Montana Department of Justice
Office of the Child and Family Ombudsman
2021 Annual Report

Contact the Ombudsman:

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Executive Summary

Welcome to the 2021 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 is a summary of activities for January 1 through December 31, 2021.

OCFO's work is conducted through two primary activities: First, it responds to citizen questions and concerns about Montana's child protection system 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 system, 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.

Highlights for 2021:

- OCFO was accessible and responsive to citizens with a total of 328 contacts and 135 Requests for Assistance.
- The Department of Justice (DOJ) Missing Persons Specialist, OCFO and Department of Public Health and Human Services (DPHHS) CFSD continue to analyze and track reports of youth missing from out of home placements to reduce risk of harm and shorten the time until they are located.
- OCFO submitted 12 *Findings Reports* to the Director of DPHHS.
- As directed by the 2021 Legislature OCFO developed procedures to select and research a systemic trend in CFSD cases.
- Policy and procedures were reviewed and an updated operations manual was finalized.
- OCFO accepts Requests for Assistance on a first come first serve basis. Wait time for an Ombudsman to open a case was reduced from an average of 60 days to an average of 30 days.
- OCFO established ongoing analysis of Cross Reports between law enforcement and the child abuse hotline which provides county by county numbers of cross reporting of suspected child abuse and suspected crimes against children.
- Outreach and education about OCFO continued with eight *Meet the Ombudsman* sessions.

Recommendations to DPHHS (pg. 18):

The casework and child fatality reviews in 2021 yielded two recommendations. Rationales are included later in this report.

1. The CFSD case management system and online data bases should be updated and the information contained in the three separate electronic records should be consolidated.

2. DPHHS CFSD develop and implement an enhanced screening for all reports of child abuse about children ages three years and younger with measurable recommendation of reports of suspected abuse of children one year or younger.

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

1. 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 (SSB).

2. 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.

3. OCFO is confidential. It adheres to Montana law.

4. 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.

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

Office of Child and Family Ombudsman staff:

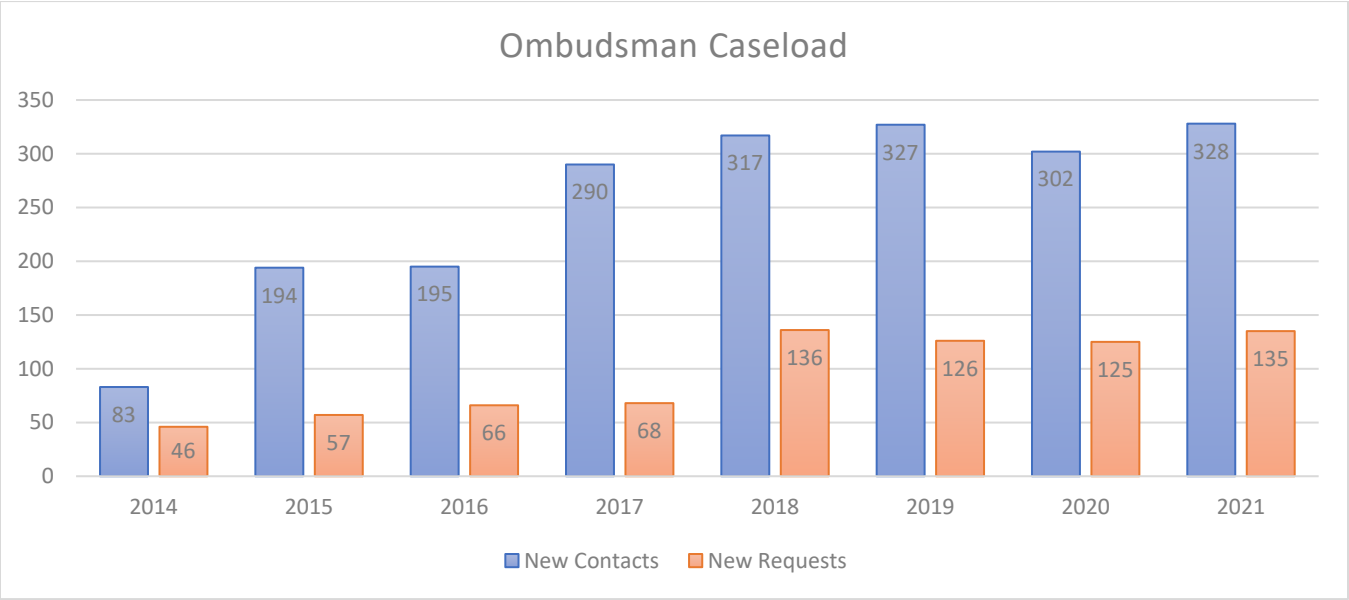
Dana Toole, LCSW – Special Services Bureau Chief
Gala Goodwin, ACSW, LCSW – Child and Family Ombudsman (grant funded FTE)
Marci Buckles, BSW – Child and Family Ombudsman
Kaci Gaub-Bruno, MA – Residential Investigator/Child and Family Ombudsman
Shannon Tanner – AmeriCorps Member, Justice for Montanans

