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**CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM
COMMITTEE**
67th Montana Legislature

SENATE MEMBERS

John Esp
Mary McNally
Albert Olszewski
Diane Sands

HOUSE MEMBERS

Barbara Bessette
Mary Caferro
Dennis Lenz
Frederick (Eric) Moore
Gordon Pierson
Tom Welch

COMMITTEE STAFF

Sue O'Connell - Research Analyst
Alexis Sandru - Attorney
Fong Hom - Secretary

MINUTES LOG

January 17, 2020
Room 137, State Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Members Present:

Rep. Frederick (Eric) Moore, Chair
Sen. Diane Sands, Vice Chair
Rep. Barbara Bessette
Rep. Mary Caferro
Sen. John Esp
Rep. Dennis Lenz
Sen. Mary McNally
Sen. Albert Olszewski
Rep. Tom Welch

Members Excused:

Rep. Gordon Pierson

Staff Present:

Sue O'Connell, Research Analyst
Alexis Sandru, Committee Attorney
Fong Hom, Committee Secretary

VISITORS' LIST (Attachment 1)
AGENDA (Attachment 2)

RECONVENE

08:02:50 Rep. Eric Moore reconvened the meeting at 8:02 a.m. The secretary noted roll. Rep. Pierson was excused.

HJR 48/49 STUDY: CHILD PROTECTIVE SERVICES

08:03:39 Sue O'Connell, Research Analyst, gave opening remarks regarding the HJR 48/49 Study. She made reference to public comment from Shyla Patera and Jenny Montgomery regarding Senior and Long-Term Care Services Study that were placed at each member's place.

Overview of Staff Reports

08:04:56 Ms. O'Connell discussed Meth Use: Montana and Elsewhere [\(Exhibit 1\)](#)

08:09:31 Ms. O'Connell discussed CPS Statistics in Surrounding States [\(Exhibit 2\)](#)

08:11:59 Ms. O'Connell discussed Family First Prevention Services Act [\(Exhibit 3\)](#)

Committee Questions

08:12:23 Rep. Moore asked about the graph on page 2 of Exhibit 2, CPS Statistics in Surrounding States.

Legal Rights of Parents

Initial Hearing Timeframes

08:13:38 Alexis Sandru, Staff Attorney [\(Exhibit 4\)](#)

Committee Questions

08:14:39 Rep. Dennis Lenz asked if there is a definition for a shelter care hearing.

The Right to Parent

08:15:19 Ms. Sandru [\(Exhibit 5\)](#)

Committee Questions

08:17:38 Sen. Diane Sands asked about complying with the requirements in the Family First Prevention Services Act.

Office of the Child and Family Ombudsman

Role of the Office

08:21:17 Dana Toole, Special Services Bureau Chief, Division of Criminal Investigation, Montana Department of Justice

Committee Questions

08:39:45 Rep. Moore asked Ms. Toole to talk more about when and how a civil case involving abuse and neglect becomes a criminal case and how factors

such as drug distribution, drug paraphernalia, or possession influence the decision.

- 08:40:45 Ms. Toole
- 08:45:52 Rep. Moore asked how the same judge can decide what is in the best interest of the child and reunification of the family while at the same time deciding whether or not to prosecute a person for drug distribution and which case the judge would hear first.
- 08:46:36 Ms. Toole
- 08:48:12 Jeff Hindoien, Deputy Attorney General
- 08:49:48 Rep. Lenz asked Mr. Hindoien about civil cases that could be settled quickly and a criminal case that could last for months.
- 08:55:17 Rep. Mary Caferro asked Mr. Hindoien if the well-being and safety of the child is integrated into the way that judges look at cases.
- 08:57:06 Rep. Moore asked Ms. Toole if the Legislature should look at additional child protection resources within the Department of Justice.
- 09:00:00 Rep. Moore asked Ms. Toole about the timeline in a removal case and where the first bottleneck would occur if the Legislature required a quicker initial hearing when a child is removed from the home.

Annual Report

- 09:03:49 Traci Shinabarger, chief child and family ombudsman, and Gala Goodwin, deputy child and family ombudsman, gave a presentation on their office's annual report for 2019. ([Exhibit 6](#))

Committee Questions

- 09:24:09 Rep. Lenz asked Ms. Shinabarger about how improved sharing of information could help court-appointed special advocates (CASAs) advocate more clearly for the best interest of the child.
- 09:25:59 Sen. Sands asked Ms. Shinabarger about how the ombudsman's office is integrating its efforts with the efforts of the newly created Missing Indigenous Persons Task Force.
- 09:27:12 Rep. Tom Welch asked Ms. Shinabarger about how the office follows up on its list of recommendations when DPHHS doesn't respond.
- 09:34:32 Rep. Moore asked about Graph 5: Types of Concerns Reported by Contacts to OCFO and why concerns about services and assistance fell off in 2019 and concerns about lack of response increased.

DPHHS Child and Family Services Division Update

- 09:36:55 Marti Vining, Division Administrator, gave an update on the Child and Family Services Division.

