

# Montana Department of Justice Office of the Child and Family Ombudsman Annual Report 2019



Office of the Child and Family Ombudsman

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## Executive Summary

Welcome to the 2019 annual report of the Montana Department of Justice Office of the Child and Family Ombudsman (OCFO). This annual report is required by Montana Code 41-3-1211 and reports a summary of activities for January 1 through December 31, 2019.

OCFO's work is conducted through two primary activities: First, it responds to citizen questions and concerns about Montana's child protection systems by reviewing individual cases. Second, it collects and analyzes a tremendous amount of data. Both the citizens' questions and the data identify systemic issues in Montana's child welfare systems, including internal Child and Family Services Division (CFSD) practices, legal and judicial system challenges, and the role of community service providers. OCFO strives for effective and positive outcomes as it continues its commitment to strengthening the child protection system for those who work in it and for those who seek its assistance.

This report is organized by each duty assigned to OCFO in Montana Code. Highlights from 2019 include:

- Citizen contacts increased in 2019. OCFO began 2019 with 172 contacts already open for investigation or pending review for investigation. In 2019, 126 contacts became formal *Requests for Assistance*. The high rate of return of *Requests for Assistance* compounded with the high rate from 2018 and resulted in a higher caseload for each Ombudsman than in all previous years.
- OCFO identified a trend that citizens, county attorneys, Court Appointed Special Advocates (CASA), Guardian ad Litem programs (GAL), parental attorneys, and other stakeholders need more detailed instructions to obtain records from Child and Family Services Division (CFSD). Therefore, OCFO developed a *CFSD Documentation Primer* tool, now available to all stakeholders to increase access to the confidential case information as allowed in Montana Code.
- A 2019 request from a Montana newspaper for copies of all OCFO *Findings Reports* initiated a court action from the Montana Department of Justice (DOJ) to the First Judicial District. The petition to the Court requests that DOJ be allowed to provide OCFO reports, appropriately redacted, as public information. DPHHS opposes the petition; DOJ expects the Court's decision in 2020.
- OCFO and the Division of Criminal Investigation (DCI) Crime Information Bureau assist CFSD with reports of missing or runaway youth in foster care. DOJ updated its internal procedures and is working with CFSD to improve the multi-agency response to reports of children missing from State care.
- Montana law requires CFSD to notify OCFO of each case involving crimes against children, high risk families, and critical incidents. The number of these notifications remains high.

In addition to the highlights above, OCFO committed to improving service to citizens and fostering the growth of ombudsman work in the following ways:

- OCFO implemented a new case management system in July 2019 to streamline communications and improve data tracking.
- The Chief Child and Family Ombudsman was elected to the United States Ombudsman Association (USOA) Board of Directors. USOA supports the integrity and growth of governmental ombudsmen.
- DOJ and OCFO successfully proposed to host the USOA 2020 Annual Conference in Helena, MT.

## Mission

The **Office of the Child and Family Ombudsman** responds to citizen requests to protect the rights of children and families by improving case outcomes and strengthening Montana's child welfare system.

To support its mission, OCFO follows four principles consistent with the standards of the United States Ombudsman Association.

## Principles

OCFO is **independent** of the Montana Department of Public Health and Human Services (DPHHS), meaning it is separate and free from influence of the individuals whose actions OCFO reviews. It is part of the Montana Department of Justice's Division of Criminal Investigation and managed by the Special Services Bureau.

OCFO is **impartial**. OCFO treats citizens equitably and works collaboratively with all parties to improve services for the children of Montana. It may advocate certain recommendations, which benefit the individual who requested assistance; however, advocacy is always directed at improving services offered by DPHHS, and should not be construed as supporting one individual over another.

OCFO is **confidential**. It adheres to Montana statute.

OCFO provides a **credible review process** to each citizen contacting the Ombudsmen. OCFO keeps each requestor apprised of each step of the process and takes actions that improve transparency of the child welfare system.

## Policies and Procedures

Revised in 2017, OCFO created and published policies and procedures to inform the public and stakeholders of the investigatory process of the office. OCFO's policies and procedures are available for review at:

<https://dojmt.gov/enforcement/childrensjustice/>.

To request assistance, contact our office in one of the following ways:

Telephone: 1-844-25CHILD (1-844-252-4453)

Fax: 406-444-2759

Email: [DOJOMBUDSMAN@mt.gov](mailto:DOJOMBUDSMAN@mt.gov)

Thank you for your attention to this important work.

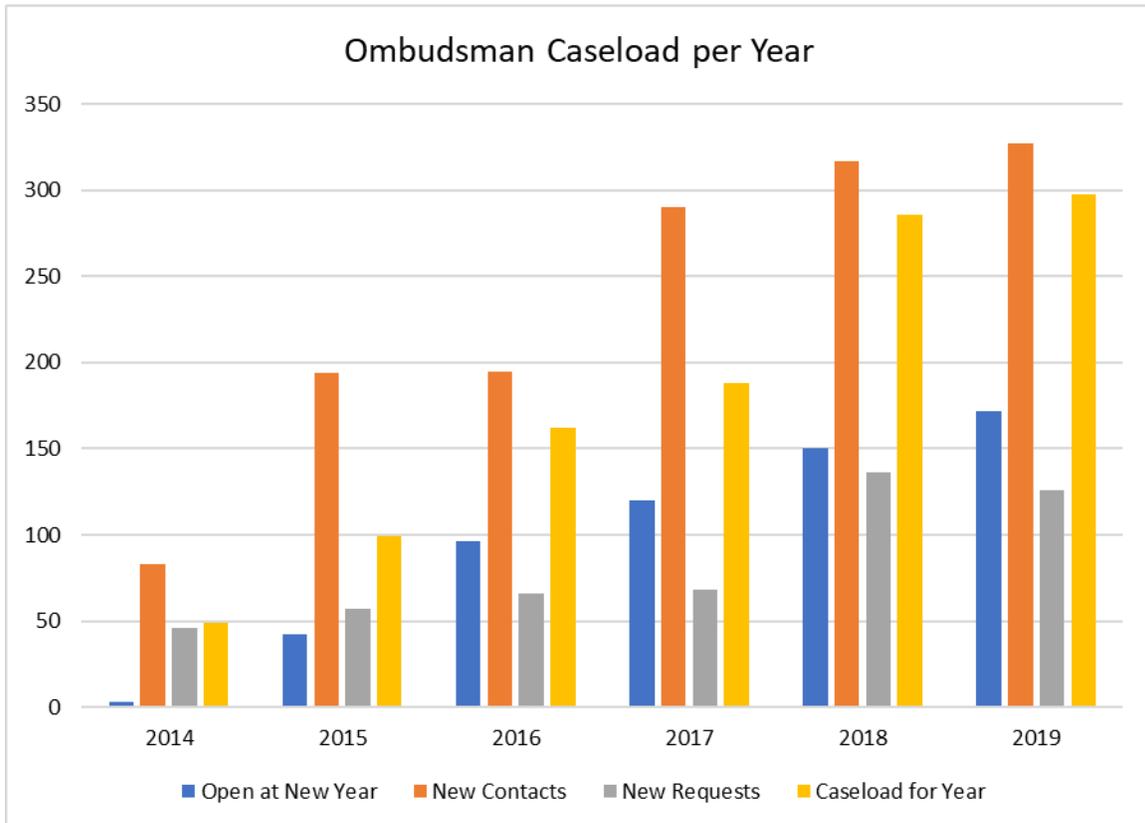
## **Table of Contents**

<b>Executive Summary.....</b>	<b>2</b>
<b>Mission.....</b>	<b>3</b>
<b>Table of Contents.....</b>	<b>4</b>
<b>Duty: Respond to Citizens’ Requests.....</b>	<b>5</b>
• 2019 Contact Data	
• Concerns Reported by Contacts	
<b>Duty: Investigate and Share Findings.....</b>	<b>10</b>
• 2019 Outcomes	
• 2019 Trends	
• Notifications Data	
• Response to 2019 Notifications	
<b>Duty: Procedure Review.....</b>	<b>15</b>
• 2019 Request Trends	
• 2019 Response to Trends	
<b>Duty: Outreach and Education.....</b>	<b>17</b>
<b>Duty: Annual Report.....</b>	<b>18</b>
• 2018 Challenge Updates	
• 2019 Challenges	
• 2019 Successes	
<b>Appendix.....</b>	<b>20</b>
• Acronyms	
• OCFO 2019 Recommendations and DPHHS Responses	
• Communication Plan	
• CFSD Documentation Primer	

## Duty: Respond to Citizens' Requests

### 2019 Contact Data

GRAPH 1: Caseload per Year



When a citizen calls, emails, or writes OCFO, they begin the Intake process as a Contact. If the contact submits a *Request for Assistance* form, they are then called a Requestor. OCFO reaches out to contacts at least three times to assist in completing the *Request for Assistance* form. The number of contacts and requests is collected each year. At the end of each year, open contacts and open requests carry over to the next year. Open requests may be being reviewed to determine intervention by OCFO or part of an active investigation.

