

THIRTEENTH JUDICIAL DISTRICT

STATE OF MONTANA

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August 26, 2020

Children, Families, Health, and Human Services Interim Committee
P.O. Box 201706 Helena, MT 59620-1706
C/O Sue O'Connell, Legislative Analyst
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Dear Members of the Children, Families, Health, and Human Services Interim Committee:

Thank you for this opportunity to update the Committee on the status of the DN Pilot Project in the 13th Judicial District, Yellowstone County. As you will recall from our previous conversations myself and Judge Harada are conducting Emergency Protective Services' Hearings ("EPS Hearings") in conjunction with the Pre-Hearing Conferences ("PHC") in Yellowstone County. Judge Harada and I are generally able to hold assigned EPS hearings within 6 calendar days of removal. We are preparing to add four additional Judges in Yellowstone County to the DN Pilot Project, meaning we will have six of the eight departments in Yellowstone County participating in the program. Additionally, two courts in Kalispell are also now operating as DN Pilot Project courts.

As I am sure you understand, the COVID-19 pandemic has thrown a loop into case referrals to the DN Pilot Project but we are still pushing forward and seeing good initial results, i.e., anecdotally parents being reunited in some capacity with children sooner in the program. With that being said, we have a ways to go as far as total data collection and even more importantly meaningful analysis of the data. What we can say is that parents in the program are being evaluated and treated for substance abuse disorders within days of removal and even more important, those same parents are engaging in substance abuse treatment within days of removal. We are optimistic that additional courts in the DN Pilot Project will mean the data will aggregate sooner and we will have better information to support what the Judges that are participating in the program already know — the addition of a hearing in the early stages of a DN case with meaningful contact between parents, counsel and the court improves outcomes for Montana's most vulnerable children. However, we have yet to test the DN Pilot model in a more rural district meaning the challenges for such districts are still relatively unknown and will be an important part of any analysis moving forward.

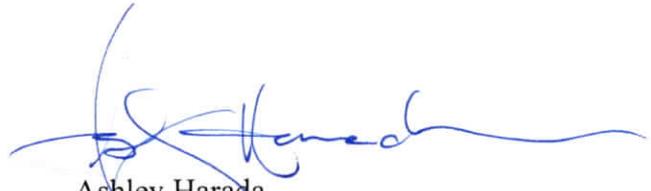
At this time, with more DN Pilot Project courts anticipated it is imperative that we have the opportunity to continue to evaluate this program, what works, what the most appropriate and feasible timeline is for the different jurisdictions we have in Montana (i.e., rural versus urban), and what resources are necessary to effectively add the layer of support required to conduct EPS hearings statewide. Additional work is needed to ensure hearing requirements and timelines are not arbitrary or unworkable for the courts, DPPHS, the Public Defender's Office and our local County Attorney's Offices so that we can better meet the critical needs of the children, parents, and families involved in this system.

Thank you for your consideration and thoughtful deliberations on this matter.

Respectfully,



Jessica T. Fehr
District Court Judge
Montana 13th Judicial District



Ashley Harada
District Court Judge
Montana 13th Judicial District