Duty: Respond to Citizens' Requests

When a citizen calls, emails, or writes OCFO, they begin the Intake process as a *Contact*. If the Contact submits a Request for Assistance (RFA) form, they are then called a *Requestor*. OCFO reaches out to Contacts at least three times to assist in completing the RFA form. The number of Contacts and Requests are collected each year. At the end of each year, open Contacts and open Requests carry over to the next year.

Graph 1: Caseload per year

There were 328 total contacts of which 41%, or 135 contacts, returned a RFA form to open a case review.



2021 Contact Data

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, the regional map is attached in Appendix I.

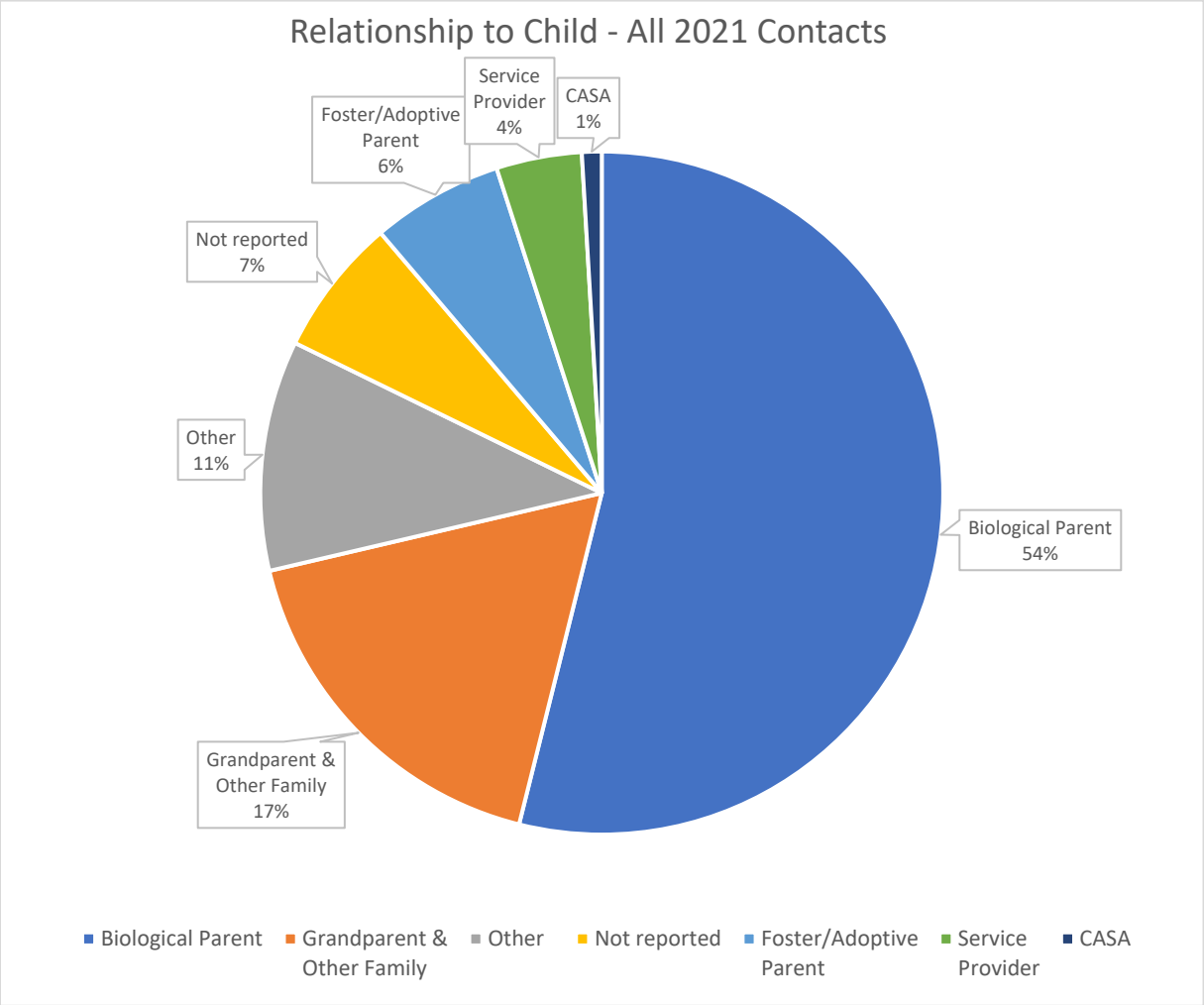
Table 1: Percentage of Contacts by Region for 2021