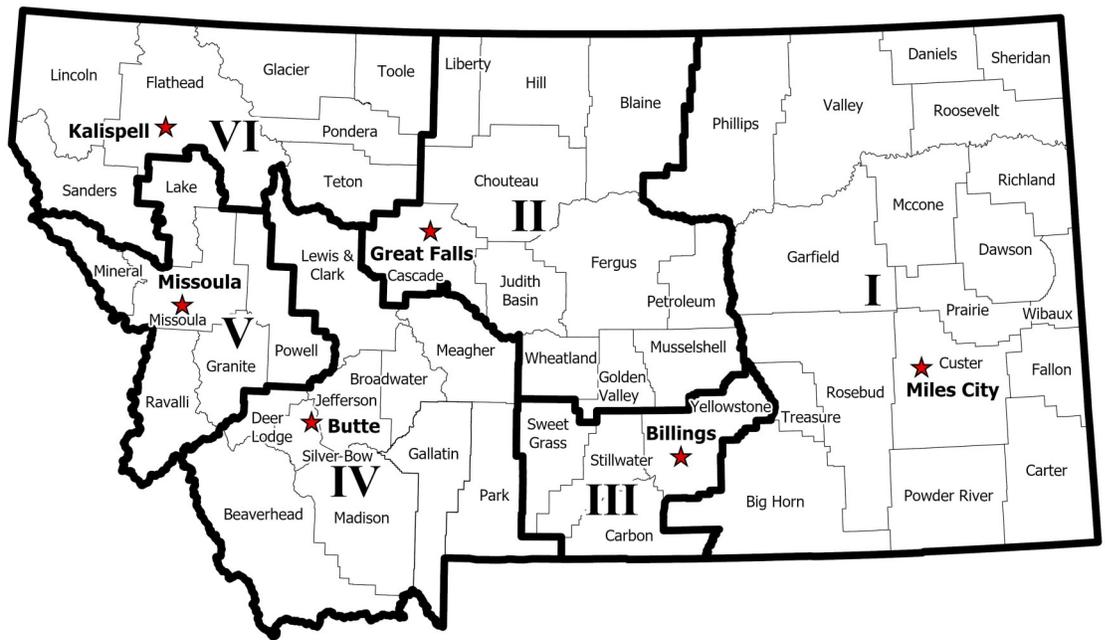
The graph above shows that contacts continue to increase. The rate of return on *Request for Assistance* forms continues at approximately 50% of contacts within the jurisdiction of OCFO. The overall caseload for 2019 is five times the caseload from 2014. The overall caseload in 2019 tripled since 2015.

**2019 Contact Data (continued)**

The Child and Family Services Division’s statewide structure is based on six regions, each with a Regional Administrator. The number of counties and offices in each region varies. Each region has a main office and field offices. See the map below for more information regarding office locations.

The percentage of contacts per region and region locations are as follows:

## Child & Family Services Regions



- Region I – 10%**
- Region II – 16%**
- Region III – 27%**
- Region IV – 27%**
- Region V – 10%**
- Region VI – 10%**

**Region I**  
 Eric Barnosky, Regional Administrator  
 Lee Stenseng, Admin Support Supervisor  
 708 Palmer/ P.O. Box 880  
 Miles City, MT 59301  
 (406) 234-1385

**Region II**  
 Sahrita Jones-Jessee, Regional Administrator  
 Jeanne Harris-Hatler, Admin Support Supervisor  
 2300 12th Ave. S. #211  
 Great Falls, MT 59705  
 (406)727-7746

**Region III**  
 Jason Larson, Regional Administrator  
 Vacant, Admin Support Supervisor  
 2525 Fourth Ave. N, #309  
 Billings, MT 59101  
 (406) 657-3120

**Region IV**  
 Laura McCullough, Interim R/A for L & C County  
 Jennifer Hoerauf, Regional Administrator  
 Sue Allick, Admin Support Supervisor  
 700 Casey St.  
 Butte, MT 59701  
 (406) 496-4950

**Region V**  
 Courtney Callaghan, Regional Administrator  
 Jo-Ann Rude, Admin. Support Supervisor  
 2677 Palmer, Ste. 300  
 Missoula, MT 59802  
 (406) 523-4100

**Region VI**  
 Angie Rolando, Regional Administrator  
 Teri Magers, Admin Support Supervisor  
 121 Financial Dr. Ste. C  
 Kalispell, MT 59901  
 (406) 300-7418

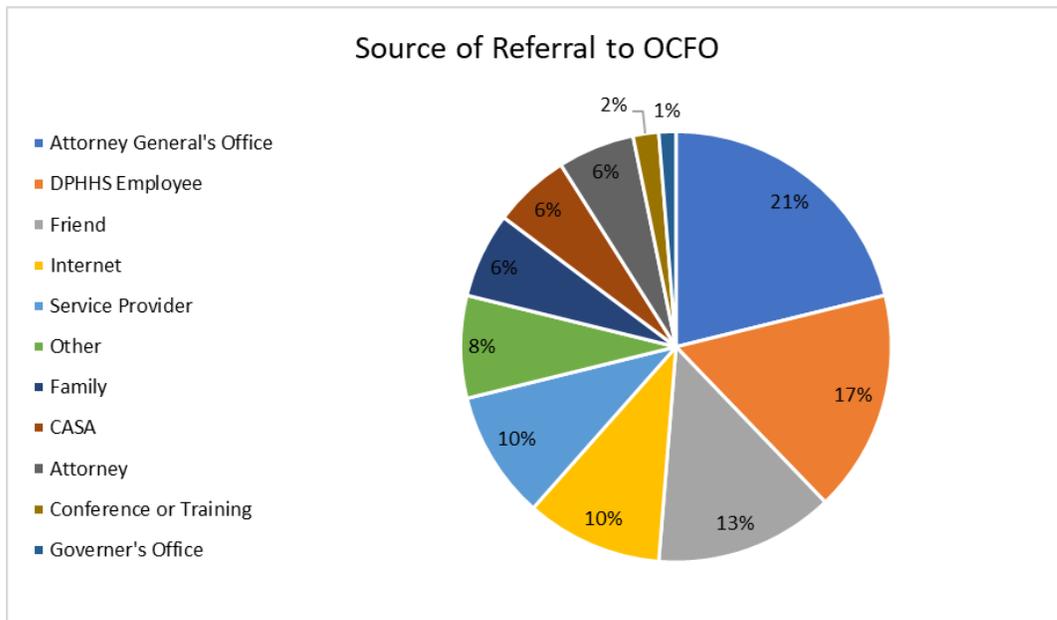
*Effective November 6, 2019*

**2019 Contact Data (continued)**

The person or agency who refers a citizen to OCFO is tracked as the source of referral. Categories reported in 2019 are in Graph 2 below. This data helps OCFO understand where outreach is working and where more outreach would be helpful.

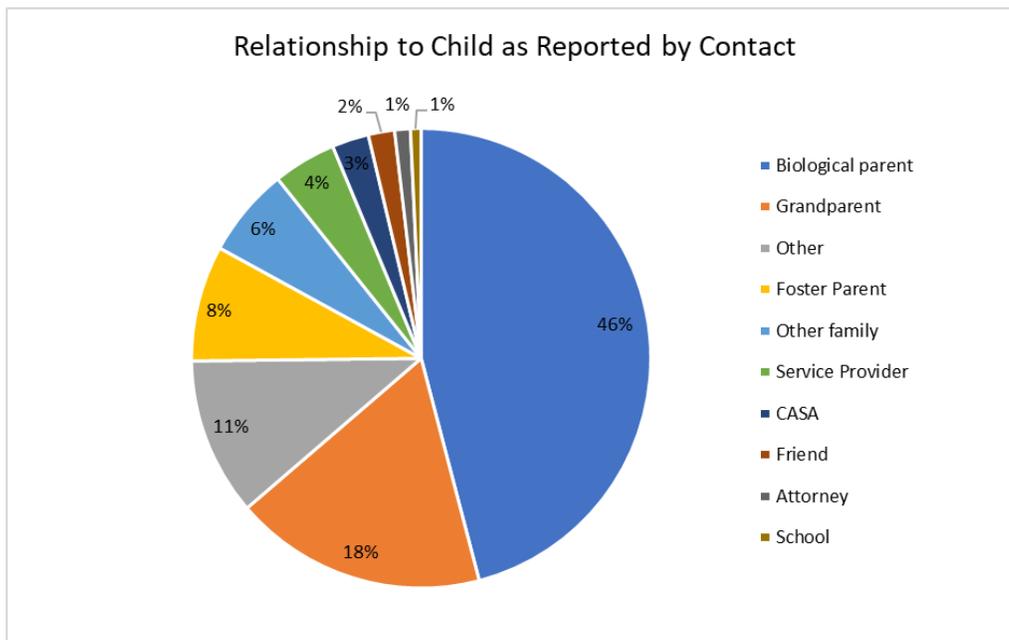
Just over half of referral sources come from three sources. The Attorney General’s Office at 21% followed by DPHHS Employees at 17% and Friends at 13%.

**GRAPH 2 : Source of Referrals to OCFO**



OCFO also tracks the type of relationship citizen contacts have with the child involved with child protection or needing involvement of child protection. In 2019, Biological Parents were the largest category of contacts to OCFO at 46% followed by Grandparents at 18%.

