we ever did succeed, it would only be at the cost of removing all door-knobs and shoe-laces, mounting cameras in every toilet and shower. In so doing, we would give up the dream that animated the creation of Montana Academy: a civilized, nearly-normal adolescent high school culture situated on a ranch that, quite on purpose, was not a psychiatric ward, where carefully-selected immature teenagers could be helped to finish growing up without having to be locked up."

Students' views

The Missoulian spoke with eight students who attended Montana Academy between the years 2001-2016. None is from Montana, and some spent up to two years living there. Several said they attended the program because they were depressed, not because of behavioral problems.

Sean Colin was sent to Montana Academy in 2015 when he was 17. He said was kicked out of prep school after using drugs recreationally and getting caught selling them to his classmates. His 20 months at Montana Academy helped him and he misses it sometimes, but he said it wouldn't be helpful for everybody.



Sean Colin, a former resident at Montana Academy, said the residential treatment program worked for him, but he believes some elements, like banning communication as punishment, could be a "nightmare" for more troubled peers.

Courtesy photo

"If you've got these issues that are so severe it's altering the course of your life, you should seek more specialized treatment than MA," he said.

Rebecca Payne, who attended Montana Academy from 2009 through 2011, was dealing with trauma from sexual abuse and had an eating disorder when she arrived from out of state. She was 14 when her mom decided to send her to a wilderness program, and then to Montana Academy. She was once put on "Solo Reflection Time" — isolation — for a week for passing notes between two of her classmates, she said.

She ate meals separately from everyone else, and if anyone interacted with her, they would be put on social isolation as well, she said.

"It drove me crazy very quickly, because in that place you don't have anything but the people around you. That's all you have. And when you're denied that in this horrible place, it took a toll. The days go by so slow. That's about when I started adhering to the program because I didn't want that to happen again, I didn't want to risk being by myself again."

Tamara Cherwin said she attended Montana Academy for 22 months in 2010-2011, after therapy and medication failed to help her serious depression, and professionals recommended Montana Academy. She said she went there willingly because she wanted

to get better. Her mom, Cindy Cherwin, said she talked to other parents whose kids were in the program, who said all positive things about it. She visited the campus, and spoke with the directors, who explained the program's theory for treating teens with behavioral and mental health issues.

"The word they used most was 'immaturity' — the idea that there was an immaturity happening," Cindy Cherwin said.

The directors explained that it would be a therapeutic program, but within the framework of a structured environment, Cindy Cherwin said.

But Tamara Cherwin said that Montana Academy "treated my anxiety and depression as if it was a behavioral problem. 'You are the reason you're depressed, you're the reason you're anxious.' It was all about taking accountability and not being entitled. One of the first things they established with me is if I tell my parents negative things about what's happening, that's called manipulation."

Cherwin took these things to heart, trusting the program and believing her depression and anxiety were symptoms of her flawed character.

Her peers also told her she had to change herself. "In these group therapy sessions, people would be encouraged to say what they thought about a single individual," she said. "So there was encouragement from team leaders for people to vent and question people's character."

To advance and earn greater privileges, she said, "you had to characterize other people on your team and read aloud what you thought about them. These were all supported and encouraged. I don't remember being able to say, 'This hurts me.' They would seize on that and say 'Tamara, you care too much what other people think.' But at the same time, these girls could character-attack me."

Colin said it felt as if there was a "pursuit of conflict" in these sessions, an approach called "confrontational therapy" for which experts say there is no scientific evidence of success.

"You speak a lot about group dynamics and you discuss people's flaws, and we did it three times a week," Colin said.

Students were also expected to tell on one another for breaking rules, according to the eight students who spoke to the Missoulian. If someone knew a rule had been broken and didn't turn their peer in, they too would be punished.

"This is the environment," Cherwin said. "Being punished if you don't help them discipline and police the behavior of everyone."

Montana Academy Head of School Matt Keenan stressed in an interview with the Missoulian and in follow-up emails and telephone calls that the program strives for quality.

"We take our own steps to go far beyond state regulatory standards outlined by the PAARP board to ensure that we are in compliance by objective, outside agencies with whom we have no affiliation, and we are visited and evaluated by these agencies on a regular basis," he wrote in an email.

He cited oversight and site visits by national industry groups such as the Joint Commission on Accreditation of Healthcare Organizations and others, although those groups have no regulatory powers.

The punishment

Montana Academy's policies and procedures spell out the punishment for what the program calls "felonies," which include running away, self-harm such as cutting or offensive dress.

FELONIES (p. 13)

5.1.4.4.3 Level III: Felonies

5.1.4.4.3.1 Types Of Level III infractions:

1. Time and place: runaway, AWOL; refusal to cooperate with Sight and Sound or Close Watch or Disaster Plan drills or other safety precautions.
2. Offensive dress and personal harm: new tattoos or body piercing; cutting oneself or other self-injury.
3. Erotic Felonies: fellatio, cunnilingis; repeated erotic misdemeanors.
4. Civic dishonor: vandalism, stealing; persistent civic misdemeanors.
5. Disrespect: gross insubordination in matters affecting other students and staff, or safety or function of the classroom; persistent disrespectful misdemeanors; persistent failure to take consequences.
6. Unto others: bullying another student; active efforts to thwart another student's progress; attempts to harm parents financially, emotionally; persistent hostility to the program or the work that other families and students are trying to do.
7. Honor code: alcohol or any other drug use on campus; importing cigarettes onto campus for others' use; breach of group confidentiality; contraband (other than drugs); plagiarism; felony lying (e.g., re: runaway); major breaches of discipline on pass or visit (e.g., drinking); persistent misdemeanor lying, sneakiness, deceit.
8. Collusion: passive cooperation in another student's capital offense; persistent passive collusion in other students' felonies.

View the entire document with DocumentCloud

For "felonies," staff are instructed to give the student "a serious comeuppance, which should produce anxiety and a major disruption in the life of the student," the policies say, as well as "an isolation from fellow students and from all negative student support."

Physical labor and chores are another consequence, which the program calls "drudgery."

Drudgery can include clearing and raking the ground in the forest, cutting off all lower branches in a roped-off patch of forest, and re-seeding and watering them. It can also include "major scrub or polish tasks," such as washing all the windows in a dorm, cleaning the ovens or waxing the floors. The tasks could be inside or outside "so as to suit the convenience of team supervisors," the policy said.

Students who run away with another student, have sexual intercourse, or attempt suicide — all considered a "capital offense" — receive the worst punishment.

"Consequences include: immediate suspension of all privileges, return to bottom (privilege level), NO phone calls, NO mail in or out, and social isolation (meals, free time, study hall, experientials)."

CAPITAL OFFENSE (p. 15)

5.1.4.4.4 Level IV: Capital Offense

5.1.4.4.4.1 Types of Capital Offenses:

1. Runaway with another student.
2. Sexual intercourse.
3. Assault (beyond horseplay, significant risk or intended injury).
4. Suicide attempt.
5. Smuggling drugs or alcohol onto campus, or providing them for others' use.
6. Risk of others' safety (e.g., smoking in the woods).
7. Major insubordination (refusing Drudgery, defiance in Sparta).

Staff approach. The initial task is to stabilize, isolate and make safe a student who has breached the outer limits of the Academy's tolerance. The Team Leader or Weekend Supervisor and the Clinical Supervisor and Clinical Director may need to consult promptly as to what this requires.

A capital offense so outrages the community's tolerance or challenges its behavioral boundaries around safety that the student's continued tenure at Montana Academy is immediately in doubt. The tasks are: (a) to make it safe for all students; (b) to reassure parents that their children are safe; and (c) to make a measured clinical decision, taking into account both the student and the community. In no case should life simply go on as usual.

View the entire document with DocumentCloud

A student might also be hospitalized, or "exiled" as the policies refer to it, before being returned to Montana Academy at the bottom level.

Holly, who asked that her last name not be used, was 15 when she attended Montana Academy in 2003. She told the Missoulian that when she griped to her parents about the work involved and said she didn't like her therapist, "I was taken into a room and told 'You're on 30-day silence. You can't make eye contact with anyone, talk to anyone, and have to do drudgery,' which is doing manual labor with the school. That was extremely difficult. I haven't gotten over that."

Holly in her dorm during her first week at Montana Academy.

Courtesy photo

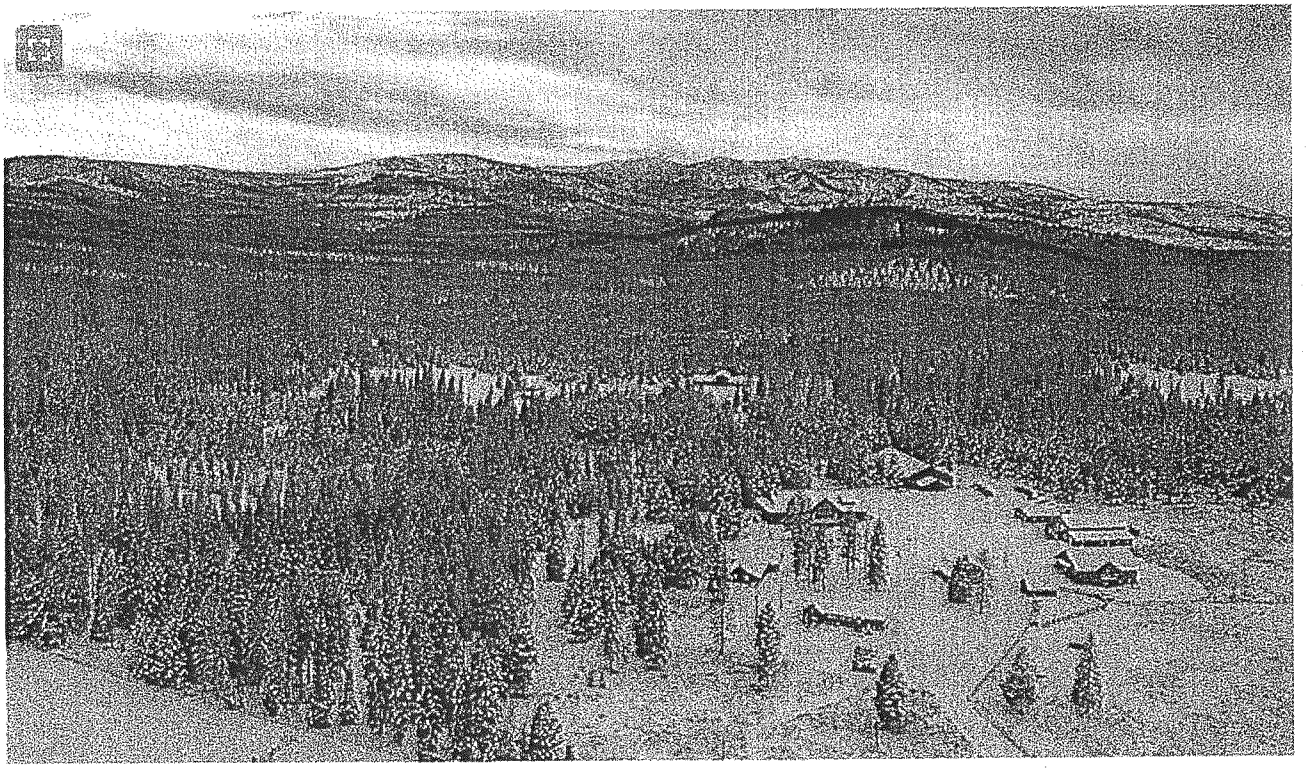
Holly was recently granted legal disability in Oregon for the PTSD she has from her time at Montana Academy.

Looking back, Cindy Cherwin said her daughter did appear to improve at Montana Academy. She was socializing, she applied to colleges. But, she said, "the price she paid for that improvement was too high. I can't go back in time, but I wish she hadn't gone there. … I would never want to risk her life, but if we could turn back time, I wish we had turned left instead of right."

In the months and years after she left Montana Academy, Tamara Cherwin's stability unraveled.

"I struggled with anxiety and depression before I went there. I hated living before I went there. I did not hate myself.

"After MA, I still believe that every person in my life thinks of me as incredibly annoying and I have to change myself for people to like me."



Montana Academy outside Marion in Flathead County is licensed to house between 50 and 100 teens, costs more than $8,000 a month and its staff is licensed and certified. Students who attended the program between 2001 and 2016 provided the Missoulian with mixed reviews on the treatment they received for eating disorders, drug abuse and sexual abuse trauma.

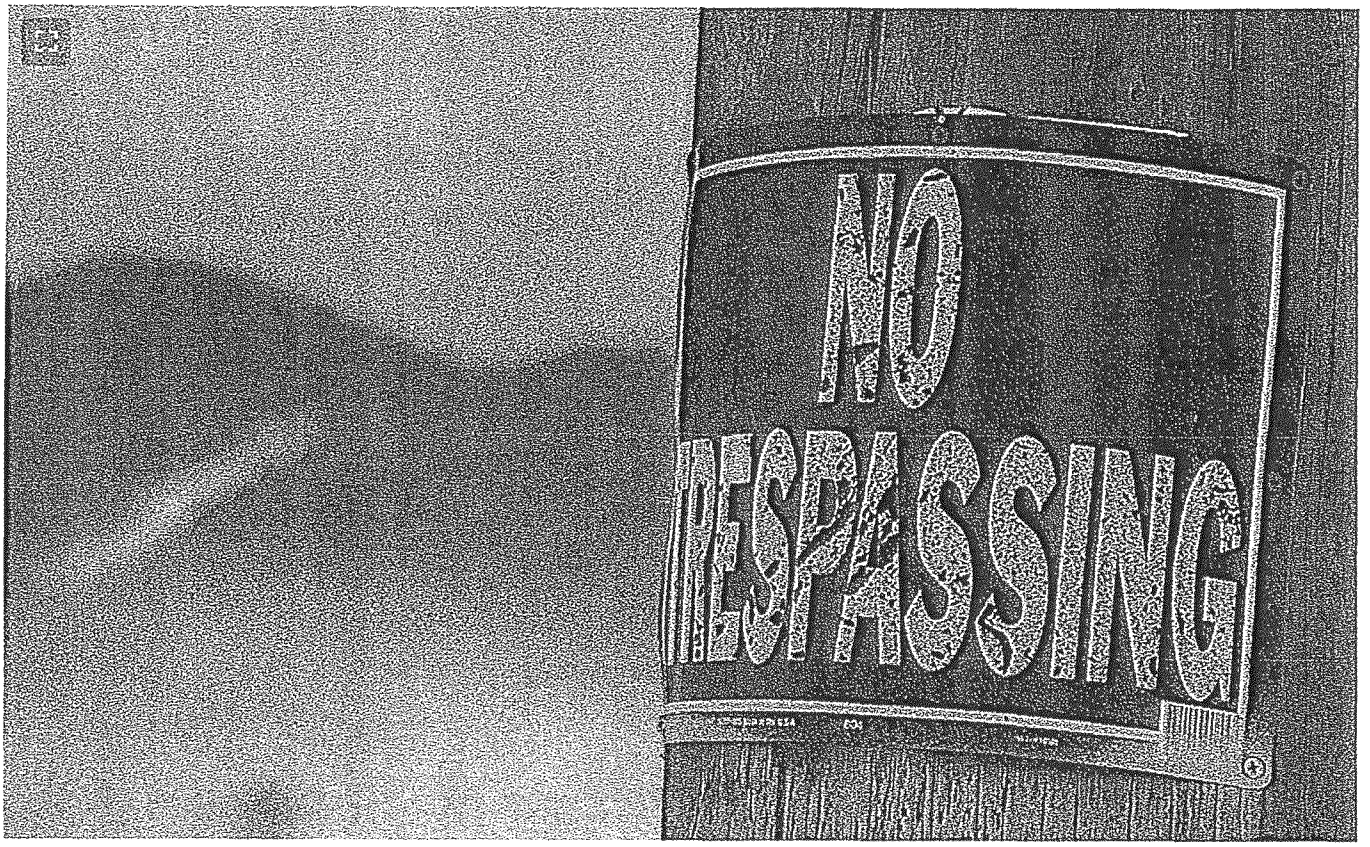
TOMMY MARTINO, Missoulian

She's seeing a new therapist, who helped her link her worsening trauma to her experience at Montana Academy. Tamara said the new therapist builds her up and teaches her to trust her feelings.