Region I	8%
Region II	11%
Region III	14%
Region IV	25%
Region V	9%
Region VI	12%
Tribal	1%
Unknown/Not Provided	20%

Graph 2: Contacts by Relationship to the Child

OCFO tracks the relationship between the Contact and the child, or children, identified in the concern about CFSD action.

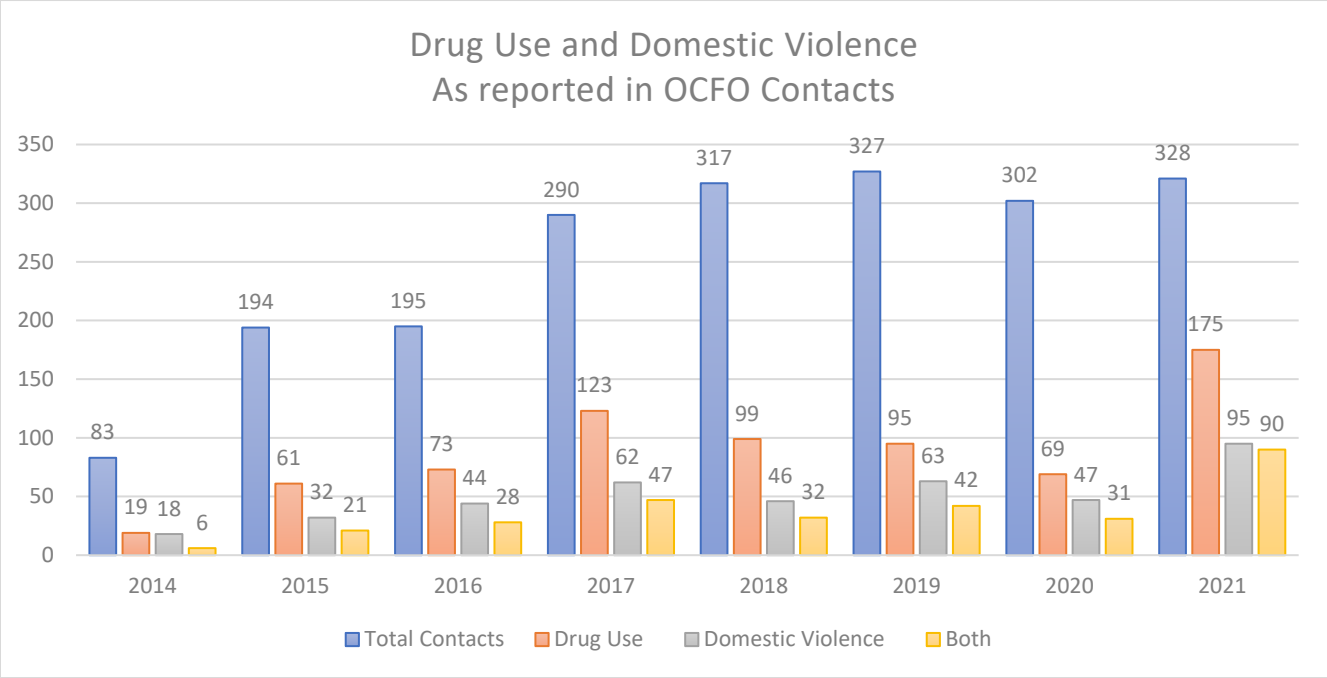
In 2021, Biological Parents were the largest category of contacts to OCFO at 54% followed by Grandparents and Other Family (17%).