**GRAPH 3: Contacts by Relationship to the Child**



**2019 Contact Data (continued)**

OCFO tracks several types of factors and demographics to assess for trends or areas of need. Three of those factors are:

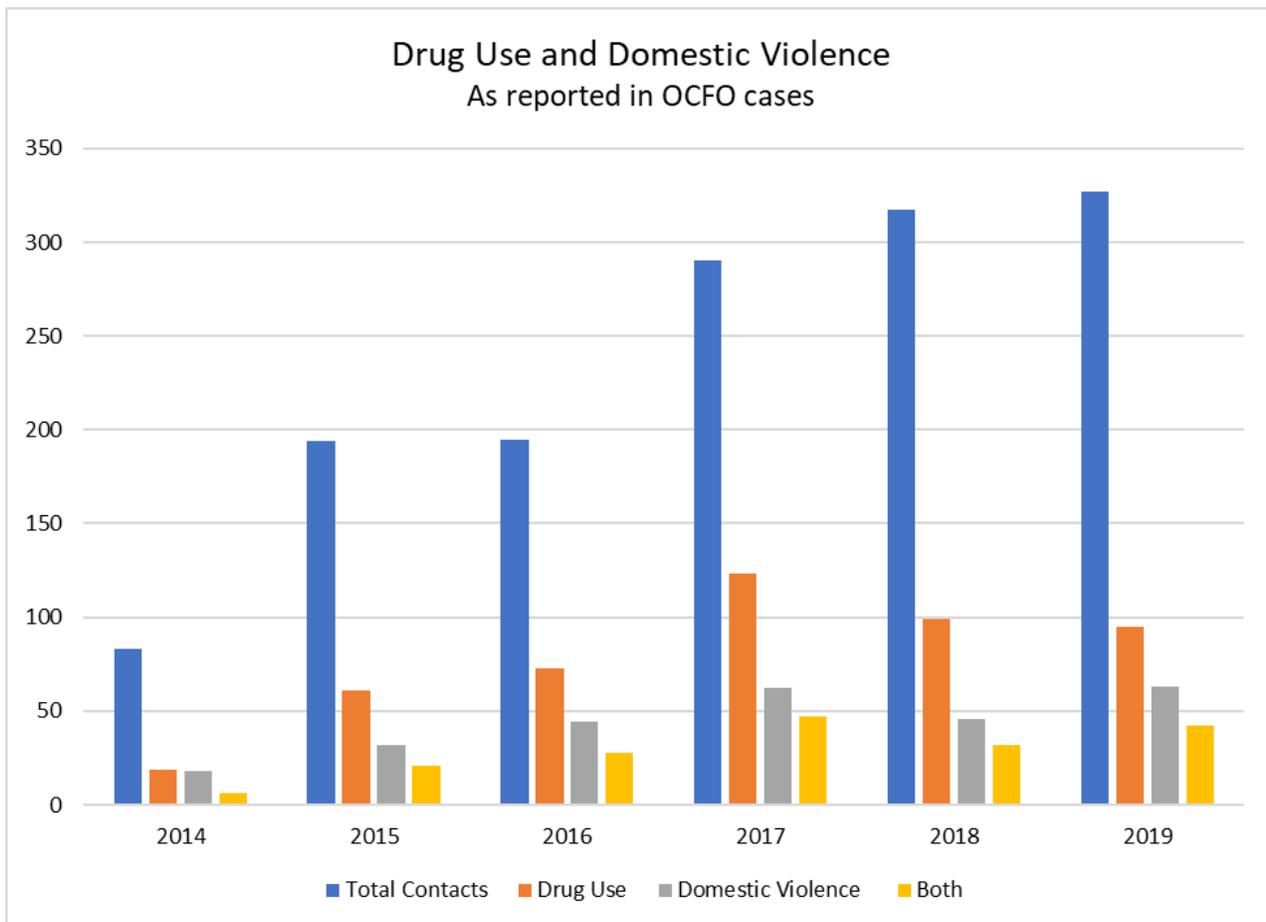
- 1) Drug use;
- 2) Domestic Violence;
- 3) Parents or children living with disabilities.

In 2019, 63 contacts identified domestic violence as a factor which is a 4% increase from last year. In 2019, 95 contacts identified drug use as a factor which is a 2% decrease from 2018. And, in 2019, 42 contacts identified both drug use and domestic violence as factors which is a 4% increase over last year.

In 2018, OCFO added data collection of whether a child or parent on an identified case was also a person living with a disability. In 2018, 17 children and 17 parents identified as having a disability as defined by the Americans with Disabilities Act. In five cases, both a child and a parent with a disability were part of the same household.

In 2019, 23 children and five parents identified as having a disability as defined by the Americans with Disabilities Act. In five cases, both a child and a parent with a disability were part of the same household.

**GRAPH 4: Drug Use and Domestic Violence in OCFO Cases**



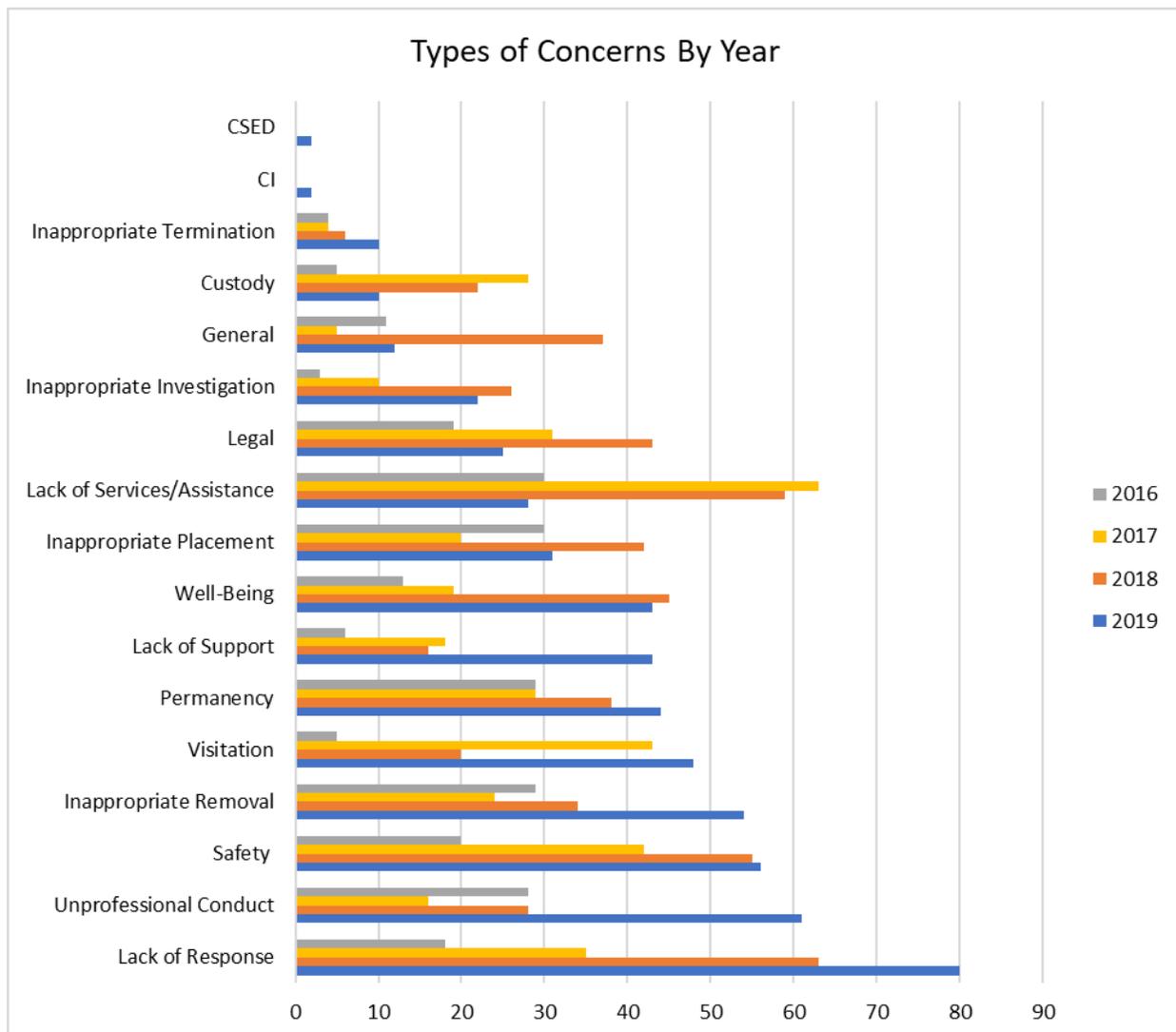
## 2019 Contact Data (continued)

Contacts often report more than one concern. OCFO identifies and documents up to three main concerns per contact and works with citizens to address each concern or question in the most effective manner.

The most prevalent citizen concerns in 2019 about children and families were:

- 1) **Lack of response.** This reflects that a citizen's calls, emails, or other inquiries did not get a response when they contacted or made requests of the Child Protective Specialist (CPS), Child Protective Specialist Supervisor (CPSS), Regional Administrator (RA) or other CFSD staff person. This concern increased 15% over the last four years.
- 2) **Unprofessional conduct.** This indicates the citizen's belief that the CPS, CPSS, RA or other CFSD staff person's behavior in interactions was disrespectful, unreasonable, unhelpful, or unethical. When OCFO was able to verify this type of concern it was reported to the appropriate supervisor.
- 3) **Safety.** This included the citizen's belief that reports of child abuse to CFSD were not being fully investigated or that CFSD safety plans were not sufficient to keep the child safe and prevent abuse.

**GRAPH 5: Types of Concerns Reported by Contacts to OCFO**



## Duty: Investigate and Share Findings

### 2019 Outcomes

OCFO received 327 contacts this year. Of the contacts where OCFO had jurisdiction to investigate, 126 submitted *Request for Assistance* forms by the close of the year. Per Montana Code, every request must be investigated by OCFO unless it meets one of five statutory reasons per MCA 4-3-1212 to decline. Those reasons include: OCFO investigated previously; a more effective remedy exists; the request is vexatious or not made in good faith; the requestor is not personally aggrieved; or the case is too old to justify an investigation.

It is OCFO practice to make three attempts to obtain a request form from a contact before closing it as “no further contact.” As of the date of this report, 137 contacts and requests remain open. “Pending Review” means the OCFO is working with the contact to complete a *Request for Assistance* form or a form is being reviewed to open, refer, or decline.

The range of interventions by OCFO includes referrals to services; addressing concerns directly with the requestor and CFSD; addressing concerns directly with legally mandated stakeholders; and in some cases, preparing a *Findings Report* which is delivered to DPHHS and to the requestor. The ombudsmen frequently provide resources to citizens even when the case is not appropriate for OCFO services, or must be declined.

In 2018, OCFO and DPHHS agreed upon case communication timeframes. When OCFO makes specific requests for information from CFSD, the response time is five days. In cases with *Findings Reports*, the DPHHS response timeframe is 60 days.

Table 1 describes in more detail the outcomes of individual contacts. The communication plan between OCFO and DPHHS CFSD as well as all recommendations made to DPHHS through Findings Reports and response to those recommendations can be found in the Appendix of this report.