"The messaging from MA was 'Be scared, you will have to fight your whole life to fend off the ever-present depression.' My therapist is teaching me, 'This isn't your life, this isn't inevitable, you have the tools to get better.'"

12 years, 58 complaints, no sanctions at Montana residential programs

Lucy Tompkins and Seaborn Larson lucy.tompkins@gmail.com seaborn.larson@missoulian.com Jan 22, 2019



"No trespassing" signs mark the posts at the end of a private road leading to the former Spring Creek Lodge Academy site in Sanders County. The residential treatment program for troubled teens once housed 500 students and was the biggest employer in the county. Following lawsuits and dwindling enrollment, the program closed its doors in 2009.

TOMMY MARTINO, Missoulian

Not one of Montana's private residential programs for troubled teens has faced significant sanctions despite racking up 58 complaints since the state began licensing them 12 years ago.

The fact that has never happened should not be shocking. Montana's regulatory system was written by those it regulates.

Calls for regulation of the private residential programs gained urgency after 16-year-old Karlye Newman killed herself at the unregulated Spring Creek Lodge Academy in 2004.

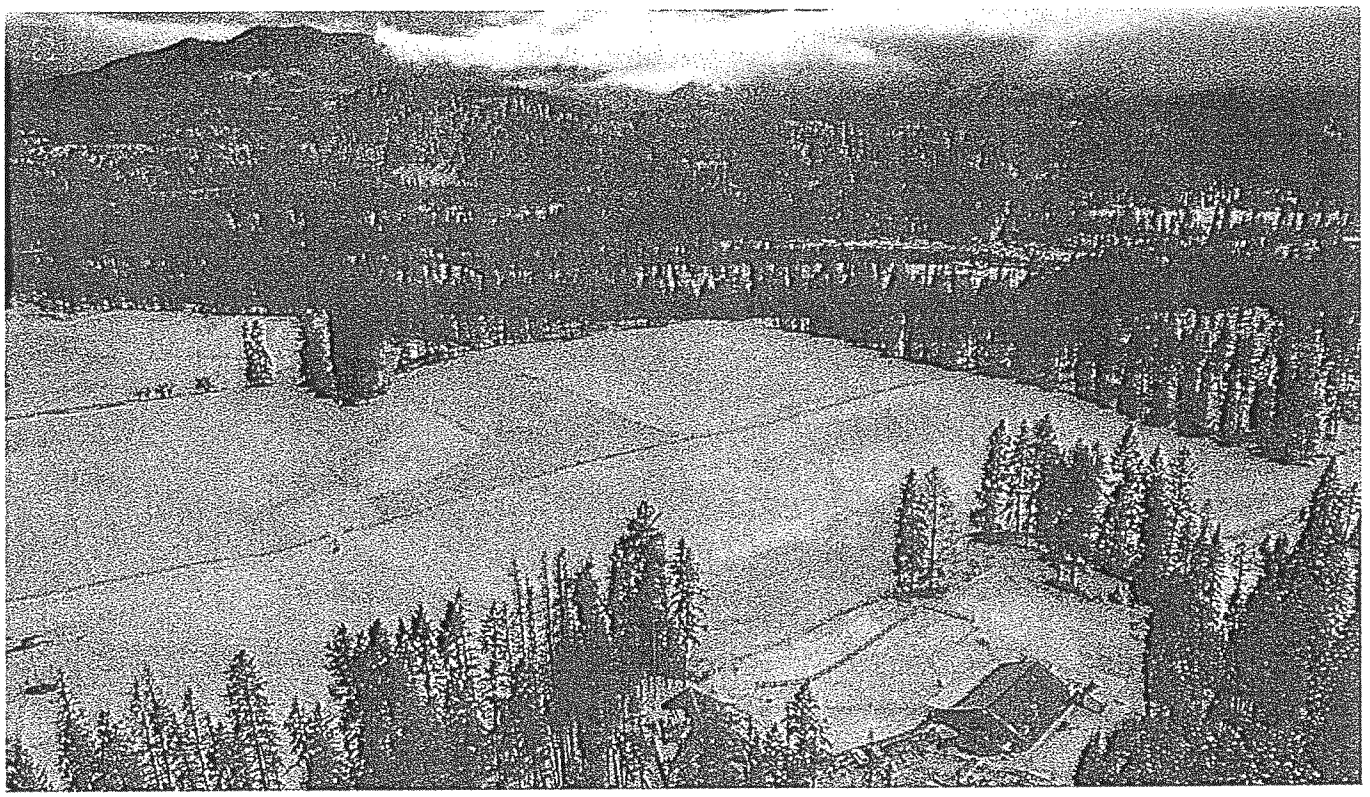
Her death and the resulting lawsuit, which played out over a number of years, prompted a flurry of publicity about such programs. The New York Times, TIME magazine, PBS, as well as regional and local media all did stories. Congress held hearings.

The result? Almost nothing. In many states, including Montana, the story went dark and regulation remains minimal.

The impetus to impose state oversight here came from Montana's Department of Public Health and Human Services, which went to the Legislature to ask for regulatory authority.

But owners of the lucrative operations — some charge parents more than $100,000 a year — beat them to the punch.

At a legislative committee hearing in 2004, Patrick McKenna, then the owner of the Monarch School in Sanders County, "cautioned that media exploitation of specific incidents often causes a state to overreact with legislation that is not well thought out and does not fit the needs of the industry," according to meeting notes.



Residential treatment programs for troubled youths are clustered in northwest Montana, specifically Sanders County, where the vast, sparsely populated region can provide a change of scenery for youths with emotional or behavioral issues. Their remote locations also provide a deterrent for those who may want to run away.

TOMMY MARTINO, Missoulian

When the Legislature met four months later, representatives of the private, therapeutic programs were ready with their own bill to create the system that exists today. It was sponsored by Rep. Paul Clark, D-Trout Creek, who until last year ran his own outdoor therapeutic school for troubled teens, Galena Ridge.

"When it became evident that the state would be moving in this direction [toward regulation], the programs wanted to be willing participants and ahead of the curve rather than being dragged along on a leash," Clark said at the time.

In a telephone interview this month, Clark — a Democrat — described the resulting legislation as the only bill that could win approval from a Legislature dominated by Republicans who "weren't really interested in passing a bill to regulate programs."

The industry spent $34,000 lobbying to support Clark's bill, the Missoulian reported at the time.

The bill put the entire registration and regulatory system under the auspices of the state Department of Labor and Industry, which oversees no other facilities that house minors, instead of under the health care professionals in DPHHS or the education experts at the Office of Public Instruction.

It created a five-member oversight board, called the Private Alternative Adolescent Residential or Outdoor Program (PAARP), whose majority was composed of industry representatives.

It exempted any faith-based or religious private behavioral therapy programs from regulation at the request of one such program's director.

It provided no state money to pay for regulation; money instead comes from licensing fees that have fallen short of needs.

And it made sure complaints would remain secret unless the majority of the board decided to take disciplinary action.

The board was created in 2005; two years later, the Legislature required programs to be licensed by PAARP.

Regulation lite

Clark, the bill's sponsor, is neither a licensed counselor nor educator in the state of Montana. Nonetheless, as the founder of the private Galena Ridge Wilderness Program for troubled teens in Trout Creek, he was one of the board's first members.

So was Michele "Mickey" Manning, the principal at Spring Creek Lodge, who became the PAARP board's chair in 2007. She was not a licensed counselor in Montana at the time, though she has a bachelor's degree in psychology and a master's degree in education.

In the board's early meetings, Manning stressed the importance of avoiding "smothering" regulations that might force programs to leave the state.

SMOTHERING (p. 219)

Marilyn Kelly-Clark commented that for many boards faced with creating rules for new legislation, the Department has often times provided research and information to board members in order to write new rules. It's common practice. Then during the board meeting, board members pick and chose what works for them. The Department is not interested in taking away any ones power or smothering programs.
Ms. Manning clarified that the "smothering" comes from results that they've seen from programs who have had to leave states because the rules were so restrictive that their particular program could not exist.

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"We see states where students have so many rights," Manning said in a 2007 meeting, "that effective operation of the program is impossible."

Spring Creek was one of the first programs to be licensed by PAARP. Manning remained board chair even as the program was sued, and its questionable treatment policies were made public in the lawsuit that Karlye Newman's mother filed after her daughter's death.

The program remained PAARP-licensed until it closed in 2009 after years of declining enrollment. Manning went on to work at Star Peak Crossing, Riverview and Clearview Horizon residential treatment programs in Montana before opening her own, Reflections Academy near Thompson Falls, in 2016.

After leaving the Legislature, Clark returned full time to Galena Ridge, which he founded in 1993. Although he said Galena Ridge, which he described as "more like an Outward Bound program," retains its license, he retired about a year ago and hasn't had any students since.

Located next to the Cabinet Mountains Wilderness Area in northwestern Montana, Galena Ridge was licensed in 2010 with the aim of helping boys who have substance abuse issues and problems with the law "get their lives back on track" in four- to 12-week summer programs.

In 2013, however, inspectors found that students had been kept through the winter — and would be staying another winter as well — in a building they'd constructed themselves. The building had no running water, and had neither been inspected nor received permits, according to the report. The boys used outhouses year-round.

STUDENT-BUILT HOUSING (p. 452)

Galena Ridge is an outdoor wilderness program which according to its plan of operation operates in the summer months only. Upon visiting the program, it was found that the program has maintained some of its students through the winter in 2012-2013 and intended to do the same this winter season. A building has been constructed on the site that housed the program participant (s) through the winter. This building does not have running water and outdoor facilities are used year round. The building has not been inspected or permitted and was built by participants.

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The PAARP board scrutinized the program for unprofessional conduct for changing its plans of operation without telling the board. But no action was taken after the issue was dismissed by the board's screening committee, which also has a majority from the industry. Clark did not return telephone calls seeking a response to this issue.

A 2017 inspection, conducted at a fishing access site 78 miles away from Galena Ridge, cited the same issue, saying students were still living there year-round. Clark told the Missoulian the inspection took place at the fishing site because he wanted to show the state the kind of outdoor activities offered by Galena Ridge.

OFF-SITE INSPECTION (p. 114)

3.

☐ ☒ Premise does not contain an area that could be used for corporal punishment, isolation or the ability to inflict physical pain as a disciplinary measure.

Comments: The inspection was done off-site so none was viewed.

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PAARP lacks transparency

The PAARP board requires all private, therapeutic programs to apply for licensure and to submit a detailed report of their policies and procedures, behavioral policies, students' rights, and more.

On paper, it requires employees be trained in CPR and in passive restraint methods. Every employee that comes in contact with students must have a background check.

There are program inspections, and buildings have to be fire-safe. But in reality, adherence to those standards sometimes has been lax, records show.

When the Missoulian requested records on licensing for administrators and staffers at the programs, the state redacted information on whether they had ever been disciplined to "protect private health care questions."

"[Staff] decision to analyze and redact was based on the hypothetical potential to lead to protected health care information," said Judy Bovington, chief legal counsel for the Department of Labor and Industry. "If someone would have answered something this way, it could potentially lead us to having to protect private health care questions."

When asked how that applied to disciplinary issues, Bovington cited the same concerns.

She also said the department's internal review of answers to questions regarding previous disciplinary issues turned up no issues that affected the decision to license a program.

Last week, after the department was called by the governor's office, she offered to provide the Missoulian with unredacted copies of PAARP applications after further review.

PAARP's industry members are John Santa, a co-founder of the Montana Academy; Rick Johnson, executive director of Summit Preparatory School in Kalispell, and Penny James, director/owner of Explorations/Phoenix Mountain Academy in Trout Creek. The two public members are Trudi Schmidt, the former Great Falls lawmaker who sponsored the failed 2005 legislation to regulate these programs under DPHHS, and Pam Carbonari of Carbonari Associates, a Kalispell-based promotional products distributor.

Board of Private Alternative Adolescent and Residential or Outdoor Programs

By law, the state board that regulates private, usually for-profit programs for troubled youth in Montana has a majority of members from the industry, which prompted one critic to liken it to the fox guarding the henhouse.

Pam Carbonari, public

Penny James, Exploration

Rick Johnson, Summit Preparatory School

John Santa, Montana Academy

Trudi Schmidt, public

PAARP board members either wouldn't speak on the record to the Missoulian, or failed to return numerous calls seeking comment. Santa left a voicemail in response to calls, but did not return several additional phone calls.

Complaints made to the PAARP board are reviewed in private meetings and don't become public unless its screening committee, which also has an industry majority, decides to take disciplinary action against a program. Because this has never happened, the Department of Labor and Industry told the Missoulian that it could not share detailed information about the complaints.

But a legislative hearing in 2015 gave a limited peek into the types of issues that come to state regulators. PAARP shared with a Senate committee 13 complaints about licensed programs it had received from 2010-2014, although the board did not release the names of the programs.

The complaints, all of which were dismissed by the PAARP screening committee, alleged:

- Clinical services provided by an unlicensed person.
- The kidnapping of a complainant's daughter aided and abetted by a program.

Improper billing and unprofessional conduct and treatment.

- Mistreatment and lack of regard for students' health and safety (several instances in three complaints).

One complaint was tied to a 2013 lawsuit against one of the programs. Federal court records from Idaho show the case was filed against Phoenix Mountain Collaborative, co-founded by PAARP board member Penny James. The PAARP board dismissed the complaint against Phoenix Mountain even before the program settled the lawsuit in 2015. James did not return telephone calls seeking comment.

In addition, the state Building Codes Bureau issued a complaint about an unspecified program's failure to obtain permits, get inspections and to stop construction after receiving a cease-and-desist order.

Inspections, but only with advance notice

PAARP licenses became mandatory in 2007, but the state didn't do any inspections until 2010. Inspections remain few and far between — and always with a week's advance notice.

At least four programs — including Monarch School near Heron, which closed in 2017; Montana Academy near Marion, Innerchance Chrysalis near Eureka and Turning Winds Academic Institute outside Troy — have not been inspected by the state since 2010.

That's because PAARP exempts programs that are certified by the National Independent Private Schools Association (NIPSA), Council on Accreditation (COA), Commission on Accreditation of Rehabilitation Facilities (CARF) and Joint Commission on Accreditation of Healthcare Organizations — all of which have ties to the industries they certify.

NIPSA, for instance, was founded by industry owners and, according to its website, "we cherish autonomy. We can act, unfettered by Boards or Trustees or elected officials." As for accountability, it cites the free market.

A 2014 Economic Affairs Interim Committee of the Montana Legislature investigated professional and occupational licensing boards in Montana, including the PAARP.

"In exchange for licensees being able to say they were 'state-licensed,' there appears to have been minimal regulation," the committee found. "In part, this was because the PAARP Board apparently wanted minimal regulation."

The report noted that there were financial concerns about the PAARP board's operations because it wasn't making as much money through licensing fees as expected. In three out of its four years, the board had spent more money than it made.

Darcie Kelly, a former public member of PAARP and psychotherapist in Helena, told the Missoulian the board doesn't have the "teeth" necessary to keep programs in line. But she blames the lack of funding more than self regulation.

"I understand how they don't find problems when all they're looking at is files," she said. "Reports are written a certain way (by programs) and leave out a certain amount of information."

In 2011, PAARP spent $70,000 on litigation when the Ranch for Kids program, which caters to families who adopt children from overseas, tried to avoid regulation by becoming an adjunct ministry of a church founded by one of its employees.

The board's financial problems prompted Rep. Ryan Lynch to request a bill in 2015 to terminate the PAARP board and shift regulation to DPHHS, which conducts unannounced inspections for licensing and for complaints. That bill died while being drafted.

PAARP also has struggled with background checks. Inspection reports in 2016 for four programs — Mountain Meadows/20 Peaks Ranch, Gateway Freedom Ranch, Summit Preparatory School — noted no evidence of background checks for employees, although all the schools said they'd sent information to the board but never received anything back.

At its March 2018 meeting, the board discussed eliminating state oversight of background checks, which are not shared with parents or the public, and giving responsibility to the programs, including for sensitive fingerprint checks.