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

- Drug use – contacts identifying drug use as a factor increased 33%
- Domestic Violence - contacts identifying domestic violence as a factor increased 15%
- Drug use and Domestic Violence - contacts identifying both drug use and domestic violence as a factor increased 18%

Graph 3: Drug Use and Domestic Violence in OCFO Cases



In late 2020, OCFO adopted a new online caseload system that has made tracking factors and demographics among contacts and RFAs easier. The 2021 results in Graph 3 for the *Drug Use*, *Domestic Violence* and *Both* categories indicate the increased ability to track and report in the OCFO database.

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.

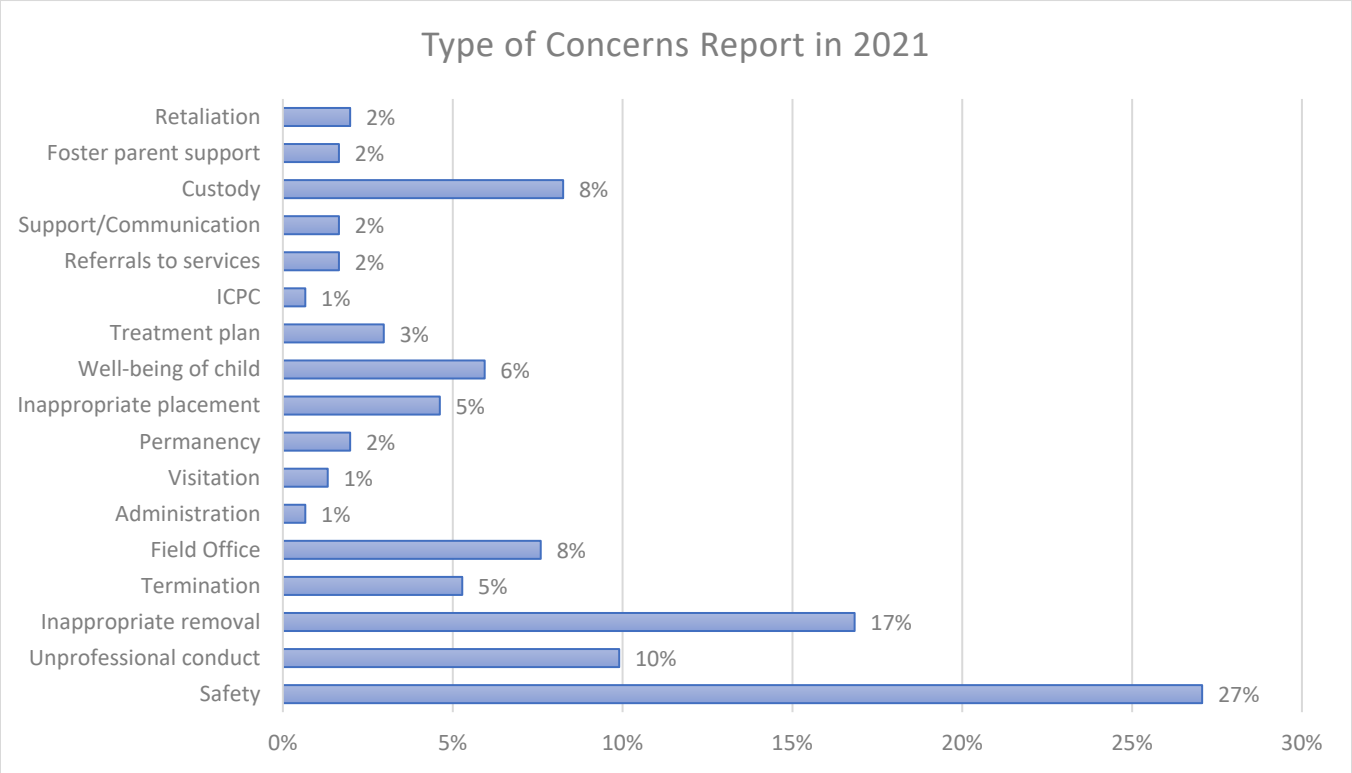
The most prevalent citizen concerns in 2021 about children and families were:

Child Safety: This included concerns that reports to CFSD were not being fully investigated or safety plans were not sufficient. In 2021, 27% of citizen contacts identified a safety concern for one or more children. This category also includes concerns that range from reports to CFSD not being fully investigated to safety plans that were not sufficient.

Inappropriate Removal: In 2021, 51 citizen contacts, or 17%, identified a concern about a child being removed from caregivers without adequate evidence of abuse and/or neglect.

Unprofessional conduct: This indicates the citizen's belief that the Child Protection Specialists (CPS), Child Protection Specialist Supervisors (CPSS), Regional Administrators (RA) or other staff persons' behavior in interactions was disrespectful, unreasonable, unhelpful, or unethical. In 2021, 10% of citizens identified this as a concern. When OCFO was able to verify this allegation, it was reported to the appropriate supervisor.

Graph 4: Type of Concerns Reported by Contacts to OCFO



Duty: Investigate Findings

2021 Outcomes

OCFO received 328 contacts in 2021. Of the contacts within OCFO jurisdiction to investigate, 135 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 four statutory reasons per MCA 4-3-1212 to decline. Those reasons include:

- OCFO investigated previously.
- The request is vexatious or not made in good faith.
- The requestor is not personally aggrieved.
- The case is too old to justify an investigation.

It is OCFO's practice to make three attempts to obtain a request form from a contact before closing it as a "no further contact."

Review Process

An OCFO case review is an investigation of all the CFSD actions or omissions for a specific case. Each CFSD case may include records located in three different electronic databases:

- Child and Adult Protective Services or *CAPS*
- Montana Family Safety Information Systems or *MFSIS*
- Document Generator or *Doc Gen*

Additional case specific records may also be maintained in a hard file at the CFSD local office.

The range of intervention provided by OCFO includes referral to services; mediating concerns directly with the requestor and CFSD; addressing concerns directly with legally mandated stakeholders; and in some cases, preparing a Findings Report which is submitted to DPHHS and to the citizen requestor's who fit within MCA 41-3-205's Confidentiality - disclosure exceptions. OCFO conducts an accurate and comprehensive case review for each citizen requestor. The ombudsmen frequently provide resources to citizens even when the case is not appropriate for OCFO services or must be declined.

Table 2 describes in more detail the outcomes of individual contacts.

Table 2: Status of contacts to OCFO for 2018—2021.

Outcome Measures	2018 Outcomes	2019 Outcomes	2020 Outcomes	2021 Outcomes
Closed, no further contact.	53	64	101	126
Declined to intervene.	6	9	5	7
Referred and closed.	81	77	51	55
Mediated – Concerns fully resolved.	14	15	24	14
Mediated – Plan established.	10	20	35	45
Mediated – Questions answered.	18	13	74	83
Findings Report to DPHHS Director	15	7	6	12
Open from previous year's contacts.	82	73	25	71
Pending review at end of year	51	54	43	11

Case Reviews Pending at the end of the year were reduced by 75% because OCFO maintained 2.5 employees and an AmeriCorps member .8 FTE to manage intake. With 2.5 Ombudsmen dedicated to case reviews OCFO was able to reduce the citizen's wait time from over 6 weeks to about 2 weeks and case reviews were concluded more quickly. Due to the termination of grant funding, OCFO staffing in 2022 will reduce to 1.5 positions and the .8 AmeriCorps member.