**TABLE 1 : Status of contacts to OCFO for 2018 and 2019.**

<b>Outcome Measures</b>	<b>2018 Outcomes</b>	<b>2019 Outcomes</b>
Closed, no further contact.	53	64
Declined to intervene.	6	9
Referred and closed.	81	77
Mediated – Concerns fully resolved.	14	15
Mediated – Plan established.	10	20
Mediated – Questions answered.	18	13
Findings Report.	15	7
Open from current year contacts.	82	73
Open from previous years.	39	10
Pending review.	51	54

## **Duty: Investigate and Share Findings**

### **2019 Finding Reports and Recommendations**

OCFO submitted seven *Findings Reports* to DPHHS. *Findings Reports* are written to the director of DPHHS. *Findings Reports* are additionally sent to the following:

- Citizen Requestor
- Deputy Attorney General
- Special Services Bureau Chief
- CFSD Regional Administrator
- CFSD Administrator
- GAL and/or CASA (*New as of November 2019*).

MCA 41-3-1212 requires DPHHS to respond to all reports. The communication plan between DPHHS and OCFO specifies response to OCFO's formal recommendations within 60 days of the date of the report. All recommendations and responses are in the Appendix of this report. On December 20, 2019, OCFO was notified by DPHHS Chief Legal Counsel that DPHHS would not respond to any *Findings Reports* pending the court's ruling in pending litigation; as of that date are five reports from 2019 to which DPHHS had not responded in writing.

In 2019, DPHHS responded to OCFO *Findings Report* recommendations both from prior years and 2019. Notable steps include:

### **Safety Assessment**

OCFO made several recommendations regarding investigation procedures and increasing the number and type of people with information about a child or family contacted during an investigation. These are commonly referred to as investigative collateral contacts. In August 2019, CFSD announced re-implementation of the *Immediate Danger Assessment*, in addition to the *Family Functioning Assessment*. This will allow for more objective, consistent investigations into reports of child abuse and neglect.

### **Effective Communication**

OCFO continually provides DPHHS with recommendations on improving communication with citizens, families, legal teams, and OCFO. CFSD implemented two strategies that improved communications. CFSD developed and conducted *Core Training* in multiple locations throughout the state. *Core Training* teaches how CFSD investigates reports of child abuse and neglect and what CFSD is required to do by State and Federal law. In addition, CFSD administration now actively reviews each one of OCFO's initial requests for case information which has improved the flow of OCFO case reviews and responses to citizens.

### **Policy Manual Revisions**

Montana Code 41-3-1211 requires OCFO to investigate and review CFSD compliance with its policy. Therefore, many of OCFO's recommendations direct DPHHS to improve or revise policies and procedures. The goal of OCFO policy recommendation is to increase the clarity of directives to the child protection specialists in the field and to improve citizen understanding of child abuse and neglect investigations and interventions. CFSD notified OCFO that a plan was initiated for review and revision of its policies.

## Duty: Investigate and Share Findings

### 2019 Notifications Data

Montana Code 41-3-209 requires CFSD to notify OCFO as follows:

- 1) Within one business day: The death of a child who, within the last 12 months:
  - a) had been the subject of a report of abuse or neglect;
  - b) had been the subject of an investigation of alleged abuse or neglect;
  - c) was in out-of-home care at the time of the child's death; or
  - d) had received services from the department under a voluntary protective services agreement.
  
- 2) Within five business days:
  - a) any criminal act concerning the abuse or neglect of a child;
  - b) any critical incident, including, but not limited to, elopement, a suicide attempt, rape, nonroutine hospitalizations, and neglect or abuse by a substitute care provider involving a child who is receiving services from the department pursuant to this chapter; or
  - c) a third report received within the last 12 months about a child at risk of or who is suspected of being abused or neglected.

Notifications received under 2) a) or “any criminal act concerning the abuse or neglect of a child” are called *Cross Reports*. A Cross Report occurs when law enforcement makes a report to Centralized Intake (CI) or when a centralized intake specialist contacts law enforcement to report a possible crime against a child.

Notifications received under 2) b) are called “Other Critical Incidents”.

OCFO tracks “Runaways” separately due to the high risk of harm to children who have run from care.

Notifications received under 2)c) are called “Alerts” by OCFO.

**TABLE 2: Notifications received by OCFO.**

Type of Notification	2015	2016	2017	2018	2019
Cross Reports	282	1,733	3,007	4,026	4075
Runaways	6	46	55	44	56
Other Critical Incidents	1	32	24	30	32
Alerts	1,949 (as of 9/2015)	9,522	11,775	13,499	6391

## **Duty: Investigate and Share Findings**

### **Response to 2019 Notifications**

In addition to receiving the notifications listed on the preceding page, Montana code MCA 41-3-209 requires that OCFO investigate the circumstances surrounding Cross Reports, Alerts, and Critical Incidents. Please see below for more detail on each type of notification. Limited staff resources currently prevent OCFO from investigating the individual circumstances of each Alert or Cross Report; therefore aggregate data is compiled and reported.

### **OCFO Data Analysis:**

#### **Cross Reports**

A Cross Report occurs when law enforcement makes a report of suspected child abuse or neglect to CI or when a centralized intake specialist contacts law enforcement to share information on a report of child abuse or neglect that may also be a crime against a child. CI then sends an email to OCFO that a Cross Report occurred. Cross Reports help meet the requirement that CFSD inform OCFO of any crime against a child. When law enforcement is involved, it does not mean a crime occurred, but it does mean that an investigation is needed to determine if there was a crime.

OCFO received 4075 Cross Reports, which is comparable to 2018. Any call to CI is assigned a category and priority. Of the 4075 Cross Reports in 2019, 18% required a 24-hour response by CFSD; 41% required a 72-hour response by CFSD. Cross Reports data indicates high risk circumstances for children, families, and responders.

A more detailed analysis of the Cross Report data would provide important information about how CFSD and law enforcement agencies partner to protect children. Continued tracking and analysis of this data is a priority for OCFO.

#### **Alerts**

OCFO receives an Alert each time a third report on a child is entered by CI within a twelve-month time period. This includes a new report to CI and a new incident on an open report. Alerts are now received through the Montana Family Safety Information System (MFSIS). MFSIS is the new CFSD case management system rolled out in December 2018.

In 2019, OCFO received 6391. Each Alert represents a child who is the subject of three reports to CI. Of the Alerts, 10% required contact with the child within 24 hours; 31% required contact within 72 hours. In 2019, total number of Alerts decreased by 47%. This is the first time in the last five years that a decrease occurred. In addition, 2019 Alerts requiring a CFSD response within 24-72 hours, decreased by 41%. This is the first decrease in response time as well.

Given the decreases in the total number of Alerts and the decrease in response time required, a more detailed analysis of the Alerts could provide important information to the following questions:

- Are initial investigations being handled more thoroughly, preventing the need for a third report?
- Are other categories of investigation increasing?
- Are all Alerts being received?

As with Cross Reports, OCFO will continue to track and analyze Alert data in collaboration with DPHHS.

## **Duty: Investigate and Share Findings**

### **OCFO Data Analysis:**

#### **Other Critical Incidents**

Other Critical Incidents covers all other notifications received about a child in foster care. These notifications cover any emergency situation or traumatic event that would not normally occur in the case of a child. In 2019, Other Critical Incidents included non-routine hospitalizations, neglect or abuse by substitute caregivers, and runaways.

#### **Runaways**

Runaways is a subcategory of Other Critical Incidents. OCFO and the Division of Criminal Investigation's (DCI) Crime Information Bureau assist CFSD with reports of missing or runaway youth in foster care. DOJ has updated its internal procedures and is working with CFSD to improve the multi-agency response to reports of children missing from State care. DCI's crime analysts use electronic investigative tools in an effort to locate a CFSD runaway through social media or cell phone locations.

In addition to DOJ action, OCFO now reviews each runaway case reported by CFSD to ensure it complies with policy and procedure. When OCFO finds a failure to follow policy, CFSD and its regional administrators are notified to provide corrective action. OCFO continues to provide recommendations to improve response to runaways in accordance with State and Federal expectations.

#### **2019 Child Fatality Review**

OCFO receives notifications through CI or regional administrators on child fatalities or near fatalities. OCFO convenes the Child Fatality Review Team, which includes the Chief Child and Family Ombudsman, the Deputy Child and Family Ombudsman, the Special Services Bureau Chief, and a representative from DOJ's Office of Victim Services. The review team meets in February to review cases and complete the 2019 report, which will be published at [www.dojmt.gov](http://www.dojmt.gov).

OCFO also participates on the statewide Child Abuse and Neglect Review Commission, which was formed by 2017 legislation. The Commission reviews two cases of child fatalities or near fatalities each year and produces a written report every two years.

## Duty: Procedure Review

### 2019 Request Trends

MCA 41-3-211 (6) directs OCFO to “periodically review department procedures and promote best practice and effective programs by working collaboratively with the department to improve procedures, practices, and programs.” OCFO *Findings Reports* include case-specific procedure reviews for separate CFSD investigations and custody cases. OCFO’s case work identifies patterns and trends in Montana’s child welfare system and OCFO collects data about those trends. One of OCFO’s goals is to analyze and report on trends and system issues; however, OCFO’s first priority of responding to citizens and conducting case investigations continues to delay completion of a systems analysis report. OCFO maintains research trends and cases that highlight those trends from year to year and given increased resources, OCFO is prepared to complete an analysis, which will provide detailed information about how to address system challenges.

Prior year trends included:

- Noncustodial parent intervention: When a child has a safe but non-custodial parent, CFSD is not consistently contacting or working with that parent to intervene and provide safety for their child. In some cases a child could be moved to a safe parent instead of placed in out of home care.
- Legal representation: Children in the CFSD system and their parents are under-represented by attorneys. When parents have appropriate legal representation both CFSD and the courts are more effective.
- Visitation procedures: Visits between a child in CFSD custody and a parent are not provided per policy or per best practice recommendations.
- Treatment planning: Treatment plans written for parents with a goal of family reunification are not individualized to specific circumstances, and are often difficult for parents to understand. Treatment plans also vary widely in how soon they are developed and ordered.
- Affidavit accuracy: OCFO reviews Affidavits submitted to the courts in cases under review. Training for CFSD staff is needed to increase Affidavit accuracy, assure the provision of all case facts and reduce subjective opinion-generated information in Affidavits.
- Use of family engagement meetings (FEM) and other team meetings: FEMs and treatment team meetings where parents have access to providers, CFSD case information is explained and case planning is conducted are under-utilized.