"The part we don't quite have figured out yet is, if the program cannot share that background information with the board, how is the board going to ensure compliance?" asked Mark Jette, the board's counsel. "It appears that rather than the board improving the way it collects and maintains this really sensitive criminal information, background information, instead we shift that responsibility to the programs themselves."

Responded Santa, the PAARP board chair and co-director of Montana Academy, "You just have to know that we have records that show that we have a background check in our file when you come and inspect."

In other words, the state would have had to trust the programs to follow the rules.

The board has since abandoned that idea.

Montana religious programs for troubled teens operate with no oversight

Lucy Tompkins lucy.tompkins@gmail.com Jan 24, 2019

In Montana, residential treatment programs can house troubled children and teens without any state oversight if the program claims a tie to a religious organization.

That means when children are sexually assaulted or psychologically or physically abused, the state's child protection system can move the child to safety but can do nothing to the program or its employees who caused the harm.

Sarah Corbally

"Because they're not licensed, there's no enforcement authority" over programs by the Division of Child and Family Services, said Sarah Corbally, its former head. Even when the division was able to verify reports of abuse, it "had no ability to follow up and make sure the programs are safe," she told the Missoulian.

Every legislative session since 2007, when the Board of Private Alternative Adolescent Residential and Outdoor Programs (PAARP) was given licensing power and programs affiliated with churches were exempted from oversight, health professionals and lawmakers have fought to close that loophole.

But every time, the bill has failed when church-related groups argued regulation would infringe on their religious freedom, according to videos and audio of legislative hearings and minutes from the Legislature.

In 2017, Rep. Ellie Hill Smith, D-Missoula, tried again. Her bill's only proponents were the Department of Labor and Industry, which oversees secular programs for troubled children, and the Department of Public Health and Human Services.

Robert Larsson, the former director of Pinehaven Christian Children's Ranch, and five others from Pinehaven spoke against the bill, saying "we come up every two years and debate the same points every time."

So did Jeff Laszloffy, president, CEO and lobbyist for the Montana Family Foundation.

"We've opposed the bill for nine years and we still do," Laszloffy of the politically powerful foundation told the House Judiciary Committee, where Smith's bill died.

During the 2013 legislative session, Corbally testified that CFS had "multiple, ongoing" and proven reports of abuse "and there's absolutely nothing further that can be done by our agency in those situations" against programs or their employees.

In testimony before the House Judiciary Committee that same year, Darcie Kelly, a public member of the PAARP board, made the comparison with revelations of abuse cover-ups by the Roman Catholic Church. The Montana board has spent "thousands of dollars in legal fees" litigating against the religious programs, including programs previously licensed by PAARP that switched to church affiliation, she said.

"Such chicanery and abuse of current statute intent should not be tolerated by the Legislature," she said. But the bill died in committee.

Corbally was back in 2015, this time to tell lawmakers her agency had received more than 30 reports of abuse and neglect against unlicensed facilities in Montana in the previous five years. Even when they substantiated the reports, CFS didn't have the authority to tell the programs to stop admitting children, she said.

"There's no way to regulate what sort of children these programs will or will not accept and determine if they have standards that make them competent for taking care of children with these behavior issues," she said.

The programs are not required to disclose to parents of prospective students the fact that they're unregulated. And with most children coming from out of state, parents are unlikely to know.

"What we're seeing as a trend in many of them is that they're taking children from out of state, often failed adoptions" from foreign countries, Corbally said. "And then when these children are not able to be managed by these programs, they'll often end up in acute psychiatric residential placements in our state."

Joyce Sterkel, founder of the Ranch for Kids Project in Eureka, snuggles Lilia, her 3-year-old daughter adopted from a Russian mother, at her home outside the northwest Montana community in this 2013 file photo. Sterkel, whose facility houses troubled adopted kids, many of them Russian, was then battling what she said was unfair scrutiny by both the Russian government and the state of Montana. A judge eventually ruled Ranch for Kids was not tied to a church and did need to be licensed with the state.

KURT WILSON, Missoulian

She said many of the adopted children have been victims of sexual abuse, and have sexual "acting out" behaviors. Unlicensed programs, which don't have licensed professionals, are not equipped to care for children with these problems, and her agency found there has been a lot of sexual contact between children, traumatizing them more.

"I think that as a state, this is not a First Amendment issue," she said. "This isn't about religion, this isn't about prohibiting people's expression of their religion or their ability to teach what they choose. This is really about protecting the safety of children."

Problems at Pinehaven

Only one adjunct ministry program is currently operating without state oversight: Pinehaven Christian Children's Ranch near St. Ignatius. But there have been at least two others — Ranch for Kids near Eureka and New Horizons Youth Ranch near Rexford, which closed last year — that operated as unlicensed religious programs in the last eight years.

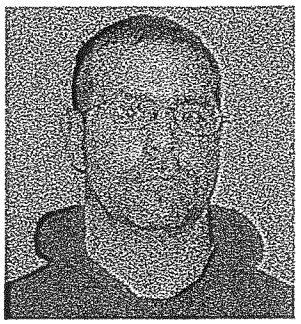
The religious exemption was created at the request of Larsson, the former director of Pinehaven. The nonprofit program opened in the 1980s and has been operating without regulation ever since.

Pinehaven staff come to every legislative session to testify against eliminating the religious exemption. In 2015, Daniel Larsson, the new director and Robert Larsson's grandson, said the program doesn't use licensed counselors, but uses a "counseling model" they created. The program is not accredited, so the teachers are also not required to be certified.

"Our children that come and reside in our ranch have been usually through multiple psychologists, psychiatrists, counselors, and really this is the end of the road for them," Larsson said in 2015. "So what we do at Pinehaven is we have a religious-based school with loving parents, and that's what works at Pinehaven."

It doesn't always work.

Law enforcement records show that in 1995, one student was found dead after running away and drinking brake fluid in a nearby RV. In 2005, a former staff member was sentenced to prison for raping two girls in the program. At his sentencing, a co-worker said James Barnes of Dixon was hired without receiving training and was unprepared for the stresses and temptations of the job, according to the Missoulian report at the time.



James Stanley Barnes

In a telephone interview with the Missoulian, Bob Larsson said the situation with Barnes "was not an abuse by Pinehaven. That was an aberrant behavior by one person. ... That one, we regret but we can't control all staff members."

Pinehaven assisted in law enforcement's investigation of Barnes, he said.

In the last 10 years, law enforcement reports note 11 runaways, seven reports of abuse and one suicidal teen. None of the abuse reports was substantiated by law enforcement investigators.

A former Pinehaven staff member who requested anonymity told the Missoulian he believes the facility should be under state oversight, not because of its treatment of children, but because of what he called unsanitary ranching facilities and practices.

"Issues that should be corrected aren't being corrected because nobody has any oversight," he said "If you saw their operation, saw their meat handling, saw their storage places, their facilities for walk-in coolers, walk-in freezer, things that any other for-profit would have to fall in line with, they don't have to. And there's nobody to make them."

He said the ranch currently is home to about 20 children, mostly from states around the Midwest. He described a behavior modification system similar to that used at other residential schools.

"If they really have a bad behavioral issue, then they go out and shovel manure," the former employee said. "They do that until their behavior changes. It doesn't last that long, maybe three days. But that alone time gives them plenty of time to think. When they get tired of it, the question for them is 'behave, or continue doing that?' Most of them decide to behave."

The program's official policies urge staff not to find themselves alone with students to avoid being accused of inappropriate behavior.

"With the abominable sin of homosexuality so prevalent, it is also important that all contacts with those of the same sex be such as could never be even considered questionable," the policies read.

Pinehaven's Daniel Larsson defended the exemption from religious programs in an interview with the Missoulian this month. "Part of the reason people came here from England was because the government was regulating religion, and the lack of freedom resulting from that."

If a legislator makes another run at removing the exemption, "we'll go and speak against it again," he said.

"Anytime government's in charge of the church, God isn't able to be the center of what we do."

Bob Larsson pointed out that, unlike the programs controlled by the state — some of which charge tens of thousands of dollars — Pinehaven does not charge tuition, nor does it accept government money.

Although he said "we never ask for money," Pinehaven's website says "Please prayerfully consider the possibility of a monetary gift to help Pinehaven continue, as God wills, to meet the needs of troubled and disadvantaged youth."

When reminded of that, Larsson amended his statement. "We absolutely could not do it without donations."

Exemption debate

The religious exemption for licensure has irritated the PAARP board, whose members support closing the loophole every legislative session.

When PAARP board member Kelly spoke to the Legislature in 2013 about her previous experience working at unregulated programs in Montana, she told them the programs

didn't allow children unmonitored communication home, and expected them to lodge complaints with the program director if they had any.

"When complaints were made to the facility, they were either not taken seriously, or the victim was blamed because he or she suffered from mental illness, or the issues were simply swept under the rug," she said.

Despite her testimony, legislators again rejected regulation of religious programs.

In a recent interview, Kelly said her experience witnessing abuse at unlicensed programs prompted her to join the PAARP board. She said she saw too many kids humiliated or subjected to physical punishments in the name of "treatment." And the programs could get away with it because the students had mental or behavioral problems that made it easy to discount their stories.

"This is a problem for kids at all these schools," Kelly said. "'He is there for some behavioral issue, so he's not credible.' The stigma feeds the abuse."

It is up to PAARP to decide whether a program fits the description for a religious exemption.

This process cost the board tens of thousands of dollars when it went to court against Ranch for Kids, which claimed to be exempt from licensure. A judge found it wasn't, but in the meantime the Ranch operated for years without a license.

Another program also managed to avoid regulation by becoming affiliated with a church. New Horizons Youth Ranch in Rexford, which recently closed when the directors retired, was a program for boys ages 12-17 with ADHD, drug problems, self-esteem issues and fetal alcohol syndrome.

It was initially licensed by PAARP in 2010. An inspection that year found that no staff were professionally certified or licensed except one teacher; the program had no building permits and the facilities had not been inspected by the fire marshal.

FIRE SAFETY (p. 374)

5. ☐ ■ Any noted deficiencies in most recent Deputy State Fire Marshalls report have been addressed.

Comments: Deputy State Fire Marshall has not inspected the facilities.

6. ☐ ■ Program facilities are free from any major notable safety hazards or defects.

Comments: Old wiring from smoke detector at bottom of stairs hanging out from ceiling. Smoke detector missing batteries in basement . Cleaning supplies and bathroom supplies are kept in locked cabinets.

View the entire document with DocumentCloud

New Horizons remained licensed until 2012, when it became an adjunct ministry of Youth With a Mission (YWAM) on the Flathead Indian Reservation. Two years later, YWAM stopped affiliating with non-YWAM programs, and informed New Horizons director Tom Harrell in 2014 that he would have to find another ministry, according to Department of Labor and Industry documents.

YWAM AFFILIATION (p. 2)

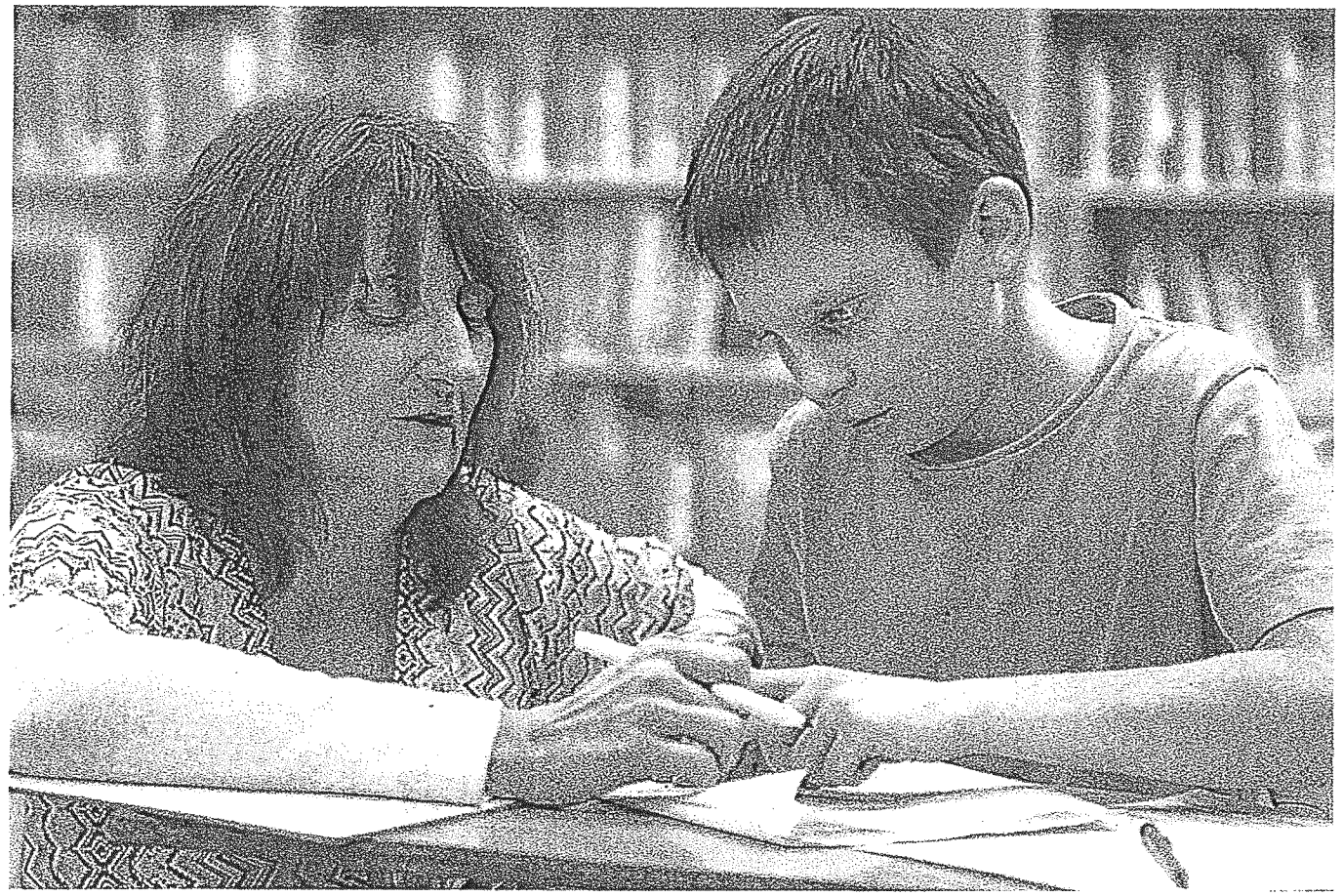
Back in August of 2014, I informed you that YWAM, (Youth With A Mission) International, says the only ministries that a can be under YWAM are those that are only YWAM. Therefore we said that we can no longer be able to keep New Horizon Youth Ranch, (Boys Ranch), as an Adjunct ministry under YWAM Tribal Waves. The Regional Director said, "Those non-YWAM ministries need to be off as soon as possible. It has been one year, and five months since that information was given you.

View the entire document with DocumentCloud

Harrell's program remained unlicensed and unregulated for two more years, until 2016, when he was forced to apply for relicensure from the PAARP board. Another PAARP inspection from that year found the property had still not been inspected by the fire marshal, and a new building on the property appeared to have been built by the minor boys enrolled in the program.

Department of Labor inspectors wrote that the building had "glaring substandard carpentry work, bare electrical wiring, and questionable plumbing."

The inspection also found there were no individual treatment plans for the boys in the program, no professional staff certifications, no CPR training for staff, no evidence of personnel background checks and no passive restraint training for staff. The kids were away on a field trip during the inspection, so inspectors couldn't interview them about their experiences.



In this 2012 Missoulian file photo, teacher Marietta Pereslete works with 10-year-old Vladimir on a math lesson at the Ranch for Kids school, where most children come from failed overseas adoptions.

TOM BAUER/Missoulian

The Bible was a core tenet of New Horizons, and boys read the Bible together every morning, went to church every Sunday, and spent an hour reading the Bible on their own every week. They were required to memorize scripture, and the program's philosophy is based on Jeremiah 29:11:

"For I know the plans I have for you," declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future."