Duty: Share Findings

2021 Findings Reports and Recommendations

OCFO submitted twelve *Findings Reports* to DPHHS. *Findings Reports* document case specific violations of law, policy and procedure and are sent to the Director of DPHHS. The reports make recommendations to improve practices.

There were a total of 28 formal recommendations to DPHHS. DPHHS agreed with 23 or 82% of the recommendations and disagreed with 5 or 18%. MCA 41-3-1212 requires DPHHS to respond to all *Findings Reports and Recommendations* within 60 days. DPHHS complied within the required time for all twelve reports.

All recommendations made to DPHHS through *Findings Reports* in 2021, and their responses to those recommendations, can be found in Appendix IV of this report. The responses which differ from the OCFO recommendation are in orange font.

2021 Notifications Data

Child Fatalities

Montana Code Annotated (MCA) 41-3-209 requires the DPHHS CFSD to provide critical incident notifications to OCFO, including child fatalities.
MCA 41-3-209 directs CFSD to notify OCFO:

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 service agreement.

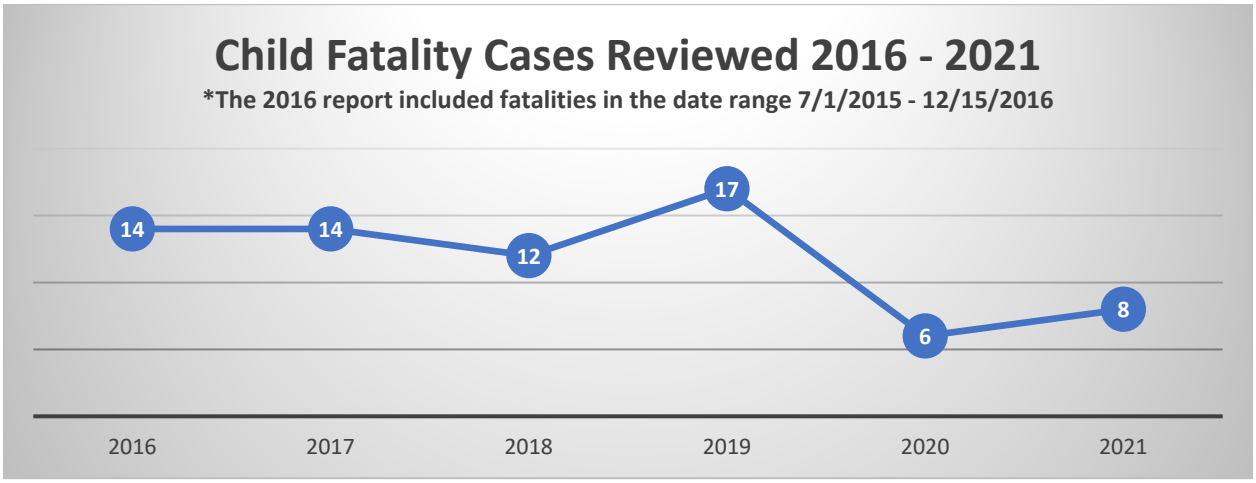
In 2021, OCFO reviewed eight child fatalities reported by CFSD to OCFO.

OCFO's Child Fatality Review Process

DPHHS provides notification of a child fatality via email to OCFO. OCFO reviews all reported child fatalities. In every case, OCFO uses CFSD's electronic case management systems and/or requests all CFSD documentation for each child and family member included in the report of the fatality. All documentation available in the case management systems or provided by CFSD is reviewed. OCFO conducts an accurate and comprehensive case review for each child fatality, however OCFO's authority is limited to review only CFSD records and does not include all medical, law enforcement, criminal history, educational, mental health, medical examiner or coroner findings, or other sources of documentation about the deceased child or his/her family. To provide a comprehensive, neutral review, the child fatality review team includes the Special Services Bureau (SSB) staff from other related programs. Data points from each case were identified and recorded in the review process.