In 2019, OCFO met with DPHHS quarterly. Meeting agendas included trends in relation to system issues, their impacts on case specific investigations, and ongoing needs of the field. The information OCFO collects and maintains regarding trends and patterns in Montana’s child welfare system are available to DPHHS administration and management team.

## **Duty: Procedure Review**

### **2019 Request Trends**

Trends from prior years are monitored by OCFO and identified to CFSD throughout case investigations. In 2019, the following additional trends were identified:

#### **1) Information sharing with GALs and CASAs**

Contact with CASAs and GALs increased this year and revealed a lack of understanding about CFSD case records and how to access case information. When CASAs have comprehensive case information, better recommendations are made to the court, which results in better family outcomes. OCFO created a *CFSD Documentation Primer* tool to outline where the most relevant case documentation is found. The process of creating and sharing the document highlighted the complexity of the current multiple case management CFSD uses. CFSD is transitioning to the MFSIS database, an improved case management system. Because the transition will take several years, CFSD records are currently entered and stored in multiple electronic locations. The handout was shared with CFSD Administration and is attached to this report.

#### **2) Information sharing with parents' attorneys**

In 2019, attorneys representing parents of children involved in a CFSD legal action contacted OCFO more frequently. Parents' attorneys have asked for information and education about CFSD policies, procedures, and case decisions. In response, OCFO educated the attorneys about CFSD policies, procedures, and the *CFSD Documentation Primer*.

#### **3) Runaway Procedure**

CFSD's procedure for reporting and responding to runaway foster youth was not followed consistently in 2019. OCFO worked with DCI's Crime Information Bureau to recommend clarifications to CFSD on their procedures to improve reporting and locating of foster children on run from care. DCI will continue to provide support to CFSD and local law enforcement agencies to locate runaway children more quickly.

## **Duty: Outreach and Education**

### **General Outreach**

OCFO outreach is statutorily mandated. In 2019, those efforts included:

- Ongoing brochure mailings and presentations to service providers;
- Participating in the National Conference on Child Abuse and Neglect;
- Presenting to CFSD field staff in Butte, Billings, Miles City, Great Falls, Helena, Missoula, and Bozeman on the role of the Ombudsman;
- Attending the Montana Child Abuse and Neglect Conference;
- Presenting to the Montana Legal Services Association;
- Attending and presenting at the United States Ombudsman Association Annual Conference;
- Attending the Kinship Navigator Meeting;
- Presenting to CASA in Billings, Great Falls, Helena, Missoula, Bozeman, and Havre;
- Attending State Advisory Council Meetings;
- Attending CFSD Core Trainings;
- Participating in the Justice for Montanans AmeriCorps Program;
- Attending MCAN by the AmeriCorps.

On average, OCFO presented twice per month to various groups across the state. The outreach plan for 2020 includes pursuing presentation opportunities with the Office of the Public Defender, county attorneys, and service providers for parents and children involved in the system.

Additionally, development of a recorded presentation for service providers and community professionals to use in local trainings is underway. OCFO is also exploring ways to keep its website more updated and user friendly.

### **Specific Outreach**

#### **CFSD Field Staff**

CFSD invited OCFO to return to its field offices to speak about the Ombudsman's role. For several years, OCFO presented during the first three weeks of mandatory training for new CFSD staff; the change to field office presentations provides a better opportunity to meet local staff and answer their questions. OCFO traveled to each CFSD region at least twice in 2019 for these presentations, which are mandatory for new CFSD staff.

#### **CASA**

OCFO communication with CASA programs increased; outreach to CASA was prioritized because the last round of presentations occurred in 2015. OCFO met CASA's new statewide executive director and traveled to six local programs: Billings, Bozeman, Great Falls, Havre, Helena, and Missoula. OCFO also noted increased communication between CFSD and CASAs is occurring on cases, and learned that CASA volunteers needed more information about requesting CFSD records. OCFO gave the *CFSD Documentation Primer* to all local CASA directors to share with their volunteers.

## **Duty: Annual Report**

The final section revisits challenges identified in 2018's OCFO Annual Report and provides updates for 2019. This information is followed by 2019 challenges, successes, and highlights.

### **2018 Challenge Updates**

**2018 Challenge #1: Procedural reviews:** Since 2014, OCFO has collected and tracked meaningful data to support and explain trends in cases as well as in Montana's child welfare system. OCFO's work plan includes a specific goal to investigate a system trend and publish a report. A completed systemic investigation and report would be very valuable, but the time and resources for OCFO to complete them is constrained due to its prioritization of citizen response.

**UPDATE:** The 2019 increase in formal *Requests for Assistance* to OCFO reduced the time available to write a procedural review report. Examples of possible future reviews include non-custodial parent procedures, legal representation, team meeting procedures, and visitation procedures. OCFO continued to make procedural recommendations and created the *CFSD Documentation Primer* to address information collection issues. OCFO also collaborated on improving the Runaway Procedures.

**2018 Challenge #2: Increase in Requests for Assistance:** OCFO experienced an increase in contacts and a more significant increase in *Request for Assistance* forms. Each *Request for Assistance* requires investigation; therefore, there was an increase in the time to respond to citizens and to complete reviews.

**UPDATE:** In 2019, *Requests for Assistance* to OCFO continued at the rate of 50% of contacts in OCFO's jurisdiction. In 2018, OCFO acquired a Justice for Montanans AmeriCorps member, who is trained to manage intake and keep initial OCFO's response to citizens quick and consistent. Each AmeriCorps member serves for one year; in September 2019, the second AmeriCorps member began. In an effort to increase efficiency and manage workload, OCFO is reviewing its internal procedures to reduce investigation time and make timely recommendations to DPHHS.

### **2019 Challenges**

#### **2019 Challenge #1: Information Sharing:**

A 2019 request from a Montana newspaper for copies of all OCFO *Findings Reports* initiated a court action by the Montana DOJ to the First Judicial District. The petition to the Court requests that DOJ be allowed to provide OCFO reports, appropriately redacted, as public information. DPHHS opposes their release. DOJ expects the Court's decision in 2020.

#### **2019 Challenge #2: Managing expectations:**

OCFO's statutory duties include case-specific investigations, reviewing required CFSD notifications, CFSD policy and procedure reviews, identifying best practices in child protection, and collaboration for systems change. In addition to increasing *Requests for Assistance*, OCFO now has more than five years of data collection and analysis to inform DPHHS and Montana's child protection stakeholders about future directions and solutions. OCFO's permanent was established by the 2013 Legislature, and remains at one single FTE; resource limitations make it difficult to meet all expectations.

## Duty: Annual Report

### 2019 Successes

**2019 Success #1: Case management:** OCFO implemented a new electronic case management system in July 2019. Previously, OCFO records were located in paper files and excel spreadsheets which was time consuming and cumbersome. The new system was grant funded and will increase efficiency substantially.

**2019 Success #2: Tool for accessing information:** OCFO created the *CFSD Documentation Primer* to answer a system need for understanding how to access information. The information in CFSD case files is spread between different databases and in paper files. The federal and state requirements for CFSD documentation are technical. Through work with citizens and professional stakeholders, OCFO learned that there was a need for a directory to explain both terminology and location of CFSD records. The *Primer* will increase appropriate information sharing and improve case outcomes.

**2019 Success #3: Grant and resource allocation:** OCFO continued its contract with Justice for Montanans AmeriCorps program for September 2019 — October 2020. In 2019, OCFO received an additional one-year extension of VOCA funds to support the modified 1.0 FTE Deputy Child and Family Ombudsman position until June 30, 2020.

In addition to the above successes, OCFO recognizes its impact on the lives of children and families in Montana on a daily basis. OCFO continues to provide a help line for citizens who feel overwhelmed and confused about how the child welfare system works in Montana. OCFO works to model what is best about helping in child welfare by listening, coaching, and delivering accurate if often difficult information about the processes to reunify, foster, adopt, visit, report, remove, or support Montana children and families.

We would like to thank Attorney General Fox, DCI Administrator Lockerby, and DOJ staff for their unwavering support and commitment to improving the system that impacts us all. Thank you.

## Appendix

### 2019 Recommendations from OCFO to DPHHS

Recommendations are listed by quarter. Quarters are defined as:

**Winter** = January — March

**Spring** = April — June

**Summer** = July — September

**Fall** = October— December

Recommendations are listed as they were issued, unless identifying information is redacted. Responses from DPHHS are included in the column next to the recommendation and are in summary form.