BIBLE PASSAGE (p. 210)

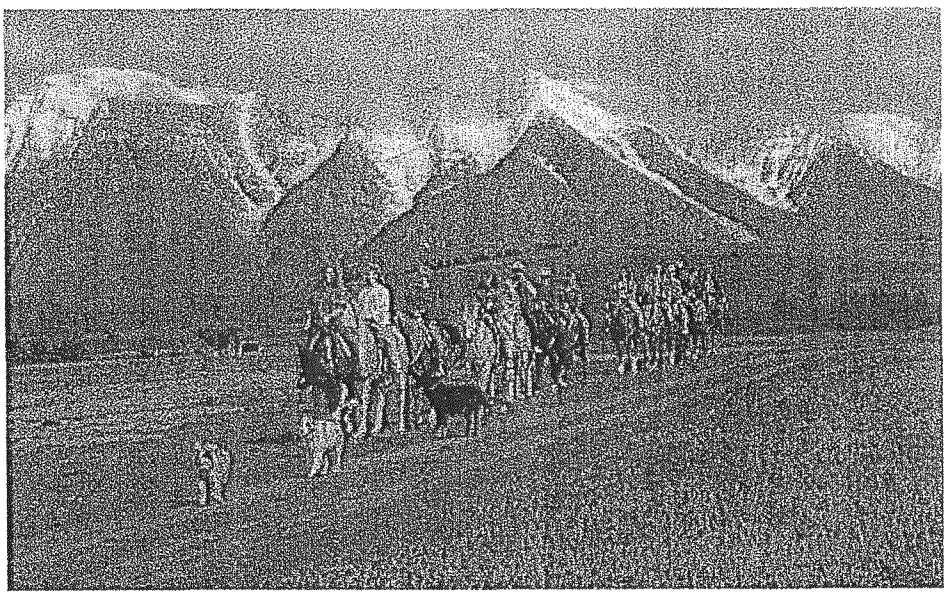
Spiritual Emphasis

The boys are required to attend church on Sundays. The Biblical studies that the boys have are devotions every Monday thru Friday after breakfast. Before they start class they read the Bible together. As part of their school work they are required to memorize scriptures.

One night a week the boys are required to spend one hour alone reading and studying the Bible. This is to help them understand God and learn how to hear from Him. Our philosophy here at the ranch is based on the scripture Jeremiah 29:11 "For I know the plans I have for you,' declares the LORD, 'plans to prosper you and not to harm you, plans to give you hope and a future."

View the entire document with DocumentCloud

When the PAARP board received its inspection findings, it asked New Horizons to correct the issues to receive a license. Several months later, in April 2017, New Horizons withdrew its application and the board received a letter stating New Horizons had become an adjunct ministry of Yellowstone District Pentecostal Church, putting it out of reach of state regulators.



Pinehaven Christian Children's Ranch participants have reported abuse at the program outside St. Ignatius for years, although few accounts have been substantiated by law enforcement. In 2012, director Bob Larsson told CNN "Satan" was the source of abuse allegations against his program.

TOM BAUER, Missoulian

Former state Rep. Paul Clark, a Trout Creek Democrat who until last year ran his own residential program, Galena Ridge, brought the original bill that established state regulation of programs for troubled teens.

"I was not in favor of the religious exemption," Clark said in an interview this month. "The only reason that got in there was they weren't going to pass the bill without it. That comes from the political right, the people that are very, very concerned about their religious (beliefs) and how they express religion.

"I wasn't in favor of that, but I had to live with it."

Former students describe isolation, physical punishments, 'cuddle puddles'

Lucy Tompkins, Cameron Evans, Seaborn Larson lucy.tompkins@gmail.com, cameron.evans@missoulian.com, seaborn.larson@missoulian.com Jan 24, 2019

Former students at Montana's residential schools complained about a lot of things in their interviews with the Missoulian: minutiae-laden "level" systems, physical exertion as punishment, lack of communication with their families.

Some of their most vehement responses involved the use of isolation as a method of punishment or "treatment.''

Karlye Newman, whose 2004 suicide spurred a largely unsuccessful push for meaningful regulation of residential schools, was put in isolation nearly 30 times in six months. That's according to the school's own notes, which were included in a lawsuit filed after her death.

SOLITARY CONFINEMENT (p. 16)

- 5/3: Karlye is placed in "intervention" (solitary confinement) for depression. "Said she hates herself, no one cares about her. Apparently cut her arm with a fork."
- 5/4: "Self-inflicted wound on arm." Removed to intervention twice.

View the entire document with DocumentCloud

Christopher Bellonci, a Harvard-affiliated board-certified psychiatrist who testified as an expert witness in a lawsuit stemming from Newman's death, said such methods don't teach young people helpful skills for navigating their issues.

"Sure, I mean you can coerce people to behave," he told the Missoulian. "That's what jails do."

In fact, Montana's prison system provides more oversight and protection to teens than they get in private programs for troubled youth.

The Montana Department of Corrections doesn't allow teens to be put in solitary confinement "as a sanction to manage behavior." Isolation is only allowed in emergency situations to protect teens from hurting themselves or others.

Moreover, youth in seclusion in state corrections facilities must be observed by staff every 15 minutes and, if seclusion lasts more than 72 hours, it must be approved by the Department of Corrections director or the Montana State Prison warden and the teen must first be evaluated by mental health staff to ensure the isolation won't harm his or her mental health.

Those guidelines quote a 2016 U.S. Justice Department review on the use of restrictive housing — that is, isolation — that says "the placement should be brief, designed as a 'cool down' period, and done only in consultation with a mental health professional."

Yet the former students interviewed by the Missoulian said isolation was not uncommon as a form of punishment or treatment.

Sean Colin, who attended Montana Academy in Marion in 2015, said the private residential treatment program used "solo reflection time" when students broke rules to give them time to think about their choices.

Students, Colin said, could not speak or interact with anyone. He was isolated once for three days when he was 17, but said other students were put in isolation longer. While he said he managed it OK, for most people, it was a "nightmare."

In addition to social isolation, he said there was also "tenting," when a student would be assigned to stay alone in a tent in the woods off campus for breaking rules.

"People can be in that situation for anywhere from three to five days, depending on what you did," Colin said. "It's definitely a bit more punitive when you get put in a tent. They bring you food and you have bear spray in case you get attacked by a bear."

Carrot-and-stick behavior modification

While isolation may have been the most dreaded punishment, it was not the only carrot-and-stick behavior modification approach featuring terms like "levels" and "consequences" used at the state's private residential programs.

That philosophy is detailed in the policies and procedures for the Ranch for Kids in Rexford, Lincoln County, near the Canadian border. The Missoulian obtained its policies, and those of other programs, through a records request.

The Ranch, which now houses about 24 children ages 12 to 18, specializes in "troubled" adopted children and children with Fetal Alcohol Spectrum Disorder and brain damage. No one on staff is certified or a trained therapist or counselor, although the program has a Russian translator, according to licensing records. Parents have to pay extra to send their children to an outside local therapist. No individual treatment plans for students are kept on-site.

OFF-SITE THERAPY (p. 382)

1.

Y	N	
■	■	Plan of operation as described in application fits with the appearance of the operation as laid out during walk through.

Comments: Due to time constraints of this process the Inspectors did not receive a copy of the program plan of operation prior to the inspection. Therefore, the following is a narrative of the basic operation as explained to the Inspectors at the time of the inspection.

The Ranch for Kids (Ranch) is a home(s) for at risk adopted children (mainly international) who are having difficulty transitioning into their new adopted families and culture. There are no certified trained therapists or counselors on staff at the Ranch, all therapy services are contracted for separately by the parents with local therapist. The Ranch does not take teenage boys any longer. The current population served is teenage girls which are all housed at the Deep Springs Ranch location and younger boys and girls which are housed at the Pinkham Ranch location. The children are all bused from the ranches to the Rexford School. The Rexford School is operated as an off-site school attached to the Eureka Public School System.

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Like most other programs, the Ranch operates on a level system, with Level 00 as the lowest and Level 2 as the highest. Policies from the Ranch show that children are demoted for harming themselves.

Students who run away are placed in seclusion and put on Level 00. They may also be physically restrained by staff for running away, policies show. According to the manuals:

At Level 00, policies dictate that students are not allowed to talk with anyone, and must spend all their free time "in the corner," isolated from their peers for seven days. The only activity they're allowed for exercise at that level is jumping jacks. The next level, 0, also bans children from talking to any peers and places them in seclusion, meaning all free time is spent away from peers, for three days.

Kids in the two lowest levels eat "alternative meal plans," which are cooked without condiments or seasonings. An inspection report shows that mattresses are taken away from kids who consistently wet the bed. Every week, staff and students meet for Level Meetings, where students are assigned a level in front of everyone based on that week's behavior.

Children at upper levels get one 15-minute phone call home a week, monitored by staff. Policies explain several "realities" children at the Ranch must learn to accept, including, "People acquire necessities and desires through diligent work. These things do not just 'fall out of the sky.' Especially you should understand that society will not give you what you want merely because you were at one time a poor, orphaned child."

The policies also explain the Ranch's attitude toward therapy and counseling, which it refers to as "less formal." Most students at the Ranch don't receive any counseling with a licensed professional, inspection documents show. Instead, it touts "spontaneous counseling sessions with staff."

"Some of our best talks happen while we're chatting out on the trail, garden, kitchen, or living room. When the need arises, we talk."

The student handbook says that Ranch staff "became involved in this project because they are deeply-committed, caring, loving human beings. Yet they know that often 'tough love' is the only way to help young people."

The levels

Student after student at Montana programs talked about their experiences with the level system.

Reina Rodriguez was 15 in 2011 when she went to Clearview Horizon, the program in Heron where Michele "Mickey" Manning worked after leaving Spring Creek Lodge Academy. The program Rodriguez described at Clearview was startlingly similar to the practices at Spring Creek described in the lawsuit Judith Newman filed after her daughter committed suicide there seven years earlier.

Reina Rodriguez attended Clearview Horizon in 2011, where she said the type of therapy she received only hurt other girls' progress in treatment. Experts say there has never been any evidence to show "confrontational therapy" practices are a helpful treatment model.

Allie Parker

Rodriguez, now grown, flashed back in an interview to her Saturday mornings at Clearview. That's when she confronted the gravel pit. Nearly every Saturday, she had two hours to hike up and down its steep sides 50 times, punishment for various infractions during the week.

If she left fabric softener under her bunk, she got the pit.

If she forgot to put the bowls away after feeding the dogs, she got the pit.

If someone overheard her talking about kissing girls, she got the pit.

At the pit, if a staff member sitting in a car clocked Rodriguez at only 30 climbs instead of the assigned 50, she'd have to do the other 20 the following Saturday.

Rodriguez had a special trick to cope with the pit. "I didn't look up at the top," she said. "I knew it would be super discouraging because it was so big. If you stopped, you got yelled at."

Rodriguez said that twice when she was suicidal, she was tied by the wrist to another girl with a dog leash.

Other girls tried to kill themselves at Clearview, Sanders County law enforcement records show. Three girls were hospitalized for drinking bleach in 2008, 2012 and 2018. Another two were taken to the hospital for unspecified self-harming in 2012 and 2013.

Rodriguez recalled one night when a girl drank bleach.

"I was a Level 3 at the time, trying to keep everyone calmed down in the basement. The staff had asked me and another girl to go upstairs and make dinner. We were in the kitchen trying to cook while she was getting medical attention … . I didn't know if she was going to live or die, and I was being asked to cook dinner."

At Clearview, Manning, who wasn't licensed as a counselor in Montana until 2014, led what were called "processes," a kind of group visualization therapy, Rodriguez said. The processes involved yelling, beating duct-taped towels on the ground, and forcing girls to decide which of their peers deserved to live or die in an imaginary shipwreck with only six spots in a lifeboat, according to five former Clearview students interviewed by the Missoulian.

At the end of one process, a lower-level girl had to wash everyone's feet, according to Rodriguez and another former resident.

"They would tear you down and then build you up again, only to tear you down later," Rodriguez said.

'Cuddle puddles'

Last year, Missoula attorneys Lance Jasper and Rob Bell secured a $925,000 settlement against Monarch, a Sanders County program that abruptly shut down in late 2017 and gave parents two days before their children were shut out.

Documents Monarch was forced to produce in the case showed its operators, including Patrick McKenna, had used the program to purchase lavish vehicles and host "shareholder meetings" in places like Hawaii and London.

Four Monarch students spoke to the Missoulian: Katherine "Cricket" Burkhart, who attended Monarch in 2016-2017; Tori Jane, 2004-2005; Rebecca Moorman, 2003-2005; and Grace (who asked that only her first name be used), 2012-2014. All said they were subjected to strange and punitive treatment.

When Jane tried to run away, she was put on a "ban," meaning she couldn't talk to anyone, and had to dig out a tree stump.

"It took a couple weeks," she said. "Every day, morning to night, I was out there digging out my stump. I dug all around it with my shovel and exposed all the roots, then sawed all the roots, then popped it out with a shovel."

She had been sent to Monarch for depression and thoughts of suicide.

Students also said they had to disclose every detail of their sexual history when they arrived at the program. And every morning and night, they would do "smooshing," which students described as "forced intimacy" with their peers, in which staff also participated.

"Everyone would pile in the common room and cuddle," Jane said. "We weren't really allowed to touch each other otherwise. So that was like allowing them to release it all at once. Staff participated in it, everyone would be rolling around on the floor and snuggling."

Moorman described it as "laying in a huge cuddle puddle, and there's almost always staff involved. There would be a situation where a male staff member in his 40s or 50s would

be in a cuddle puddle with 14-, 15-year-old girls. Lying there, spooning someone, just the way you would lay with someone that you're in an intimate relationship with."

She said they would be encouraged to scratch each other's backs, rub each other's hair.

"For me it created confusion because you also weren't supposed to have sexual relationships with anyone, but you're also supposed to cuddle with people in this way. They said that it was to teach us 'safe touch,' like how to touch people in a non-sexual or nonviolent way. … I definitely don't think that my dad would have been very happy to know that he sent me there and I was required to cuddle with middle-aged men."

McKenna declined to comment on the allegations.

Bell, the attorney, said that "what happens is you have kids and sometimes families coming into these programs that are already damaged, they don't go into these places because you're a straight-A student who's feeling great about themselves.

"The challenge is, that's what these guys will try to exploit — 'Well, your person wasn't perfect before they came in, and they're not perfect now.' To which I say, 'So what?' That's the job they undertook was to care for someone in need, and they violated the trust that was given to them."

Marcus Chatfield, a doctoral student at the University of Florida, conducted his own research recently on the practices of the troubled teen industry. After receiving 235 responses in search of former patients and residents, he pared the pool down to 30 people: 15 who reported a positive experience and 15 who reported negatively. With that split, even those who described a positive experience still described an abusive process, he said.

"More than half also acknowledge it was brainwashing, but they still reported institutional abuse, even though they didn't see it as abuse," he said. "It was for 'therapy.'"

Other punishments

New Horizons Youth Ranch in Rexford, now closed, penalized students for self-harming by requiring them to do five days of "work crew." That and other practices were outlined in its policies manual, obtained in the public records requests.

Like other programs, it used a level system, and on the bottom level students couldn't talk to any other students, call home or have condiments on their food. Five days a week, they were required to do 55 push-ups at 5 a.m. and run 10 laps. Students could be punished for talking about why they were in the program.

Masturbation, attempted escape and attempted suicide got the highest level of punishment: a 3,500-word essay, a week-and-a-half of work crew. Other punishments included loss of phone privileges, chores, exercise, a "wilderness trip," or sleeping isolated in a tent, policies and procedures show.

Level 4 and Level 5 students were considered Junior Staff and could discipline other students.

Wood Creek Academy in Thompson Falls, run by Sean Thorne, is a program for troubled boys and claims on its website to treat drug use, defiance and low self-esteem with behavior modification in programs lasting nine months to a year. It was licensed in 2013, and re-inspected in 2017, one of only two programs inspected that year, according to PAARP records supplied to the Missoulian.

At the time, 19 boys were living there.

Its website doesn't name any staff members, but does say "our school safety standards are considered to be one of the best in the country."