Committee Questions

- 10:01:47 Rep. Caferro asked Ms. Vining if a system exists for the department to review and either agree or disagree with the ombudsman's findings.
- 10:04:14 Rep. Caferro commented on the importance of supporting CPS caseworkers because that will impact turnover.
- 10:06:23 Rep. Moore asked about information regarding the number of children entering and exiting care for 2019 and in the last 5 years.
- 10:06:44 Rep. Bessette asked about training for law enforcement in child welfare cases.
- 10:07:02 Ms. Vining
- 10:07:48 Dana Toole
- 10:08:51 Bryan Lockerby, Administrator, Montana Division of Criminal Investigation, Department of Justice
- 10:10:14 Rep. Bessette asked if the intake reports are recorded interviews or written notes.
- 10:11:08 Sen. Esp asked Ms. Vining about the ombudsman's report showing complaints about lack of services and assistance going down significantly in the last year and complaints about lack of response increasing. Does Ms. Vining think that some of the improvements made to the hotline have addressed concerns about lack of response?
- 10:14:41 Sen. Esp asked Ms. Shinabarger if there was a way to get more detail on the complaints involving lack of response, including geographic details.
- 10:15:41 Rep. Lenz asked Ms. Shinabarger if she agreed that increasing the consistency and professionalism of CPS response, increasing caseworker qualifications, and retaining workers could help keep children safe.

BREAK (reconvene at 10:35 a.m.)

Supporting Parents in the CPS System

- 10:38:12 Denise Johnson, Montana Child Protection Alliance ([Exhibit 7](#))
- 10:53:57 Matt Furlong, Montana Child Protection Alliance ([Exhibit 8](#))
- 11:11:25 Greg Daly, mediator, gave a presentation on using collaborative mediation as a tool.
- 11:23:11 Beth Brenneman, Disability Rights Montana ([Exhibit 9](#))

Public Comment on the HJR 48/49 Study

- 11:36:51 David Kesler, parent ([Exhibit 10](#))
- 11:41:24 Denise Johnson read Lisa Woodward's testimony.
- 11:43:38 Carissa Emett, foster parent

11:47:09	Susan Carlson
11:52:14	Erin McGowan, Association of Montana Public Health Officials and Montana Community Corrections Association
11:55:56	Jackie Jones, Montana County Attorneys' Association
11:59:08	Mark Mackin, attorney
12:02:48	Cathy Eakin
12:09:05	Kirk Eakin
12:16:56	Danielle Erdahl
12:19:24	Tyson Wilke, Executive Director, RE Family Services, Great Falls
12:22:15	Jo-Viviane Jones, Family Health Services Director, City-County Health Department, Great Falls
12:25:57	Kara Emery, Benchmark Human Services, Great Falls
12:28:54	Morgan Smith, Montana Federation of Public Employees
12:29:57	Keith Newmeyer, Parents Against Discrimination
12:32:41	Pamela Young, Co-Executive Director, Helena CASA of Lewis and Clark and Broadwater Counties
12:34:40	Sara Hess, CASA of Lewis and Clark and Broadwater Counties

LUNCH BREAK (reconvened at 1:20 p.m.)

Family First Prevention Services Act

13:26:24	Susan Robison, Casey Family Programs (Exhibit 11)
14:11:19	Jeff Folsom, Director of Policy and Special Projects, Center for Children, Families, and Workforce Development, University of Montana

Committee Questions

14:21:45	Sen. Sands asked Mr. Folsom if the kinship licensing standard requires a statute or a rulemaking process.
14:29:08	Sen. Olszewski asked about any agreements that the Casey Foundation might have with the Native American tribes. Ms. Robison responded to the question.
14:32:06	Sen. Esp asked Mr. Folsom to clarify congregate care of children in the foster care system.
14:36:02	Sen. Esp asked whether payment for children in residential treatment is based on daily rates. Mr. Folsom responded to Sen. Esp's question.
14:36:55	Rep. Lenz asked Ms. Robison about the timeline for changes required by the new federal law.

- 14:38:48 Rep. Caferro asked Ms. Robison about support and financial reimbursement for foster care parents that is not currently there.
- 14:41:54 Rep. Caferro asked if the Family First Act will provide funding for wrap-around services or other services for foster care parents.
- 14:42:34 Ms. Robison and Mr. Folsom responded to Rep. Caferro's question.
- 14:43:46 Rep. Caferro asked Mr. Folsom about wrap-around services for the foster care parent and reimbursements that recognize the role that foster care parents play in preventing the children from going to a higher level of congregate care.
- 14:45:48 Rep. Caferro commented that it would have been helpful if the Department of Public Health and Human Services had also been on the panel. Rep. Moore said that the committee will hear about this topic one more time.

PUBLIC COMMENT on any non-study matter within the committee's jurisdiction

- 14:46:47 Issac Nehring, Executive Director, Montana Youth Action, provided information on the group.
- 14:48:17 Raye Newmeyer commented on how her family's lives have been impacted by the injustices perpetrated on them.
- 14:49:53 Debbie Westlake read testimony on behalf of Suzanne Davis and Roy Dykeman.
- 15:01:32 Lois Fitzpatrick, advocate emeritus for the American Cancer Society and Cancer Action Network Montana, offered assistance to the committee on matters dealing with cancer.

COMMITTEE WORK SESSION

- 15:02:53 Ms. O'Connell outlined the activities that are tentatively scheduled for the March meeting.
- 15:04:51 The committee requested information on the Medicaid expansion waiver application, school health rules, activities to prevent child removal and keep families together, Family First Act reimbursements, potential legislation for a 72-hour shelter care hearing, off-site meetings at the Montana State Hospital and other state facilities, and the Senate Bill 202 study.
- 15:09:35 Rep. Moore discussed the information he would like to have for the work session on senior and long-term care.
- 15:09:51 Ms. O'Connell discussed the 2-day meeting scheduled for March 19-20, a 1-day meeting scheduled for May and for June, and a 2-day meeting in August.

ADJOURNMENT

- 15:14:23 Rep. Moore adjourned the meeting at 3:14 p.m.