**Of the 38 recommendations provided to DPHHS in 2019, DPHHS responded to 9.**

Acronyms found in the recommendations are defined as:

**ACES:** Adverse Childhood Experiences

**CASA:** Court Appointed Special Advocate

**CFSD:** Child and Family Services Division

**CCIM:** Complaints and Critical Incident Manager

**CPS:** Child Protection Specialist; **CPSS:** Child Protection Specialist Supervisor

**DN:** Dependency and Neglect

**DPHHS:** Department of Public Health and Human Services; also referred to as “the Department”

**FFA:** Family Functioning Assessment

**FCRC:** Foster Care Review Committee

**GAL:** Guardian ad Litem

**ICPC:** Interstate Compact on the Placement of Children

**MCAN:** Montana Child Abuse and Neglect new worker training

**OCFO:** Office of the Child and Family Ombudsman

**P-1:** Priority one; category of a report that requires a 24-hour response

**RA:** Regional Administrator

**SAMS:** Safety Assessment Management System

**TLC:** Temporary Legal Custody

**TPR:** Termination of Parental Rights

2019 Winter Recommendations (January-March)	Response to Recommendations
<p><b>March</b></p> <p>1) DPHHS direct CFSD to complete documentation identifying how safety was determined and that the case was closed appropriately or reassess for safety and document using a complete Family Functioning Assessment. Include a review of the parenting plan filings in Texas and any recent decisions on custody.</p> <p>2) DPHHS direct CFSD to accurately document and maintain the date, time, person, and conversation details for each contact in all investigations.</p> <p>3) DPHHS direct CFSD to review the use of Protection Plans, Safety Plans, and Voluntary Agreements. Clarify in policy when and how each plan or agreement is to be applied in cases. Clarify what documentation is necessary to show CFSD followed the expectations of each plan or agreement.</p> <p>4) DPHHS direct CFSD to review the documentation practices of transferring children into the care of the non-custodial parent and then closing the case. Clarify in policy the expectations for documenting such actions.</p> <p>5) DPHHS direct CFSD to maintain a paper file in each individual investigations and ongoing case of all case records not otherwise found in CAPS, MFSIS, SharePoint or DocGen.</p> <p>1) DPHHS direct CFSD to review the policies and procedures regarding investigations, specifically as they apply to older youth. Train on the use of risk assessments for older youth as to exploitation and human trafficking and include practice expectations in policy.</p> <p>2) DPHHS direct CFSD to accurately document and maintain the date, time, person, and conversation details for each contact in all investigations.</p> <p>3) DPHHS direct CFSD to enhance training to staff working with older youth. Include how to communicate with older youth and refer for appropriate services, specifically when youth are a danger to themselves or others. Clarify policy to enhance expectations of prioritizing safety even with older youth as based on their vulnerabilities and protective capacities.</p> <p>4) DPHHS direct CFSD to review the policies and practices in working with youth who have infants. Consult with the legal affairs as to best practices for legally and ethically managing a case where the child is also a parent.</p>	<p>No response received.</p> <p>CFSD will continue to assess on a case by case basis and with the established model. A “Train the Trainers” system will begin June 2019. CFSD will continue to train on the Prevent Sex Trafficking policy, procedure, and federal requirements.</p> <p>CFSD agrees except for documenting the specific time of contact. The date of contact is sufficient.</p> <p>CFSD will pursue opportunities to enhance training. Motivational interview training is being provided and foster youth panels at the annual conference with continue.</p> <p>CFSD will continue to assign cases based on need. The mother and child did not receive services. Legal staff is often consulted.</p>

<b>2019 Winter Recommendations (January-March)</b>	<b>Response to Recommendations</b>
<p>5) DPHHS direct CFSD to maintain a paper file in each individual investigations and ongoing case of all case records not otherwise found in CAPS, MFSIS, SharePoint or DocGen. Follow record retention statutes and rules.</p> <p>1) DPHHS direct CFSD to review the case in full with extensive collateral outreach and complete the Family Functioning Assessment with updated information on the well-being of the children. Determine safety and whether any intervention is warranted at this time. Inform both parents in a timely manner and in writing as to the results of the review.</p> <p>2) DPHHS direct CFSD to assess the relationship both formal (statute, rule, agreement) and informal (relationship, history) between Child Family Services Division and this region’s Family Court Services. Determine whether a formal policy is required to guide the field in appropriate interactions.</p> <p>3) DPHHS direct CFSD to review communications between the field office and providers to ensure all information was shared appropriately and within the scope of their practice. Train field staff to confirm information provided by collaterals that appears outside of their scope or appears exaggerated.</p> <p>4) While DPHHS and CFSD have roles to complete in this case, the parents are responsible for the safety and well-being of the children. The parents in this case must seek support from impartial and helpful providers to find a resolution to the parenting plan that is in the best interests of the children. The parents must cease all behavior that impacts their children’s psychological safety and well-being.</p>	<p>CFSD will continue to adhere to the safety documentation through the Family Functional Assessment. Records considered relevant to the case will be found in CAPS, MFSIS, or DocGen as well as the hard file.</p> <p>There is no open investigation. CFSD will send closure letters.</p> <p>Child and Family Services will review the agreement with Family Court Services to determine how best to meet the needs of children and families being served through this program.</p> <p>The case has been reviewed by the Division Administrator and the Complaint and Critical Incident manager. CFSD will continue to collaterals. Concerns regarding other professionals should be report to the relevant licensing agency.</p> <p>CFSD agrees .</p>

2019 Spring Recommendations (April– June)	Response to Recommendation
<p><b>May</b></p> <p>1) DPHHS direct CFSD to review this case for the following:</p> <ul style="list-style-type: none"> <li>a. Staff caseload.</li> <li>b. Community involvement and support of child protection services.</li> <li>c. Legal representation and support of child protection staff.</li> <li>d. Usefulness of mediation and best practices for mediation in DN matters.</li> </ul> <p>2) DPHHS direct CFSD to review this case for opportunities to improve legal representation and intervention for all parties. Take note of the motions and briefings filed by the child’s attorney, which indicate errors made on the part of CFSD to effectuate a placement with the birth fathers and errors in the procedures of the court. The arguments also highlight the statutory conflicts around noncustodial parents and best interests.</p> <p>3) DPHHS direct CFSD to correct policy regarding what tools are currently in place for voluntary work with families and the appropriate use of those tools. Outline current forms and expectations for documentation of CFSD case work on voluntary services.</p> <p>4) DPHHS develop a plan for outreach and training for attorneys providing representation of any party in a DN matter. Identify common areas to collaborate to improve what children and families experience when in court to resolve familial issues.</p> <p>5) DPHHS work with relevant community and court-based programs to develop a means for dissemination of the bench guide and provide trainings to the courts, county attorneys, and attorneys representing children and parents, regarding the policies and practices of CFSD and the procedures of the court in relation to DN matters. Review the legal timeline, legal filings, and all orders issued in this case for training needs.</p> <p>6) DPHHS direct CFSD to assess the current case to staff ratio per county. Assess staffing needs in accordance with recommendations for case-loads by the Child Welfare League of America. Include assessment and recommendation information in prevention plan updates.</p> <p>7) DPHHS direct CFSD to assess the resources available on a county basis for assessment and treatment of substance use and of domestic violence. This case highlighted the impact of limited resources. Include assessment and recommendation information in prevention plan required by statute.</p>	<p>No response received.</p>

2019 Spring Recommendations (April– June)	Response to Recommendation
<p><b>May</b></p> <p>8) DPHHS direct CFSD to enhance policy regarding noncustodial parents to provide practical steps for assessing safety and whether involvement of a safe noncustodial parent addresses the need for intervention by CFSD.</p> <p>9) DPHHS commend the CPS for thorough completion of notes, direct and accurate testimony, and adhering to orders of the court even when in contrast to recommendations. Acknowledge that the CPS and CPSS in this community respond to reports with very limited resources and high caseloads.</p> <p>1) DPHHS direct CFSD to continue trainings working with families where domestic violence is a factor. Educate field staff on responses from victims that may at first appear defensive, difficult or odd and how to further investigate if these responses are believed by the victim to be the safest course of action. Review protocols on interviewing, documenting, and referring for services.</p> <p>2) DPHHS direct CFSD to purge records according to statute.</p> <p>3) DPHHS direct CFSD to review the letters and concerns of providers regarding the action and inactions of CFSD as to this family.</p> <p>4) DPHHS direct CFSD to update policy regarding treatment plans to be consistent with current statute.</p> <p>5) DPHHS direct CFSD to clarify in policy in plain language how a person appeals a substantiation, the timeframes for appeal, and the rules impacting hearings. Set timeframes in policy for provision of a letter following every investigation as the determination of the investigation. Provide in policy and rule if necessary, a clear and consistent process for a citizen to request a change from a substantiation to founded.</p>	<p>No response received.</p>
<p><b>June</b></p> <p>1) DPHHS direct CFSD to revise policy and procedures to require the use of the Placement Stabilization form or other more formal assessment upon the initial verbalized concerns of a foster parent that they are considering ending their care of a child or children. Use this form or assessment to work with the foster parents and children to support placements continuing or plan carefully for transition. Distinguish in policy and procedure the difference between change in placement based on safety concerns and a change in placement based on the best interests of a child outside of safety.</p>	<p>No response received.</p>

<b>2019 Spring Recommendations (April– June)</b>	<b>Response to Recommendation</b>
<p>2) DPHHS direct CFSD to establish procedures for field staff working with assigned GALs. Set expectations in policy for field staff to support GALs in meeting with the children and families on the cases assigned, working toward requests of needs by the children, and reporting recommendations to the court. Meet with GALs or through county trainings to explain policy expectations for field staff in each case.</p>	<p>No response received.</p>
<p>3) DPHHS direct CFSD to request that an attorney be appointed to the older child. This request is supported by the age of the child, the child’s ongoing needs, and the continued need for permanency.</p>	<p>No response received.</p>
<p>4) DPHHS direct CFSD to make an appointment with the former foster parents to collect the children’s belongings and the older child’s earned wages from employment. Should the foster parents not comply, direct CFSD to work with the County Attorney and attorney for the child to appeal to the court to compel the foster parents to comply.</p>	<p>No response received.</p>
<p>5) DPHHS direct CFSD to record receipt of this report in case notes to confirm that the Requestors were fully informed that they will not be considered as placement for these children and that cessation of the Requestors’ contact with the children is in their best interests.</p>	<p>No response received.</p>
<p>6) DPHHS direct the CFSD Administrator to review the licensing file of the former foster parents. Ensure license is up to date, health issues are not interfering with the care of the child in the home, and that the foster family is willing to abide by the no contact rule with the former foster children.</p>	<p>No response received.</p>
<p>1) DPHHS direct CFSD to consult with the field staff and the County Attorney on this case as to the failure to file the removal petition on time and the steps needed to prevent this from occurring in the future. Review the potential consequences both legal and financial for failing to file on time.</p>	<p>No response received.</p>
<p>2) DPHHS direct CFSD to review the policies and procedures for filing the required forms for removal and retrain CPS on writing factual, objective, and accurate documentation.</p>	<p>No response received.</p>
<p>3) DPHHS direct CFSD to complete all background checks upon placement. Allowing children to be in placement with potential abusers is in contrast with CFSD’s primary mission of protection.</p>	<p>No response received.</p>
<p>4) DPHHS direct CFSD to complete all conditions of return in an objective and measurable format specifying a time frame and requirements.</p>	<p>No response received.</p>

<b>2019 Summer Recommendations (July– September)</b>	<b>Response to Recommendations</b>
No reports issued.	
<b>2019 Fall Recommendations (October-December)</b>	<b>Response to Recommendations</b>
No reports issued.	