The most recent inspection, which was conducted in response to a complaint, found that "alternate meals" — oatmeal, powdered milk and an apple — are served to the boys as a form of discipline. When kids want to run away, staff said articles of their clothing are taken away as a deterrent.

"For example, a participant's pants were taken away when he tried to run away," a staff member at Wood Creek told inspectors. "Staff also stated if a participant is placed in separation for bad behavior, he has to shower outside using a hose and tarp for privacy."

In the last 10 years, 31 runaways from Wood Creek have been reported to law enforcement, records show.

Bellonci, the psychiatrist who testified in the lawsuit filed after Karlye Newman's death, said that using physical labor and exercise as punishment became popular for staff convenience, not for child welfare.

"But what's the record for those institutions and those interventions leading to positive change and growth for a young person? I would argue pretty negligible," said the chief medical officer of the Judge Baker Children's Center in Boston.

In 2008, Bellonci told the U.S. House of Representatives Committee on Education and Labor, which was examining unlicensed and unregulated boot camps and wilderness programs, that isolation should never be used for molding behavior or for punishment and that doing so was "an outrage."

Dr. Christopher Bellonci

Three years later, testifying in the lawsuit filed by Newman's mother, Bellonci was even more blunt. Using isolation to treat a depressed and suicidal young person "violates any standard of appropriate mental health treatment, care for someone in your custody and, I would argue, human ethics."

City Editor Gwen Florio contributed to this story.

Tangled web of owners, administrators, at Montana residential programs

Cameron Evans, Seaborn Larson and Gwen Florio cameron.evans@missoulian.com seaborn.larson@missoulian.com gwen.florio@missoulian.com Jan 25, 2019

Reflections Academy, located outside Thompson Falls, has been the subject of three civil lawsuits since October by families alleging program administrators misrepresented the type of therapy they would provide and failed to protect their daughters from a supervisor who groomed them for inappropriate sexual relationships. One family says a supervisor brought their daughter with him to his home in Utah, where he sexually abused her.

TOMMY MARTINO, Missoulian

Scan the lists of owners and administrators at state-licensed residential programs for troubled children in Montana and the same names appear again and again.

In the sparsely populated reaches of western Montana, where jobs are scarce and wages low, the programs — with tuition that can surpass $100,000 a year — provide a comfortable livelihood for some families. State licensing records and the programs' websites show that:

One of the largest programs, Montana Academy in Marion, lists its founders as John and Rosemary McKinnon, and John and Carol Santa; the staff list of 71 on its website includes Moira McKinnon Linam, and Evelyn and Ryan Santa.

Four members of the Frields family dominate the staff of five at the Mountain Meadow Youth Ranch in Trout Creek.

Three of the four owners of Clearview Horizon in Heron are Thielbars, including founder Mary Thielbar and "Clearview crusader" Jason Thielbar; Kelly Thielbar is on staff.

Michael Morso is a co-owner of Petty Creek Ranch in Alberton; his wife Amanda Morso is an administrator.

In fact, eight of the 14 programs examined by the Missoulian that are licensed by Montana's Private Alternative Adolescent Residential or Outdoor Programs (PAARP) board list owner/administrators and employees with the same last names. An unlicensed religious program in St. Ignatius also is family-dominated.

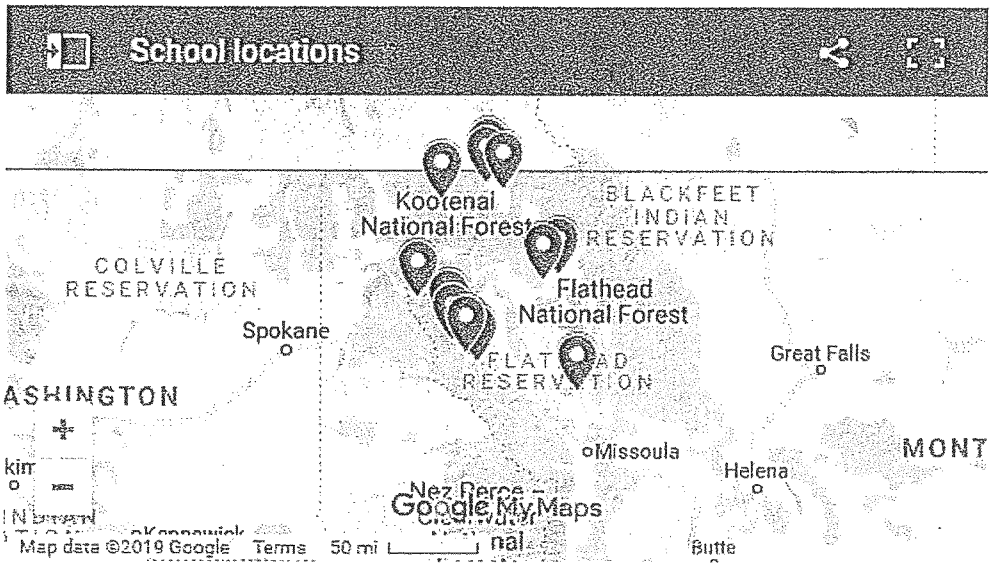
Why does this matter? Because it can create a conflict of interest if one or more members have legal problems or are cited for abuse, as has happened.

At the Turning Winds program in Troy, the PAARP licensing application lists as owners six members of the Baisden family — John, John Jr., Carl, Owen, Charmaine and Kara. Owen Baisden said in an interview with the Missoulian earlier this month that information — which is filled out by the program — is incorrect, but declined to detail how.

Turning Winds began in Idaho. But in 2005 the Idaho Department of Health and Welfare gave directors a 72-hour notice their license would be suspended after John, John Jr. and Carl Baisden were cited for "injury to a child." Owen Baisden told the Missoulian — and news accounts at the time bear him out — that those charges were dropped, and the family subsequently filed a wrongful prosecution lawsuit.

Turning Winds moved to Montana the following year, although Owen Baisden called that timing “coincidental," saying they'd already bought the Montana property.

"We definitely didn't move (to Montana) for no regulations or to escape Idaho," Owen Baisden said, although acknowledging the legal issues “did cause us a lot of harm.”



Sexual assault charge

The Building Bridges program in Thompson Falls lists Steve, Jill and Kurt Fairbank as owners on its PAARP application, and its website adds Sarah Fairbank as working in admissions.

Building Bridges takes only boys, but Jill Fairbank said in an interview with the Missoulian earlier this month that a years-ago switch from a co-educational program had little to do with her husband, Steve, admitting to two counts of misdemeanor sexual assault involving a 17-year-old girl in the program. Steve Fairbank was accused of photographing the girl in a bikini when they were alone, making suggestive comments and fondling her breasts and buttocks.

STEVE FAIRBANK (p. 3)

9 (5) That KJM put on her bikini and posed in several sexually provocative positions
10 while Licensee took pictures of KJM. Licensee then instructed KJM to put on a short skirt and
11 again took several sexually provocative photos of KJM. This procedure was repeated again
12 with KJM now dressed in a pair of short shorts. During these photo sessions, Licensee
13 "adjusted" KJM's bikini top and, in the process, touched or rubbed KJM's breasts. During this
14 time, Licensee also grabbed, stroked or patted KJM's buttocks. Licensee paid KJM the sum of
15 Twenty and No/100 Dollars ($20.00) for posing for him and advised KJM that she would make
16 a very successful topless model;

View the entire document with DocumentCloud

Jill Fairbank said Building Bridges' plan had always been to go all-male; that the accusation against her husband merely "helped move things along."

Nor did the case shake her trust in her spouse, she said, "because I know my husband. I know how he is with his own children."

The state Labor and Industry Department cited that 2000 case in revoking Steve Fairbank's license as an addiction counselor in 2004. DLI put his licensing status on two years' probation, with the stipulation that he work only with males.

Building Bridges' 2008 PAARP application lists Steve Fairbank as owner, director and state-licensed addiction counselor. On the application, Fairbank checked "yes" on whether he'd been disciplined by a licensing agency, and whether his license had ever been canceled.

LICENSE (p. 6)

b. Has a licensing agency ever taken adverse or disciplinary action against your license(s)? ☒ Yes ☐ No

If "yes" please attach agency documents filed in the action including all complaints, initiating documents, orders, final orders, stipulations and consent and/or settlement agreements.

once 6 yrs ago

c. Have you ever voluntarily surrendered, cancelled, forfeited or failed to renew a license as a result of any of the following: having a complaint filed against you; entering into a consent agreement with respect to your license as a result of a complaint during an investigation or during disciplinary proceedings. ☒ Yes ☐ No

If "yes", attach a detailed explanation identifying each occasion, the date and the substance of the allegations, along with agency documents filed in the action including all complaints, initiating documents, orders, final orders, stipulations and consent and/or settlement agreements.

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But he checked "no" on whether any legal or disciplinary action had been filed against him. The DLI records on

his license revocation note that Fairbank entered a deferred agreement when admitting to inappropriately touching the girl; such an agreement means an accused person's record is cleared if he meets certain conditions.

The case involving Steve Fairbank took place before Montana began licensing such programs. The PAARP board granted the program full licensure in 2010, and it remains licensed today.

'Edge of unlicensed practice'

Michael Morso is a co-director of Petty Creek Ranch in Alberton, where his wife Amanda Morso is listed as administrator on its website.

Michael Morso and Jason Lavigne, the other co-director, are college friends going back to Morso's days as an English literature major at the University of Montana. Neither is a licensed counselor. Before opening Petty Creek, Morso worked at Triangle Cross Ranch in Wyoming and was an aerial welder before that. Lavigne was an insurance salesman in Missoula.

The Wyoming Supreme Court found in 2015 Triangle Cross Ranch had been operating without proper licensing, despite multiple warnings from the Department of Family Services. Triangle Cross has since obtained licensing and is in good standing, Wyoming DFS confirmed.

When he came to Montana a year ago, Morso launched Petty Creek Ranch over the reservations of one member of the state's Private Alternative Adolescent Residential or Outdoor Programs (PAARP) board.

He told the board in March 2018 that he hoped to house about 10 kids ages 12 to 18 with "many emotional behavioral problems, conduct disorders, and learning disabilities," and to provide treatment for substance abuse. But he said he didn't have a licensed addictions counselor on staff, because he'd only moved to Montana two days earlier and was still looking for one, according to minutes of the PAARP meeting.

Board executive Cyndi Reichenbach advised Morso that he was "dabbling on the edge of unlicensed practice" by planning to conduct chemical dependency treatment without being certified. Other members agreed that he must not advertise any mental health treatment that isn't being provided by a certified professional. Morso replied that he didn't actually plan on doing chemical dependency treatment, but that he would use the 12-step model of Alcoholics and Narcotics Anonymous to create a "recovery culture."

Morso's argument that he didn't need to be licensed to help teens using drugs is similar to what he told a Wyoming court when the program he directed there was being sued for providing treatment to delinquent teens without a license. He argued a license wasn't required because they were treating youth who weren't necessarily addicted yet.

Morso's partner, Lavigne, is currently fighting a protection order from his former girlfriend of eight years, who seeks to prohibit him from coming within several hundred feet of her or her two children, ages 15 and 11. The two have been involved in back-and-forth protection orders stemming from their April breakup, but the woman says stalking, threats and physical violence permeated their eight-year relationship.

PAARP's inspection of Petty Creek Ranch took place before Lavigne's legal tangles with his ex-girlfriend so the board would not have known about Lavigne's issues unless Petty Creek self-reported.

Petty Creek's website lists two licensed clinical social workers and one person with a master's degree in social work, all from the Sunburst Mental Health organization.

The PAARP board granted Petty Creek's license with the stipulation the program be inspected within a year. As of Jan. 16, that had not been done.

New programs, same faces

Program managers and staff sometimes move from one program to another, or start a new program after one closes down.

In one of the best-publicized examples, World Wide Association of Specialty Programs and Schools facilities relocated some of its students to the WWASP-affiliated Spring

Creek Lodge Academy outside Thompson Falls after the Mexican government closed WWASP programs in that country in 2004 following allegations of misconduct, according to a 2013 class-action lawsuit, Turley v. WWASP, filed in Utah.

Spring Creek Lodge closed in 2009, five years after 16-year-old Karlye Newman killed herself there. Turley v. WWASP noted Spring Creek's enrollment dropped from 400 to 108, and other WWASP programs' enrollment declined "drastically" after Newman killed herself.

The relationships between Spring Creek and other programs also were outlined in the separate lawsuit Judith Newman filed in 2006 after her daughter's suicide. (Newman eventually received a $3 million settlement in that case. She did not respond to requests, made via one of her attorneys, for comment on the case and its aftermath.)

Newman's suit and subsequent legal actions named Spring Creek Lodge and the twin brothers, Cameron Pullan, director, and Chaffin Pullan, assistant director.

The Pullans worked at Spring Creek with Michele "Mickey" Manning, who was principal there. She went on to work at three other programs before establishing her own, called Reflections.

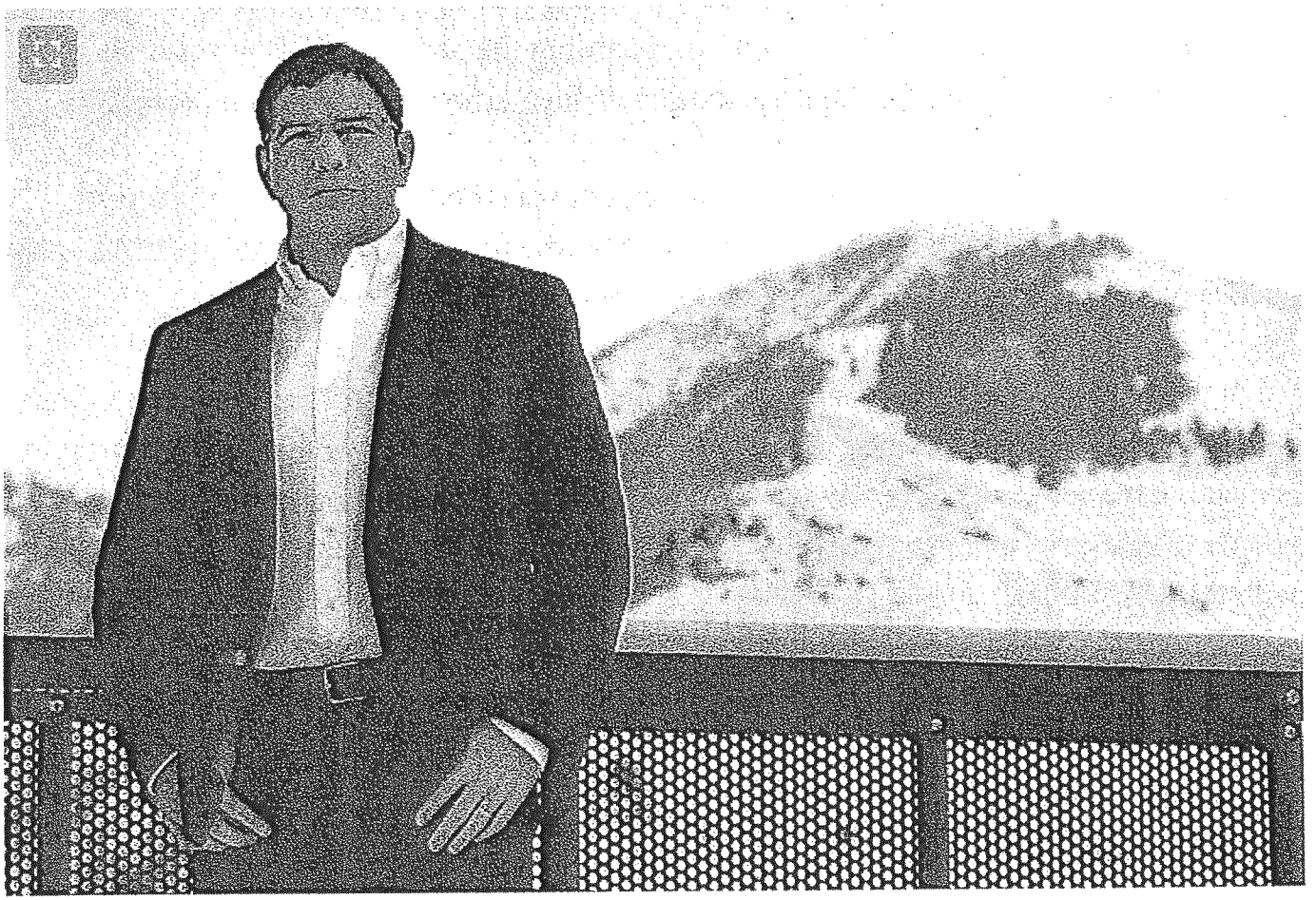
Since October, three separate lawsuits have been filed against Reflections, two of which allege that Manning steered girls toward a "transitional" program run by Chaffin Pullan, who allegedly had inappropriate physical contact with the girls.

Manning, at a recent PAARP meeting, said she is seeking to open two new locations for Reflections.

Lucy Tompkins contributed to this story.

Montana isn't alone in failure to beef up regulations of programs for troubled teens

Cameron Evans, Seaborn Larson and Gwen Florio cameron.evans@missoulian.com seaborn.larson@missoulian.com gwen.florio@missoulian.com Jan 27, 2019



State representative Shane Morigeau, shown here in 2017, has requested legislation to impose state regulation on religious therapeutic programs for troubled teens, which are now exempt from state oversight.

KURT WILSON, Missoulian

Montana's failed attempts to beef up regulation of private, therapeutic programs for troubled teens parallel what has happened on the national level.

The "Stop Child Abuse in Residential Programs for Teens Act" has been introduced in Congress every year since 2006 by Rep. George Miller, D-Calif., and more recently by Rep. Adam B. Schiff, D-Calif., who introduced it in 2017 after Miller retired. It's never gotten farther than passage by the House in 2010, and died in committee in 2017.

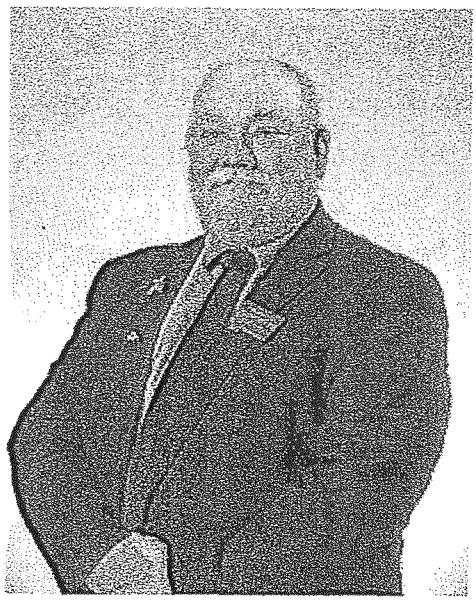
The lack of federal oversight means there's no national database of programs and no national tracking of abuse allegations and complaints. Official-sounding organizations like the National Association of Therapeutic Schools and Programs (NATSAP) have no licensing powers.

NATSAP, like Montana's regulatory board, is dominated by people in the industry — a situation characterized by critics as "the fox guarding the henhouse." That set-up is the primary focus of criticism for those seeking to change laws regarding such programs.

"You need independent, third-party regulation, not somebody who's in the industry regulating it," said Angela Smith, the national coordinator and co-founder of HEAL, an advocacy group aimed at ending institutionalized abuse.

"You need someone who knows the industry, is a mental health professional or an education professional who understands the needs of youth and whether or not a program is meeting the standards as set by the law. But that's not what happens when you put people in charge of an industry in charge of that oversight," Smith said in an interview with the Missoulian.

The connections between industry leaders and governing bodies aren't clear to most people — or to parents sending their children to the programs. They may confuse program licensure with membership in trade associations, largely due to the ways programs use membership in such organizations in their marketing.



Rep. Denley Loge (R-Saint Regis)

NATSAP is the most prominent association for the troubled teen industry, with 185 members, including therapeutic boarding schools, wilderness programs and young adult transition programs.

It was founded in part by John Santa, a cognitive psychologist with a doctorate from Purdue University, who opened the Montana Academy in 1997. He heads Montana's Board of Private Alternative Adolescent Residential or Outdoor Programs (PAARP), which is composed of three industry leaders and two members of the public, giving the industry a majority of decision-making power when it comes to things like substantiating complaints and delivering consequences.

NATSAP, which has no regulatory authority, asks member programs to "aspire to" follow its published standards, though it is not a licensing body.

NATSAP's website cites both ethical principles and good practices, including a call to "be conscious of, and responsive to, the dignity, welfare, and worth of their program participants." It advises against relationships "that may impair professional judgment, increase the risk of harm to program participants, or lead to exploitation."

It also says programs and schools it accredits "shall adhere to all applicable state and federal laws in conducting the operation, including administration, hiring and employee practices, observance of safety regulations, and the care of program participants."

But during a 2007 congressional hearing on adolescent residential programs, former NATSAP director Jan Moss said that the association has no process for checking compliance.

"If a member has acted in a manner inconsistent with the law or our principles, we proceed on a case-by-case basis, either requiring the program to implement change or canceling its membership," Moss said. He did not elaborate on how NATSAP would check whether a program had changed.

The congressional hearings and a 2007 Government Accountability Office investigation found that NATSAP member programs that had violated the organization's principles were still members, including Alldredge Academy in West Virginia, where a student died.

The GAO investigation was summarized in a 2008 report, "Residential Treatment Programs: Concerns Regarding Abuse and Death in Certain Programs for Troubled Youth."

"The GAO report led to quite a few changes," Megan Stokes, NATSAP's executive director, told the Missoulian this month. "Now we require that a program be licensed by their state, or accredited by an accrediting body, like Joint Commission, CARF (Commission on Accreditation of Rehabilitation Facilities), COA (Council on Accreditation), NIPSA (National Independent Private School Association) if it's a therapeutic certification, not academic," she said, listing several trade associations.

"Now, granted we're a trade association, you know we're not licensing. We can't go in and investigate and pull records because of HIPAA [the federal law governing medical records privacy]. … As a membership organization, dropping membership is the farthest

that we can go regarding NATSAP, but we have called licensing (authorities), and once a local sheriff's department," she said.

The state of Montana allows programs to apply for an exemption from inspection if the program maintains "licensure" by NIPSA, COA, CARF and JCAHO (the Joint Commission on Accreditation of Healthcare Organizations). Both CARF and JCAHO inspect programs.

Four Montana programs — Clearview Horizon, Turning Winds, Montana Academy and Innerchange Chrysalis — have such exemptions, according to the state, and thus have not undergone state inspections since 2010.

NATSAP's Stokes said it would support federal legislation regulating private therapeutic programs for adolescents if it also required oversight of foster homes.

Regulation left to the states

Lacking federal regulation, it's up to the states to police such programs, said psychiatrist Christopher Bellonci.

Bellonci is the vice president of policy and practice and chief medical officer at the Judge Baker Children's Center, a Harvard Medical School-affiliated nonprofit program founded in 1917. At Judge Baker, he said in a telephone interview, "we gave parents the same key cards that granted them entry into all buildings as staff, and they have 24-hour, seven-day access to their children. ... We didn't limit communication at any point; it's not tied to a level."

Several of the Montana programs reviewed by the Missoulian operate on a "level" system of rewards and punishments, the latter including cutting off communication with parents.

Bellonci became familiar with Montana's programs when he testified as an expert witness in a lawsuit brought by Judith Newman after her 16-year-old daughter Karlye killed herself at Spring Creek Lodge Academy in Thompson Falls in 2004. Spring Creek closed in 2009.

Judge Baker's status as a private nonprofit brings "significant oversight and regulation responsibilities," safeguards lacking in for-profit programs in other states, he said.

"In Montana, like a couple of other states such as Utah and Idaho," he said, "they have particularly weak registration and licensing requirements, leaving these programs to pop up like mushrooms in the wilderness."

Some states have tightened regulations on the programs, a move praised by Bozeman resident Ashley Kalfell, who has become an advocate for students in such schools, immersing herself in state laws and regulations she feels provide cover for the industry rather than bolstering state practices.

Kalfell attended Spring Creek Lodge Academy 15 years ago, and said its "seminars" — several days of group humiliation she was forced to repeatedly slam a rolled towel on the floor while she screamed along with 100 other students in a dark gymnasium— left her with PTSD and depression that lingers to this day.

Kalfell singled out a new California law that would ban such practices.

In 2016, the California Legislature approved Senate Bill 524 to increase oversight of alternative residential treatment programs. The bill elaborates on an existing law known as the California Community Care Facilities Act under which the state Department of Social Services licenses and regulates community care and residential facilities.

The new law institutes minimum health and safety standards for residential treatment programs, requiring not only program staff, but anyone providing behavioral-based services be licensed or certified by the appropriate agency. Staff are subject to criminal background checks before having unsupervised contact with children in programs.

It establishes rights for students in the programs, and requires that they be provided with a list of those rights, including the right to be free from physical, sexual, emotional or other abuse, including corporal punishment. It establishes a "reasonable" level of privacy for the students; scheduled and unscheduled telephone, written and electronic correspondence, and the right to present grievances without fear of reprisal.

It includes anti-discrimination protections for LGBT students, a ban on conversion therapy or any acts that seek to change the individual's sexual orientation or gender expression.

The new regulations and licensing requirements were supposed to take effect Jan. 1.

Jodi Hobbs, who runs an Anaheim, California-based advocacy group called Survivors of Institutional Abuse and helped push the bill forward, said California is running behind with licensing but is working on it.

"The regulation is now in place, let's see what happens," Hobbs said. "I'm hoping for the best, I'm hoping that our children are more protected, and that's why we did it."

A decade ago, the National Conference of State Legislatureslisted moves by other states — including New York, Kentucky, Utah and New Mexico — to regulate the industry. New York's law specifically forbids "aversive behavioral intervention" and guidelines to prevent child abuse. A spokesman for NCSL said earlier this month it appears the group has not done an in-depth examination of the issue since.

Proposals in Montana

In Montana, Rep. Shane Morigeau requested legislation, House Bill 222, to impose state regulation on religious therapeutic programs for troubled teens, which are now exempt from state oversight.

The Missoula Democrat's motivation to protect children in religious settings is personal: His grandmother was abused at the Ursuline Academy in St. Ignatius, a mission school on the Flathead Indian Reservation exposed in a lawsuit as a safe haven for clergy who sexually abused children.

"It's to make sure we're not letting people sneak through," he said. "There have been a lot of people go through these programs and have success. But history shows us that isn't always the case."

When similar efforts occurred in the past, Pine Haven Christian Ranch for Kids was on hand to vehemently reject any idea that state oversight is needed to protect the children there, despite the fact that one of its workers was sent to prison in 2005 for sexually assaulting two teenage girls.

Morigeau said his bill, sponsored by Rep. Zac Perry, D-Martin City, does not seek to put boundaries on how programs practice their respective religions; it's simply giving enforcement power to the state when children are harmed, just like any other program that takes in vulnerable youths. The teenagers at these programs are typically the ones who would make the complaints, but those reports may be stifled when it's the predators who have all the power at an isolated facility.

"These are vulnerable people looking for support and we want to do our best to protect them ...," he said.

Rep. Denley Loge, R-St. Regis, has drafted another bill to allow prosecutors to pursue criminal charges against those in a supervisory setting over a patient, like students at residential treatment centers.

Montana's age of consent is 16, but that would not apply to residents in a therapeutic setting under the legislation.

He proposes language that seeks to establish criminal charges for teachers who engage in sexual or inappropriate relationships with students, although he said there has been some hesitation because the programs in his bill are private entities, and not overseen by the Montana Office of Public Instruction.

Paul Clark, the former legislator who until last year ran a wilderness program of his own outside Trout Creek, said in an interview this month that if the problems the Missoulian found are "indeed happening, what I would do is change the composition of the board" — now dominated by members from the industry — "and add a couple of members of the public."

The board's original design "was to hold people accountable — not to allow a system where kids are in jeopardy," he said.

Eerily echoing a phrase used by the father of Ben Jackson, a 16-year-old boy who killed himself at Montana Academy in 2017, Clark said, "I know what people think about this: It's like the fox watching the henhouse."

Kalfell, the Bozeman activist, said that "on a national level, we're always going to have this problem until we change things, but it can start here."

"This is where we live, this is where we raise our children. Even if these kids aren't from here, Montanans should care about what's going on in Montana."

Missoulian Editorial Jan 27, 2019

Protect troubled kids, repair troubled system: Montana can no longer turn a blind eye to problems at teen treatment centers

Last week the Missoulian published a series of news stories about private residential treatment programs for children — mostly teenagers — in Montana.

As this series shows in tragic detail, it is long past time for the state to enact meaningful regulation of these programs. The experiment in which these programs were essentially allowed to regulate themselves has clearly failed.

It's important to note that some of these treatment programs have helped a lot of troubled kids turn their lives around. Over the past week, the Missoulian has heard from a handful of these former students and parents wanting to share their personal stories and emphasize their very positive experiences.

Undeniably, there is a place for these programs in Montana. Their good work should be encouraged. But it would be irresponsible to ignore that there have also been some troubling practices that have resulted in very negative outcomes as well, from suicide and sexual assault to post-traumatic stress disorder and lasting trauma. Regardless of the methods used by any program in Montana, they are all allowed to operate with little to no transparency to the public or even to parents. That has to change.

The current system allows problematic residential treatment facilities to shut down when complaints pour in, only to open again in a new place under a new name. It allows serious problems to slip through the cracks, with no accountability, and ultimately tarnishes the reputation of all private treatment programs in Montana. This must stop.

The Montana Legislature is faced with two bills this session that would address two gaping loopholes in the state's ability to oversee these programs. It's up to Montana to tackle this issue on its own because there are virtually no federal regulations in place, despite repeated attempts to pass legislation through the U.S. Congress.

LC2664, requested by Rep. Denley Loge, R-St. Regis, is a draft bill aimed at protecting vulnerable people from sexual predators, specifically providing that participants in

private alternative adolescent programs cannot consent to sex with program employees. This is important because under Montana law, the legal age of consent is 16. It should be against the law for any adult holding such a strong position of power and trust to have sex with a teen resident. Loge's bill must advance through the Legislature and be signed into law. There is no good reason to oppose it.

Another proposal, House Bill 222, would eliminate the licensing exemptions for alternative adolescent treatment programs affiliated with religious organizations. The bill, requested by Rep. Shane Morigeau, D-Missoula, and sponsored by Rep. Zac Perry, D-Hungry Horse, is currently awaiting action in the House Judiciary Committee. Morigeau points out that his own grandmother was abused at a mission school in St. Ignatius where a lawsuit revealed clergy were routinely assigned after getting caught sexually abusing children.

The Montana Division of Child and Family Services has recorded multiple, ongoing, proven reports of abuse at religious treatment programs — but has no enforcement authority over them. In 2015, former CFS Director Sarah Corbally told state legislators the agency had tallied more than 30 reports of abuse and neglect at unlicensed facilities over the previous five years and could do nothing about it.

Despite this compelling testimony, Montana's lawmakers chose not to do anything about it, either. Montanans must demand they act on this legislation at last. They can remind their representatives and senators of specific cases, such as Pinehaven Christian Ranch for Kids, which has opposed state oversight in previous legislative sessions, and which itself saw a former teacher sentenced to prison for sexual intercourse without consent in 2005 after assaulting two teenage girls in the program.

Montana should be able to discipline programs with lax procedures or loose policies that allow this to happen. There should be a process for students in these programs and their parents to file credible complaints, and have those complaints thoroughly and publicly investigated. Montana does not yet have such a system. Right now, complaints are fielded by a board that is, inexplicably, housed under the state Department of Labor and Industry, which oversees no other enterprises even remotely similar to alternative residential treatment programs for adolescents. Indeed, the department has supported bills

to transfer oversight to another agency, and the Montana's Department of Public Health and Human Services has previously requested that it be given this responsibility.

Further, the board in charge of investigating any complaints is stacked with industry insiders — three of the five board members run treatment centers. Thus, the oversight board, called the Private Alternative Adolescent Residential or Outdoor Program (PAARP), has never meted out a sanction to any program throughout its dozen years of existence, despite having received nearly five dozen complaints.