## Communication Plan

November 2018

DOJ Office of the Child and Family Ombudsman (OCFO)

DPHHS Child and Family Services Division (CFSD)

The Office of the Child and Family Ombudsman (OCFO) is directed by MCA 41-3-1209 “protect the interests and rights of Montana’s children and families; and to strengthen child and family services by working in collaboration with the department (DPHHS) and with appropriate county attorneys in cases under review.”

The Child and Family Services Division (CFSD) is a part of the Montana Department of Public Health and Human Services. The division provides state and federally mandated protective services to children who are abused, neglected, or abandoned. This includes receiving and investigating reports of child abuse and neglect, preventing removals of children from their homes if possible, helping families reunite, and finding placements in foster or adoptive homes.

This communication plan indicates a shared understanding of the powers and duties guiding OCFO and a shared goal to collaborate in the improvement of outcomes for families and of the process of the child welfare system.

### **OCFO and DPHHS joint obligations and responsibilities:**

OCFO:

1. Maintain the OCFO toll free phone line.
2. Maintain the OCFO DOJ Ombudsman e-mail.
3. Maintain case files for each requestor.
4. Maintain a database of information and reports CFSD is required to provide to OCFO.
5. Write and provide OCFO investigative reports in a timely manner.
6. Participate in trainings and orientations about OCFO as requested by CFSD.
7. Share the OCFO child welfare resource database with CFSD as requested.
8. Provide data as requested by CFSD:
  - a. Alerts;
  - b. Cross reports;
  - c. Critical incidents;
  - d. Child fatalities.

DPHHS:

1. Maintain OCFO’s access to CAPS, DocGen, SharePoint, and OURS.
2. Maintain an up to date policy manual on the DPHHS website.
3. Grant OCFO access to any new case management systems as those systems are made live.
4. Invite OCFO to participate in the annual Montana Child Abuse and Neglect Conference and new employee training.
5. Assist in scheduling outreach to DPHHS offices.

OCFO and DPHHS will jointly:

1. Schedule monthly meetings between DPHHS Administration and OCFO to:
  - a. Review OCFO data generated by citizen requests which identify systemic issues;
  - b. Review CFSD data generated by case management information which identify systemic issues;
  - c. Exchange information about plans to address systemic issues;
  - d. Exchange information about planned changes or modifications in OCFO or CFSD services;
  - e. Joint recognition of child protection and child welfare evidence based best practices;
  - f. Coordination of resource guides and information from both national and statewide sources.

**Case specific responsibilities:**

Case Initiation Phase - OCFO:

1. Respond to citizen contacts to OCFO and offer a Request Form to contacts as needed.
2. Upon receipt of a completed Request Form OCFO, will conduct a case information review of CFSD records.
3. Requests may be:
  - a. Declined
  - b. Referred for resources
  - c. Opened for monitoring
    - i. Investigated with referrals
    - ii. Investigated with resolution
  - d. Investigated
    - i. Resolving concerns with a finding report to DPHHS

\* Confidential information sharing between OCFO and DPHHS is governed by MCA 41-3-205 and 41-3-208 and 41-3-209.

Case Initiation Phase - CFSD:

1. Provide contact information for collateral sources upon request by the Ombudsman.
2. Direct all CFSD staff to communicate with OCFO as necessary for OCFO case review and case investigation processes.

Case Engagement Phase – OCFO:

1. Contact Regional Administrators by email as necessary to request any information not available in current CFSD record management databases or electronic document storage sites.
2. Contact other CFSD employees as necessary. Regional Administrators will facilitate contacts with CFSD employees.
3. Contact collateral sources as necessary.
4. Review paper case records in field offices whenever possible or necessary. Records reviews will be scheduled through the Regional Administrators.
5. Attend Family Engagement Meetings or court hearings at a Requestor's or Department's request.
6. Make case specific informal recommendations to the Regional Administrator or their designee as necessary.

#### Case Engagement Phase - CFSD:

1. Respond to the requests for more information or case records promptly. For the purposes of this plan, “prompt” is defined as 5 business days.
2. Request clarification of any requests for information prior to the 5th business day.

#### Case Closure Phase – OCFO:

1. Contact the requestor to inform of the closure.
  - a. A closure letter will be sent to the Requestor when a request is declined.
  - b. Other closures will occur by telephone, email, or letter.
2. Send a written report to the Director of DPHHS, the CFSD Administrator, the Regional Administrator, and the Requestor at the completion of an investigation with recommendations.
  - a. Investigations include review of administrative acts as defined by MCA 41-3-1210.
  - b. Findings include violations of policy, procedure, and practice as well as issues for further review.

#### Case Closure Phase - CFSD:

1. Respond in writing to all *Findings Reports* within 60 calendar days of the receipt an OCFO report.
  - a. CFS drafts response, legal overlooks the response, sent back to CFS with edits or forwarded to the Director for review and signature.
  - b. Response includes actions taken to address recommendations;
  - c. Response includes barriers to addressing the Ombudsman's findings, conclusions, and recommendations.

#### Case Information – Emergency imminent danger

1. When the Office of the Child and Family Ombudsman receives information that a child is or may be in current imminent danger of harm the following steps will be taken:
  - a. The Ombudsman will immediately call Centralized Intake to make a report.
  - b. The Ombudsman will contact the Regional Administrator in the appropriate region.
- c. The Ombudsman will contact the Division Administrator and Deputy Division Administrator.

# CFSD Documentation Primer

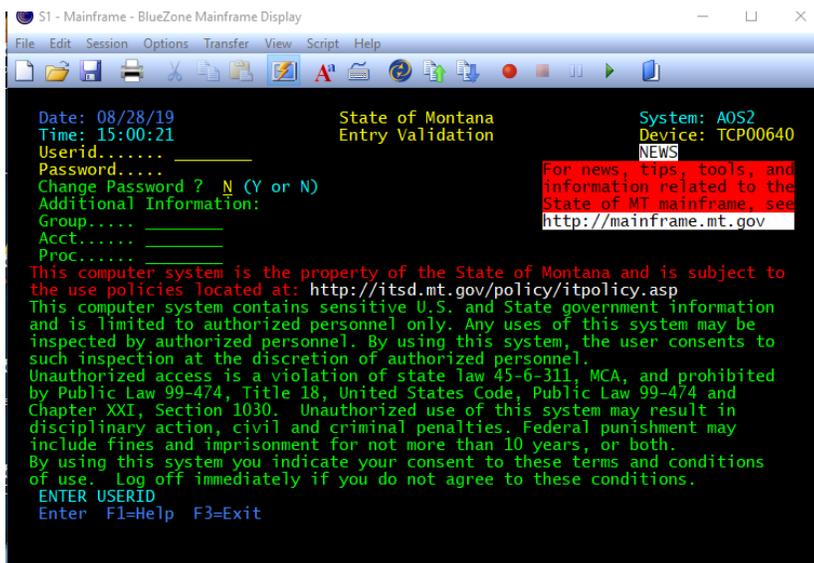
## Introduction

The Office of the Child and Family Ombudsman (OCFO) prepared this document to assist in answering questions received about what information Child and Family Services Division (CFSD) collects and how it is maintained. Those involved in child protection cases have different levels of access to this documentation. This information will assist in both understanding the breadth of information maintained by CFSD and how to more directly request information. This document will be updated and edited as needed.

## Case management Systems- Where is documentation kept?

Access to the following systems is by authorized individuals only.

### CAPS

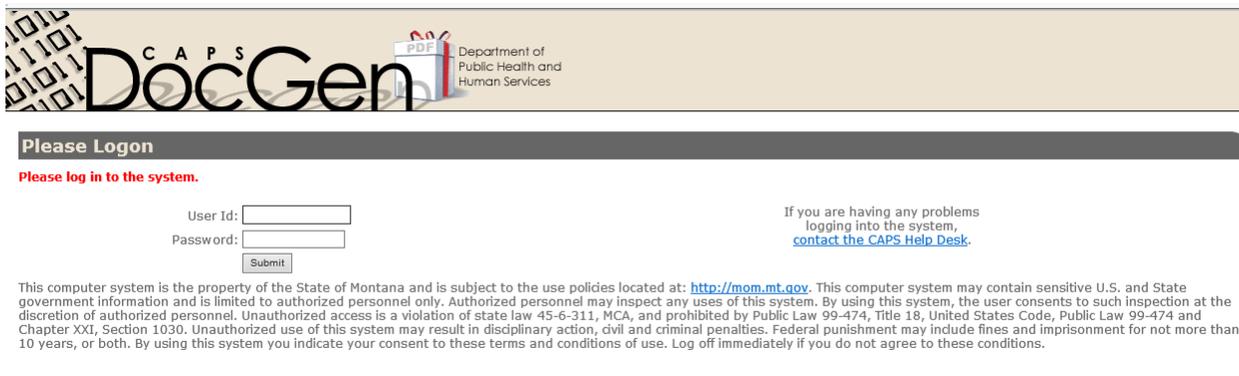


CAPS is the oldest system and assists in managing information as well as allowing payments to be made to providers. Every parent, child, and provider working with CFSD is assigned a CAPS number. Each call to Centralized Intake is recorded in CAPS as a report and given a CAPS number.