Worse, every one of those complaints is kept a secret. They remain unavailable for public review unless the board takes disciplinary action — and it has never taken significant action.

The Montana Department of Labor and Industry is the wrong agency to oversee these programs. And the board that investigates complaints should not consist of a majority of members who run the very businesses they are supposed to investigate. It should be expanded to include members with expertise in child education, adolescent behavioral problems and treatment.

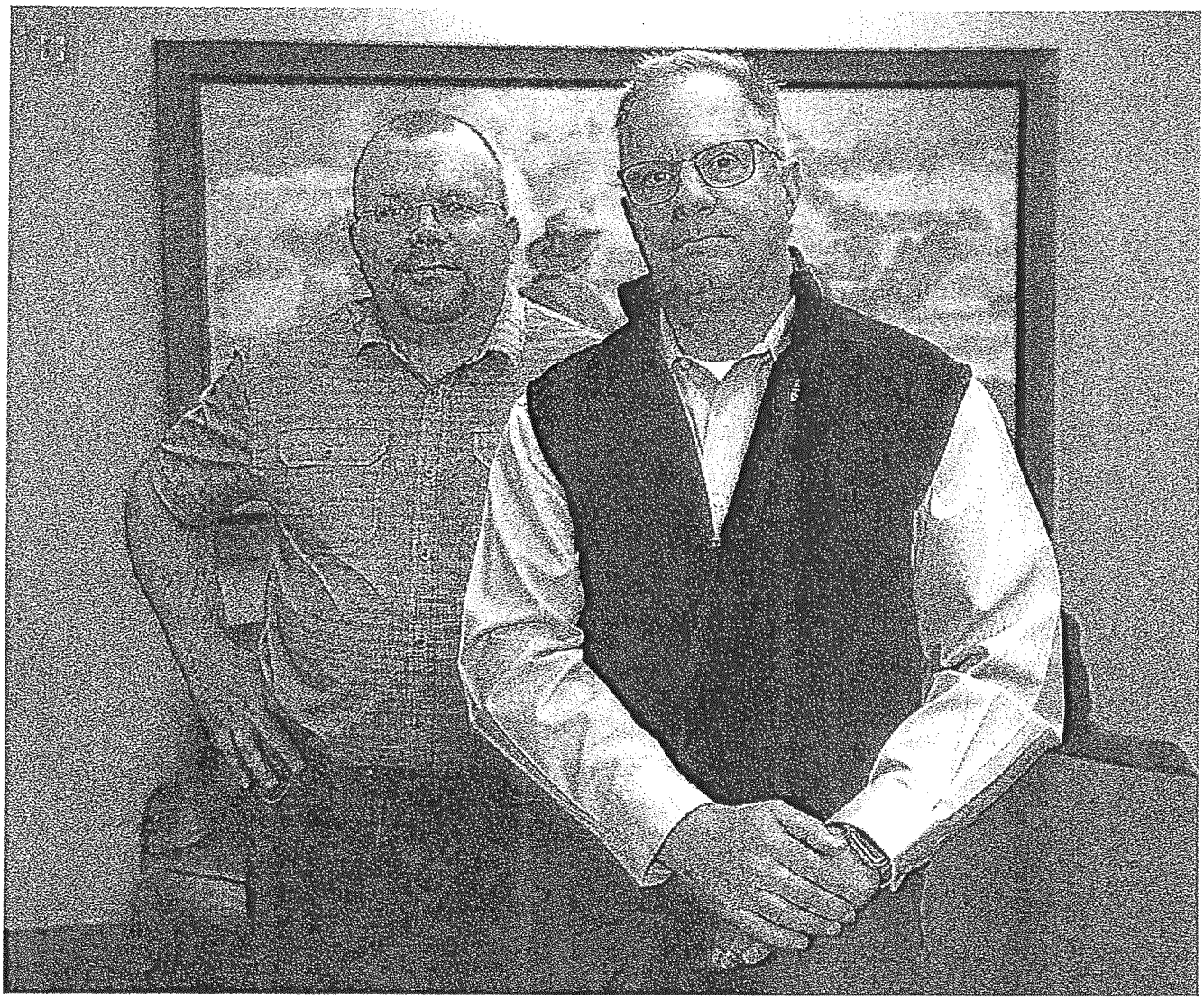
The board also should not grant licenses to any program that has not passed a thorough inspection. Parents who pay great sums of money to send their children to these facilities may be lulled into a false sense of security by these licenses, when in reality, inspections are few and far between — and all too often, entirely perfunctory.

At a minimum, treatment programs should be required to share the results of criminal background checks of workers with the public. And unlicensed employees with no training should not be allowed to care for teens with sometimes serious disorders.

Montana can no longer turn a blind eye to these lapses. Too many children already have paid the price. It's time, finally, to repair this troubled system for troubled kids.

Bill would ban sex between students, staff at alternative treatment programs in Montana

Cameron Evans cameron.evans@missoulian.com Jan 29, 2019



Missoula attorneys Lance Jasper, left, and Rob Bell have litigated two lawsuits against residential treatment programs for troubled teens. They've also helped draft legislative language they hope will become part of a bill making teachers and counselors who engage in sexual relationships with students subject to prosecution.

TOM BAUER, Missoulian

The Montana Legislature is considering a bill that seeks to protect vulnerable youth from sexual misconduct in private alternative adolescent treatment programs.

The bill would criminalize sexual acts between workers affiliated with such programs and program participants, even if the participant is old enough to legally consent.

The bill would amend existing state law governing consent to recognize the inherent power and trust dynamics of a psychotherapist-patient relationship. It would also apply to staff in such programs, even if they aren't licensed therapists.

Montana's age of consent is 16, but the bill states that the consent of a patient is not valid in a psychotherapist-patient relationship or in the context of a student at a private alternative residential program.

"It's not to take their rights away as a young adult, but it's to protect them because they're in a vulnerable state," said Rep. Denley Loge, R-St. Regis, who is carrying the bill.

Loge's proposal, HB 282, was drafted with the help of Missoula attorneys Rob Bell and Lance Jasper. The two attorneys filed one of three recent lawsuits against Reflections Academy, a residential treatment program for troubled teenage girls in Sanders County.

All three of the lawsuits — filed between Oct. 5 and Christmas Eve 2018, in Sanders County District Court — allege that the program misrepresented the qualifications of its staff and employed a man named Chaffin Pullan accused of sexually grooming young girls who attended the program. Pullan has a long history of working in residential programs in Montana and elsewhere.

The bill, heard by the House Judiciary Committee on Tuesday, adds language to the law to include private alternative adolescent residential or outdoor programs, where parents send their teens to deal with a range of emotional issues. No one spoke in opposition to the bill.

"When they get in these schools, there's a feeling of trust for the people that are trying to help them out so they can become a victim for the predators who may be taking care of them, giving them advice, and even the help that works in those facilities," Loge said.

Loge said the bill would provide youth and young adults in the programs with "a little additional safety from those sexual predators," adding that participants' thought

processes might not be as clear as other young adults who are not dealing with the same emotional problems.

Bell told the committee that "other states have addressed this very issue and effectively passed statutes that say consent to sexual relations in that environment cannot be freely granted because of all of the trust, confidence and very, very personal information that is divulged by a patient to a psychotherapist." He added that many programs claim to treat teens with behavioral issues such as sexual promiscuity.

"They're being brought there to heal that aspect of their lives and then being taken advantage of because they are prone to those kinds of behaviors," Bell said.

Bell said the proposed legislation would apply to staff at programs licensed through the state Board of Private Alternative Adolescent Residential or Outdoor Programs (PAARP) that oversees such programs. It also would apply to unlicensed religious programs, as long as they provide or purport to provide psychotherapy services.

The bill defines psychotherapy services as treatment, diagnosis, or counseling in a professional relationship to help individuals or groups with behavioral or mental health disorders.

As the Missoulian reported in the "Troubled teens, troubled industry" series, staff at alternative treatment programs operate in a variety of roles, with many unlicensed staff members providing therapy services to residents.

Bell said the bill addresses this issue head-on by including language to include both licensed mental health providers, in addition to employees, contractors, or volunteers of facilities that provide psychotherapy services to program participants, where the staff member has supervisory or disciplinary authority.

"The concept underlying this is really that disparate relationship underlying this," Bell said.

Anita Milanovich, a constitutional litigation attorney speaking as a lobbyist for the Montana Family Foundation, spoke in support of the bill at the Tuesday hearing.

"We're surprised that these contents were not already included and we believe that they should be," Milanovich said.

Milanovich's statement stood in contrast to previous years when the Montana Family Foundation fought against any state regulation of religious programs providing therapy services.

Michael Toppen also supported the bill on behalf of the Montana Public Interest Research Group, saying: "The language in this bill protects patients and clients and acknowledges the power dynamics that are inherent in mental health services for people that are in a vulnerable state."

Head of MT board regulating programs for troubled teens open to increased transparency

Seaborn Larson seaborn.larson@missoulian.com Feb 9, 2019

A leader of Montana's largest private residential program for troubled teens said Friday he's open to changes such as increased oversight, more transparency, and a swift response to complaints against programs operating in Montana.

Santa

John Santa, co-founder of Montana Academy and chair of the Private Alternative Adolescent Residential and Outdoor Program (PAARP) board, said he supports such moves but noted he was speaking only for himself and not the board.

Several weaknesses in state oversight of private, for-profit programs treating sometimes out-of-control teens were brought to light in the Missoulian's recent series, "Troubled Kids, Troubled System."

The five-member PAARP board oversees 14 programs clustered in western Montana. Three of its members come from the programs themselves, while two are from the public. The Missoulian series found no significant discipline against any program resulted from the 58 complaints investigated in the 12 years of PAARP's oversight.

"Anything that would increase the transparency in the way we operate, I would be fine with," Santa said Friday.

On Thursday, Santa told the Missoulian's editorial page editor that he would support flipping the board's ratio so members of the public would hold the majority of seats.

On Friday, though, Santa told a reporter he'd "have no trouble" with adding another public member to evenly balance the board's membership. But giving the public a majority of the board's seats, he said, could be problematic because the public members could push to abolish the board altogether.

He said that to even out representation, however, could reinforce the board's credibility.

Santa reinforced that he and the PAARP board, which is housed in the Montana Department of Labor and Industry, continue to support legislation to close the regulatory loophole for programs with religious affiliations. Under the current state law, religious programs can operate completely without state oversight.

"I think any program that treats children or minors should have some regulatory authority that oversees them," Santa said.

The proposed change has come before the state Legislature each year since a licensing mechanism for residential treatment programs for troubled youths went into effect in 2007. Each year, the bill has died in committee following testimony from religious program leaders and lobbyists calling for separation of church and state.

Santa said there would be no effort to alter religious practices at the schools; the aim is to ensure programs abide by a set of safety standards.

"There's nothing in the regulations of the PAARP board that would interfere with any kind of religious teachings or doctrines," he said. "We would not interfere with anything of the religious practice unless they impose a risk of safety for children."

In one case, the board pursued litigation against a program, Ranch for Kids outside Eureka, for falsely claiming a religious affiliation. After the costly effort by the PAARP board, Ranch for Kids is now licensed by the state.

This year's bill to close the religious loophole, HB222, was requested by Rep. Shane Morigeau, D-Missoula and carried by Zac Perry, a Democrat from Hungry Horse. Morigeau and Perry told the Missoulian their confidence in the bill was bolstered by Santa's support to eliminate the religious exemption.

"From my standpoint, it signals that it's the right thing to do, that it's the common-sense thing to do," Perry said. "It's clear that we're looking at putting the health and safety of some of the most vulnerable children in Montana first, making that a priority."

"I think this issue has gotten bogged down in red herrings," Morigeau said. "I just want to make sure and know that kids are safe when they're in your program, that they're not being taken advantage of." Santa also said moving the PAARP board under the state Department of Public Health and Human Services — as was originally proposed when the Legislature created the board — may even be "advantageous."

"It might be a better fit," he said of DPHHS, "if they're willing work with us, making sure we're understood on the real needs we have (regarding) the level of care that we provide."

One issue Santa hopes to resolve swiftly is the background check process for employees at the programs. Currently, programs fingerprint new employees and submit them to the PAARP board, which turns them over to the Department of Justice. But after that, Santa said, there's no information coming back to the board or the programs unless an employee doesn't pass the background check. In other words, the programs, the board and DOJ are in separate silos when it comes to background check information on program employees.

"We have a record of sending them in, but that's all we have," he said. "But we're trying to get that cleared up."

Additionally, Santa said the board's response to complaints against programs could be more swift, another change he hopes to see installed soon.

"We need to improve how, administratively, we respond to complaints," he said. "That's an issue we're going to take up. We need to be more responsive when complaints are made."

Over the years, in programs for which PAARP has oversight, inspections have turned up housing built and inhabited by teenagers that doesn't meet building codes; programs without background checks in personnel files; and administrators operating outside of their submitted program plans. While stipulations are signed with the board as a result of those complaints, no significant discipline has fallen on the programs and the stipulations have remained secret.

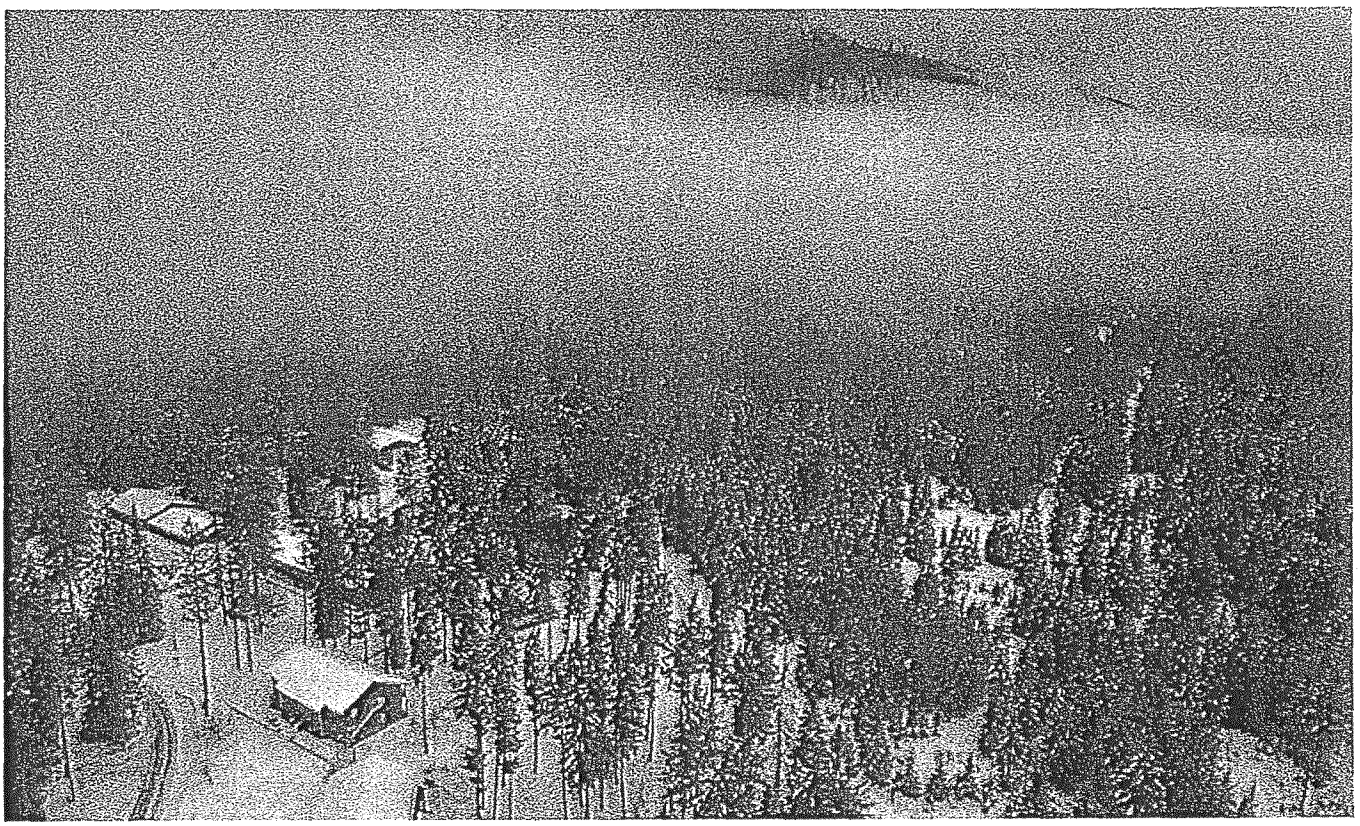
Santa contended the board has exercised its duty in reining in programs that are operating in violation of state code. He said the PAARP board and the Department of Labor and Industry can do nothing other than revoke licenses or take programs to court. Other issues, he said, are up to the civil courts to correct.