A detailed list of each screen on CAPS and what information is collected on CAPS can be found at: <https://capstraining.mt.gov/ScreenGuides>.

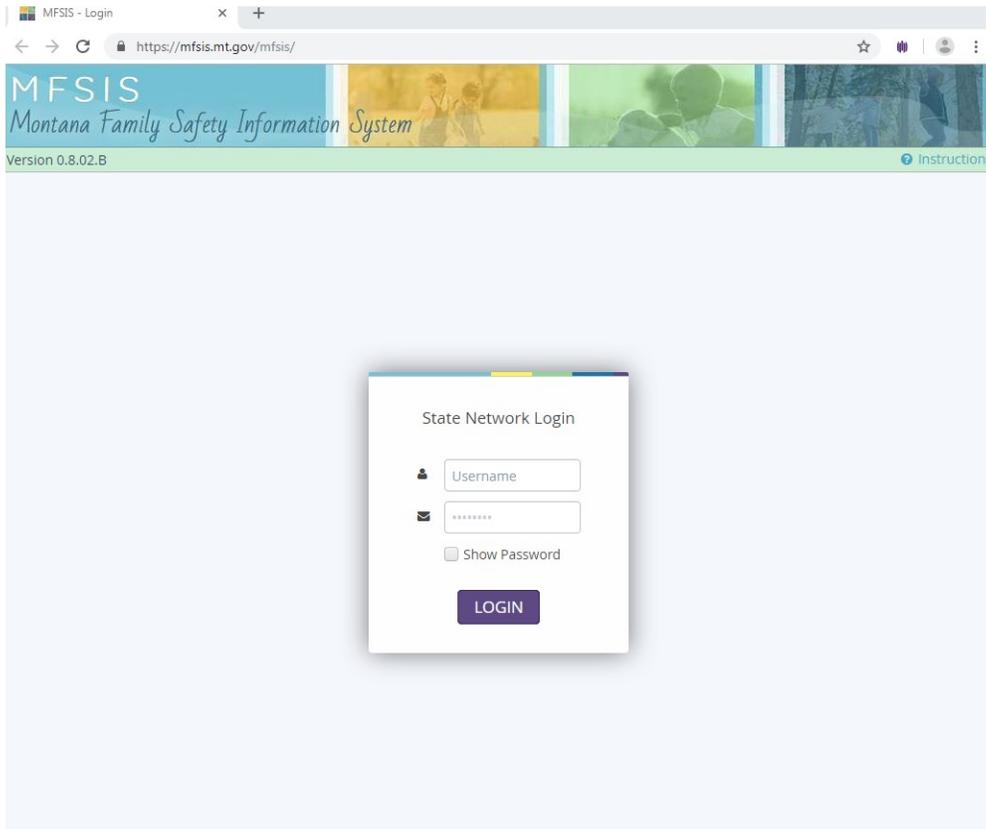
The CAPS training guide for CFSD provides information and images of CAPS but is mostly useful for CFSD staff learning the system. The guide can be found at <http://capstraining.mt.gov/Portals/83/CPSTrainingGuide/CPSGuide.pdf>.

### DocGen



DocGen is a web-based program that allows CFSD to draw information from CAPS to build reports, letters, or forms. It is also a place to upload documentation on cases. Documentation is uploaded under a person or provider's CAPS number. Documentation is created by using a person or provider's CAPS number.

## MFSIS



MFSIS is also a web-based program and is the newest system, which is still in development. In December 2018, the first phase of MFSIS rolled out. Now, all reports to Centralized Intake and all assessments and documentation of investigations are on MFSIS. If a removal occurs or a case is opened legally or voluntarily, documentation is then continued on CAPS and DocGen.

## Other

Each open case also has paper files. There are files for each parent and each child. Each file contains indexes describing what is in the file.

Forms used by CFSD are maintained on an internal DPHHS system called OURS. Forms found on OURS will either be in MFSIS, DocGen, and/or the paper file depending on the form and stage of the case.

Emails and text messages sent in the course of business on a case are not routinely printed and placed in the file. If they are, they are specific to an issue and can be found either in the paper file or on DocGen. Sometimes emails are copied and pasted into a case note on the ACTL screen in CAPS.

## **Documentation- Where are specific types of documentation located?**

The following describes documentation found in typical child protection cases and where that documentation is typically held. More information may be needed or collected in the course of some cases. Where to find the information is written in parentheses after the type of documentation.

When a person contacts Centralized Intake (CI) to report suspicion of child abuse or neglect, the CI Specialist completes certain steps. For all calls taken from December 2018 to Present, information will be found on MFSIS. Before December 2018, information is also on DocGen under the CAPS report number. The following documentation occurs for EVERY call:

*Intake Assessment* (MFSIS)

*Report List* (RRRL screen in CAPS) This screen contains a list of every report associated with a person and under their CAPS number, categorization and prioritization of each call, and a brief synopsis of the information reported during the call. REMINDER: Reports are purged from the system if 1) it was unsubstantiated and 2) three years pass without a substantiated report occurring.

In the case of a Runaway:

*Runaway Form* (MFSIS)

*Case note* on contact with Law Enforcement (CAPS; ACTL screen)

During an investigation of a report to CI that is categorized a Child Protective Services (CPS) report, the assigned Child Protection Specialist completes:

*Immediate Danger Assessment* (MFSIS; These assessments occurred prior to 2015 and then were removed from the process. Assessments prior to 2015 are found on DocGen under the CAPS report number or on MFSIS if the information has transferred. As of August 2019, it is required to complete these assessments again and those are only on MFSIS.)

*Family Functioning Assessment* (MFSIS; Completed within 60 days of report)

*Conditions for Return* (MFSIS then DocGen) Conditions for Return are completed as a part of the Family Functioning Assessment after children are determined unsafe. A separate Condition for Return form is completed every 30 days after the initial.

After a safety determination is made:

*Notification to Parent* (MFSIS or DocGen under child CAPS #) Given at the time of removal.

*Protection Plan* (MFSIS or DocGen). Used when children are determined unsafe.

*In Home Safety Plan* (MFSIS or DocGen). Used when children are determined unsafe and a plan to mitigate safety issues can be done while keeping the children in the home. Effective for 30 days.

*Out of Home Safety Plan* (MFSIS or DocGen) Used when children are determined unsafe and a plan to mitigate safety issues CANNOT be done while keeping the children in the home. Effective for 30 days.

*Voluntary Protection Services Agreement* (MFSIS or DocGen). Used when children may not be deemed unsafe, but issues uncovered during an investigation need to be addressed to maintain safety. Service are voluntary and can be in effect for up to 180 days.

*Letter of Substantiation, Founded, or Unsubstantiation* (MFSIS or DocGen under report CAPS #)

After a child was removed, a legal case is opened, or voluntary services begin:

*Activity Report* (DocGen; The Activity Report is a PDF report of all the case notes entered in CAPS on the ACTL screen under a CAPS number. Case notes can be linked to all family members or be found under only the child or only the parent. Per policy, any activity completed on a case must be entered into CAPS as soon as possible. Face to face contacts with children need to be entered within two weeks of the contact.

*Seneca Search* (DocGen; part of a Diligent Search and completed within 30 days after removal.)

*Letters* to potential family members on Seneca Search (DocGen)

*Interstate Compact on the Placement of Children* (ICPC forms are created through DocGen and usually filed in the paper file. Sometimes they are uploaded to DocGen.

During an open case:

*Activity Report* (DocGen; The Activity Report is a PDF report of all the case notes entered in CAPS on the ACTL screen under a CAPS number. Case notes can be linked to all family members or be found under only the child or only the parent.

*Address and phone number* of person (ACTD screen in CAPS)

*Assigned worker* (ACTD screen in CAPS)

*Background Checks* (DocGen or paper file)

*Releases* (Paper file)

*Court documents* (DocGen; Affidavits, motions, orders, reports, etc.)

*Evaluations* (DocGen or paper file)

*Drug Screenings* (DocGen or paper file)

*Parent Child Interaction Plan* (DocGen or paper file) Describes visitation plan and is required in every open case.

*Visitation notes* (DocGen Activity Report if conducted by CFSD and/or Summary of Parent-Child Visitation uploaded to DocGen; Uploaded to DocGen or in paper file if external provider)

*Case Plans* (Created in DocGen, required in every case, submitted to Foster Care Review Committee, and then uploaded to DocGen)

*Family Engagement Meetings* (Offer of meeting forms and notes from meetings are uploaded to DocGen under the Mother's CAPS number)

*Placement List* (PLSH screen in CAPS; Client Placement List created through DocGen) Documents all placements a child experiences.

*Service List* (SERL screen in CAPS; Client Service List created through DocGen) Documents every service provided to a child or parent. Payments to providers are approved through this screen in CAPS. Referral forms to services may be uploaded to DocGen or in the paper file.

*Placement forms*, including Kinship Care Agreement, Agreement for Foster Care Placement, Placement Stabilization forms (DocGen)

*Permanency Staffing Notes* (Entered on CAPS on ACTL; Paper notes in file)

*Foster Care Review Committee* (CAPS on the IARD screen; DocGen on the uploaded Case Plan)

*Reunification Safety Assessment* (DocGen or paper file)

*Safety Assessment for Case Closure* (DocGen or paper file)

While pursuing licensure as a foster parent, documentation is maintained by the Resource Family Specialist (RFS). Home studies and licenses issued are found under the provider CAPS number in DocGen.

Any investigations into licensing issues with foster parents are also kept by the RFS or the licensing team in Helena. Abuse or neglect concerns for foster parents are routed through Centralized Intake and assessed as other reports.

Requests for and responses to administrative reviews or Fair Hearings on substantiations or adverse licensing actions are maintained by the DPHHS legal team in Helena.