He did say, however, that transparency could also be improved in how the board operates. Under law, complaints made against programs or individuals are private unless substantiated by the board's screening panel. As with the PAARP board, the screening panel's makeup consists of a majority of people from the programs it regulates.

"We have to have a way to say, yes, we are addressing these things, but we also have to maintain privacy," he said. Otherwise, unfounded complaints can be lobbed at programs and individuals to cause undue harm. "I do want to look at the issues of making the board more efficient about handling complaints and making them transparent, to a reasonable point."

Missoulian Editorial Feb 10, 2019

Demand overhaul of regulatory system for teen treatment programs



The state oversight board for Montana's private programs for troubled teens and adolescents was established after a 16-year-old girl killed herself at Spring Creek Lodge, the now-shuttered program pictured above. The board's majority comes from the industry it regulates.

TOMMY MARTINO, Missoulian

Infrastructure. Aquatic invasive species. Education. Criminal justice reform. The 66th session of the Montana Legislature is currently riding the crest of an unprecedented wave of bill draft requests on a mind-boggling array of topics.

In fact, the Legislative Services Division crunched the numbers, and found that a whopping 699 more bill draft requests were submitted in the first 19 days of the current legislative session than in the previous session. More bills — at least 80 — also have made it past committee hurdles for a vote on the chamber floors.

Among the pressing legislation being considered in this session are two bills seeking to tighten oversight of alternative residential programs for youth. As shown in the Missoulian's recent investigative series, "Troubled Kids, Troubled System," there are some serious lapses in Montana's regulatory system.

If legislative leaders fail to demand improvements now, it could well be another two years before urgent reforms are finally addressed. In the meantime, hundreds of youth — mostly teenagers — will continue to be put at risk through programs that are allowed to operate with very little meaningful regulation.

Most of these youth come from out of state, making it difficult for parents to monitor their children's progress in person. Some programs also strictly limit their students' ability to contact or communicate with their parents directly. And the state's astonishing lack of transparency makes it unduly difficult for parents to thoroughly research the various programs operating in Montana, which offer widely differing levels of care.

Yet these programs are all lumped together under the same regulatory system that was created by the 2004 Legislature — thanks to a bill written and sponsored by owners of the very programs that would be regulated by the new system — after these businesses spent $34,000 lobbying legislators.

This system, still in place today, tasks a Private Alternative Adolescent Resident or Outdoor Program (PAARP) board with overseeing inspections, complaints and licensing. The board operates under the Montana Department of Labor and Industry, rather than a state agency that deals with child care or education. Three of the board's five members run the same programs they are charged with regulating. And programs claiming a religious affiliation are exempted even from these generous requirements.

Given these realities, it comes as little surprise that inspections take place rarely or that schools are given a week's notice beforehand. What's more surprising is that the PAARP board has no transparency and no teeth when it comes to handling complaints. It has received some 58 complaints in the past dozen years, but according to PAARP rules, these complaints are not released to the public unless the board takes disciplinary

action — and it has never taken such action. The board is severely limited in its ability to require programs to follow best practices, let alone adhere to basic standards.

Therefore it is disappointing that, so far, there is only one bill in the Legislature aimed at addressing one important aspect of the state's regulatory failure. House Bill 222, by Hungry Horse Democrat Rep. Zac Perry, would finally bring religious programs under the state regulatory system. Legislators have sought to do the same in past legislative sessions but were unsuccessful, despite strong support for this legislation from the PAARP board itself, which has provided public, written testimony in past legislative sessions at every opportunity.

Passing this bill would be a solid step in the right direction. But Montana must take strides on at least two other aspects of this issue.

First, the PAARP board should be expanded from its current five members to seven, and the majority of public members should consist of experts in child psychology, therapy and adolescent mental health — who are not also owners with a stake in the very programs they are charged with overseeing.

It is worth noting here that the PAARP board chair, speaking only as an individual and not on behalf of the board, also supports changing the board makeup to include more members who are not affiliated with treatment programs. John Santa, a licensed clinical psychologist, is a co-director of Montana Academy, a therapeutic school for struggling youth he co-founded in 1997, along with his wife and fellow psychologist Carol Santa, Medical Director John McKinnon and his wife, Rosemary McKinnon, a licensed clinical social worker.

Last week, Santa told the Missoulian Editorial Board that he also is personally open to the idea of moving PAARP from the Department of Labor and Industry to the Department of Public Health and Human Services, although he would of course want to see specific ideas on how the board would work under DPHHS before fully supporting this change. He added that he would also want those who have experience running youth treatment programs in Montana to have a chance to provide input and help negotiate how

the board would work under DPHHS, ideally in a way that would recognize the different kinds of care offered by different programs.

That's the second item still missing from the current legislative agenda. The Department of Labor and Industry is clearly a poor fit for a board that deals with alternative treatment programs for troubled youth. PAARP should operate under the DPHHS umbrella so that problems that fall outside the board's scope can be dealt with by qualified agencies, such as Child Protective Services. Inspections should take place regularly and without advance notice, so that inspectors get an unpolished view of a program's daily operations, and the entire system should be as transparent to the public as possible.

The deadline to introduce general non-appropriation bills in the present legislature is Feb. 23, which means time is quickly running out for legislators to take action. Critical lapses in Montana's regulatory system have been ignored for too long already. It's time for legislative leadership to give this their immediate attention.

Rape conviction in Utah underscores risks at programs for troubled teens in Montana

Seaborn Larson seaborn.larson@missoulian.com Feb 14, 2019

A former therapist at a private teen treatment program near Kalispell was convicted in 2018 of repeatedly raping a 16-year-old girl he was caring for in one-on-one sessions at a program in Utah.

Jason Calder pleaded guilty in Utah District Court to four felonies, including rape, object rape, forcible sexual abuse and obstructing justice. As part of the plea agreement, 12 sexual assault-related charges were dismissed, the Salt Lake Tribune reported in January 2018.

Authorities opened the case after the girl disclosed the abuses to another therapist.

Calder worked seven years as a therapist at Summit Preparatory School near Kalispell, and only worked with boys, Rick Johnson, founder and director of development at Summit told the Missoulian on Thursday. He said no complaints were ever leveled against Calder in Montana; his background check came back clean and no previous employers raised any flags in reference calls before he began working there in 2007. Calder left the school in 2014 for a job with a higher position at a program in Utah, Johnson said.

"We were actually very surprised, very appalled, and I was just saddened by all the clients that he worked with that maybe he had been inappropriate with," Johnson said in a phone interview.

Had the abuses happened in Montana, the 16-year-old girl's allegations may not have led to prosecution.

Since October, a private teen treatment program near Thompson Falls has been sued three times by families alleging program administrators at Reflections Academy failed to protect their daughters from grooming and subsequent sexual relationships with an

employee there. Sanders County prosecutors told the Missoulian in December they declined to press charges against Chaffin Pullan because the girls' ages were above the age of consent.

Johnson said Monday that, while he hasn't seen the details of the proposal, he supports a bill currently moving through the Legislature to make it a crime for therapists, licensed or unlicensed, to engage in sexual relationships with residents at private residential treatment programs in Montana.

"Certainly any therapist that has sex with a client should be held criminally responsible for that behavior," he said. "That almost has the flavor of incest. It makes you sick to your stomach to think about it."

The bill, HB 282, carried by Rep. Denley Loge, R-St. Regis, has passed approval of the House and will next be heard by the Senate Judiciary Committee.

Johnson said Summit employs training with all employees to eliminate any potentially suggestive behavior, completes reference checks and conducts background checks for all employees.

Bullock supports shifting regulation of programs for troubled teens in Montana to DPHHA

Patrick Reilly and Seaborn Larson Patrick.reilly@missoulian.com seaborn.larson@missoulian.com Feb 14, 2019 updated Feb 21, 2019

Gov. Steve Bullock said Thursday he supports shifting regulation of private residential treatment programs for troubled teens to the Montana Department of Public Health and Human Services.

The programs are now overseen by a state board whose majority comes from the programs it regulates.

In the last 12 years, a Missoulian investigation found, the board imposed no significant sanctions despite at least 58 complaints about the programs, some of which charge desperate parents more than $100,000 a year.

A draft bill requested by Rep. Zac Perry, D-Hungry Horse, and posted online Tuesday would terminate the Private Alternative Adolescent Residential or Outdoor Program board. Three of its five members run one of the 16 programs for troubled teens licensed in Montana.

Bullock was in Missoula Thursday to address a Chamber of Commerce event. Speaking with the Missoulian afterwards, he replied "I would" when asked if he would support moving oversight of these programs to the Department of Public Health and Human Services, the state agency whose mission includes keeping children safe.

He said the Missoulian's series, called "Troubled Kids, Troubled System," had created "some real discussion this legislative session about the possibilities of improvement. We're not only keeping a close eye on those, but we'll be supporting many of those, as well."

The proposal would migrate regulation for all of the private, largely for-profit programs, which are clustered in western Montana, to DPHHS, and require the department to honor

the rules established by the PAARP board until the department can develop and implement its own rules.

The Missoulian's year-long investigation found that in some cases, unlicensed and untrained staff are caring for children and teens with serious emotional and physical problems, students are often isolated from their parents for months at a time and, in one case, a program allegedly failed to protect teenage girls from alleged grooming and sexual assault by an employee.

Rick Johnson, a member of the PAARP board and the founder of Summit Preparatory School, said in an interview Thursday he would support shifting oversight and licensing to the Department of Public Health and Human Services.

"The PAARP board, they have done good things, but it still belongs with DPHHS," he said in a phone interview. "They license group homes and foster homes, too. That's where the licensing belongs, and it's always belonged."

The PAARP Board is now under the state Department of Labor and Industry, which has no similar oversight for educational or mental health treatment programs.

Johnson said Labor and Industry "has done as good a job as it can do, but it really doesn't belong in that department."

PAARP Board chairman John Santa, founder of Montana Academy, previously told the Missoulian a relocation to DPHHS would be "advantageous."

In a December interview, Sen. Jennifer Fielder, R-Thompson Falls, told the Missoulian the state should intervene when these programs operate in violation of the law. But she said DPHHS should not take over regulation because it had recently suffered budget cuts and had difficulty keeping up with its existing statutory duties.

Legislators also are considering additional changes to the state's private teen treatment industry, including making it a crime for therapists or employees at the programs to have sex with residents.

Rep. Denley Loge, R-St. Regis, introduced the bill in response to allegations of sexual assault at a program in Thompson Falls, where an employee is accused of grooming girls toward sexual relationships. Sanders County prosecutors declined to prosecute the employee, Chaffin Pullan, because the girls were older than 16, the age of consent.

Loge's bill, HB 282, has passed the House and is awaiting a hearing date in the Senate Judiciary Committee.

Another bill aims to close a regulatory exemption for programs affiliated with a church or other religious institution.

A bill to close the loophole for religious programs has been proposed in every legislative session since 2009, although its never made it out of committee.

On Thursday, the governor said he was pleased to see a broader discussion surrounding the private industry happening in the statehouse.

"First, I'm glad that the discussion is being had and I'm glad that even many of the providers are saying that we could be doing more," Bullock said. "So I think that this legislative session we will see some changes, which is good."

Missoulian Editorial Feb 17, 2019

3 legislative proposals to protect youth in private alternative treatment programs

The Missoulian Editorial Board has previously called for support for two bills awaiting action in the Legislature that would finally put in place long overdue protections for youth in private alternative treatment programs. Add to these an equally important measure, currently in the drafting process, that promises to ensure effective oversight of these programs.

Together, these three legislative reforms would provide the necessary safeguards to require that these programs follow the rules — and shut down those that don't. As it stands, the sole regulatory authority over this industry has little motivation to hold them to even minimal standards, and no teeth to punish even the worst programs.

Perhaps worst of all, the entire system is kept shrouded in secrecy. Parents of troubled youth and the general public may assume that a licensed program has met rigorous standards and adheres to best practices – and some certainly do. But others, as shown in the Missoulian's recent "Troubled Kids, Troubled System" have not, and the kids under their care have paid the price.

Thankfully, this legislative session is poised to be the one in which regulatory improvements are made at last.

House Bill 282 would make it a crime for program employees to have sex with the vulnerable youth in their care, even if those youths are older than the age of consent of 16. Introduced by Rep. Denley Loge, R-St. Regis, the bill has picked up a number of co-sponsors and easily sailed through the House on a 97-2 vote on its third reading. The Senate Judiciary Committee must take the next step to move this bill to a floor vote and on to the governor's desk. Missoula's own Sen. Diane Sands is a vice-chair of this committee.

House Bill 222 would eliminate the so-called "religious exemption" that allows programs affiliated with a religious organization to avoid oversight of any kind. Introduced by Rep. Zac Perry, D-Hungry Horse, this important bill is still hung up in the House Judiciary Committee, which won't even hold a hearing on the proposed legislation until March 15. We urge readers to contact committee leadership to urge action on HB 222 without undue delay. Rep. Alan Doane, R-Bloomfield, is chair of the committee; Rep. Kathy Kelker, D-Billings, and Rep. Barry Usher, R-Billings, are vice-chairs.

And the bill draft known as LC3217 would terminate the board charged with licensing residential programs for youth, and transfer those duties to the Montana Department of Public Health and Human Services. Last week in Missoula, Gov. Steve Bullock told the Missoulian he would support such a move.

Incredibly, the Private Alternative Adolescent Resident or Outdoor Program (PAARP) board is currently housed under the Department of Labor & Industry, which oversees no other industries even remotely related to caring for troubled adolescents. It consists of five members, three of whom run the same youth treatment programs they are supposed to regulate. The other two members are not required to have any experience or expertise in education, mental health care, behavioral challenges or otherwise.

Indeed, even the counselors employed by these programs are not required to have any special training – despite the fact that the children in their care may have serious emotional, behavioral or physical needs.

Background checks are not readily available to the public, inspections take place rarely and largely perfunctorily, and complaints result in consequences even more rarely.

Clearly, change is overdue. Moving the board's responsibility under the umbrella of DPHHS would allow an agency with direct expertise in an array of children's health services to lend those resources to the regulatory process. Further, it would ensure that serious complaints involving alleged abuse or neglect are investigated by officials with the expertise to make fair judgements and the authority to hold offenders accountable. Ideally, they would offer training for program employees to share their considerable

knowledge on teen health and safety, thereby warding off potential problems before they can get out of hand.

The current board is not functioning well. Some programs haven't been inspected in years, and some of the materials they do submit to the board are badly outdated. While it makes perfect sense for industry representatives to have a hand in crafting sensible rules, since they are the ones who best understand the unique challenges of their industry, it makes no sense at all to also put them in charge of making sure they follow those rules.

The state of Montana currently counts 16 licensed private residential schools, most of which are in relatively remote locations near small communities in western Montana. Many of their students come from out-of-state, which makes it extra challenging for parents to keep close tabs on their children's progress. It's understandable that they would assume licensed programs at least meet baseline standards for health and safety. Sadly, the state cannot truly provide this assurance.

At least 58 complaints have been made to the PAARP board over the past dozen years, ranging from billing disputes to mistreatment of students, and not one has resulted in a meaningful consequence.

As Rep. Perry told the Missoulian last week, "We're talking about the health and safety of one of the most vulnerable populations in Montana, with kids that are going to these camps and residential programs."

To leave a message for up to five individual legislators or one legislative committee, call (406) 444-4800 or use the online messaging form at https://leg.mt.gov/web-messaging.