OCFO reviews are initiated separate from a criminal investigation. No actions are taken to interfere with a criminal or judicial process.

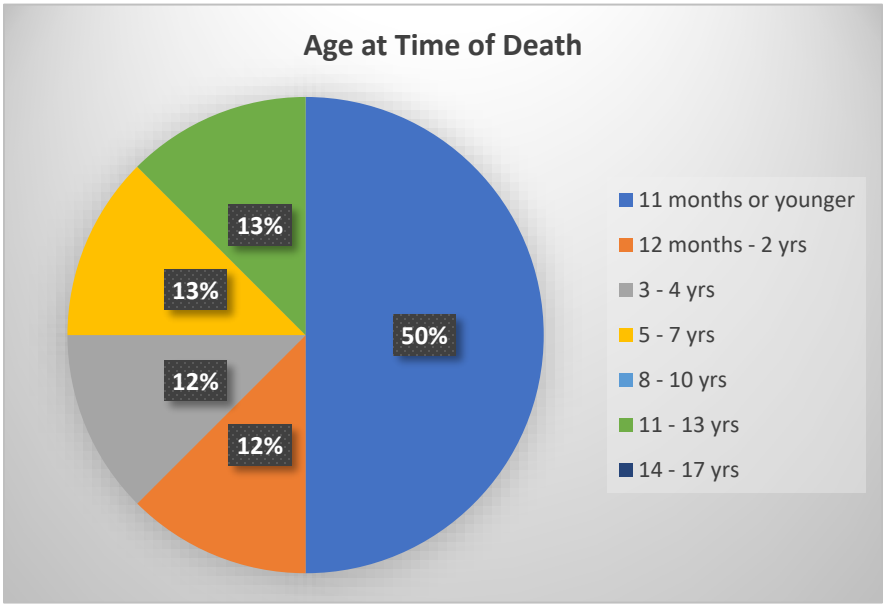
The following sections summarize the SSB Child Fatality Review Team's findings.



Child fatality cases have been reviewed by OCFO since July 1, 2015. The 2016 OCFO Child Fatality Report reviewed 14 fatalities dated between July 1, 2015, and December 15, 2016, an eighteen-month date range.

Child Fatality Review Findings:

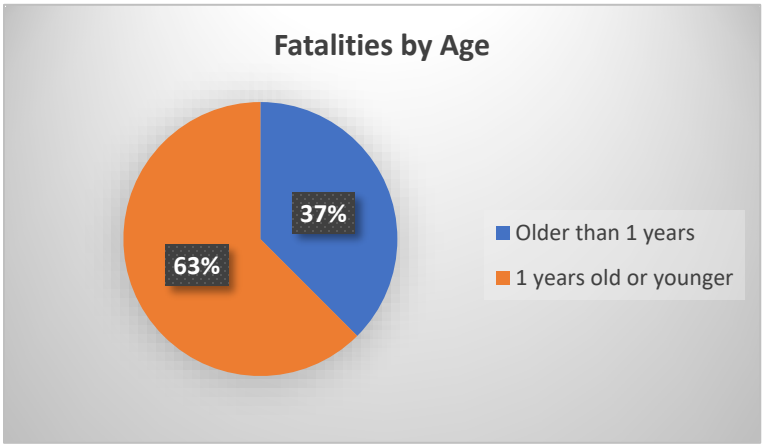
Finding 1: Age at Time of Death

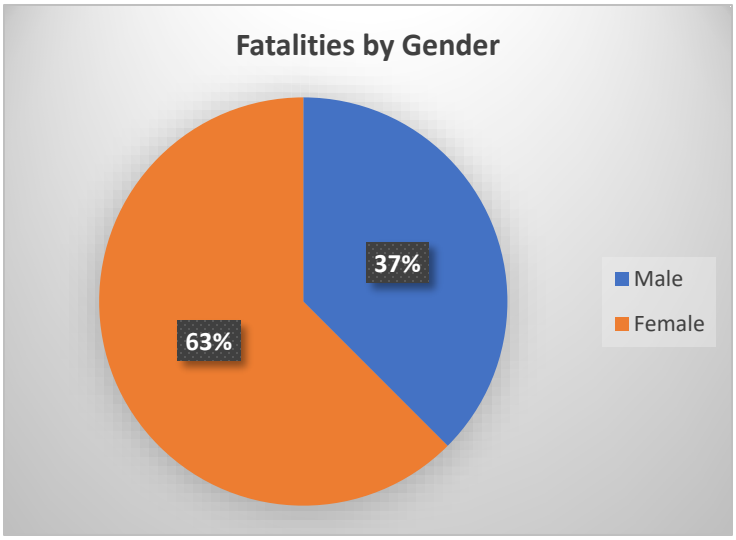


In 2021, more than half of the fatalities involved a child one year old or younger.

Finding 2: Age Under One Year

Half of the children were eleven months or younger on the date of the fatality.



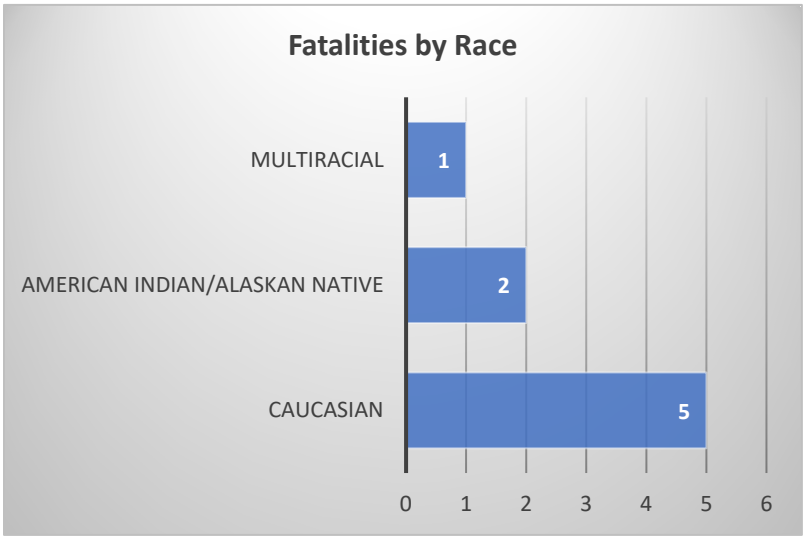


Finding 3: Gender

About one third of the fatalities were male children and about two thirds were female children.

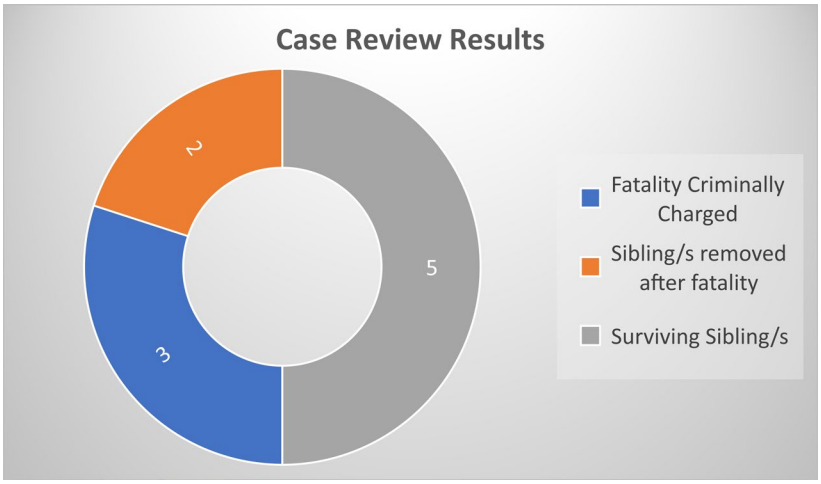
Finding 4: Race

DPHHS CFSD identified the race of each child.



Finding 5: Criminal Charges

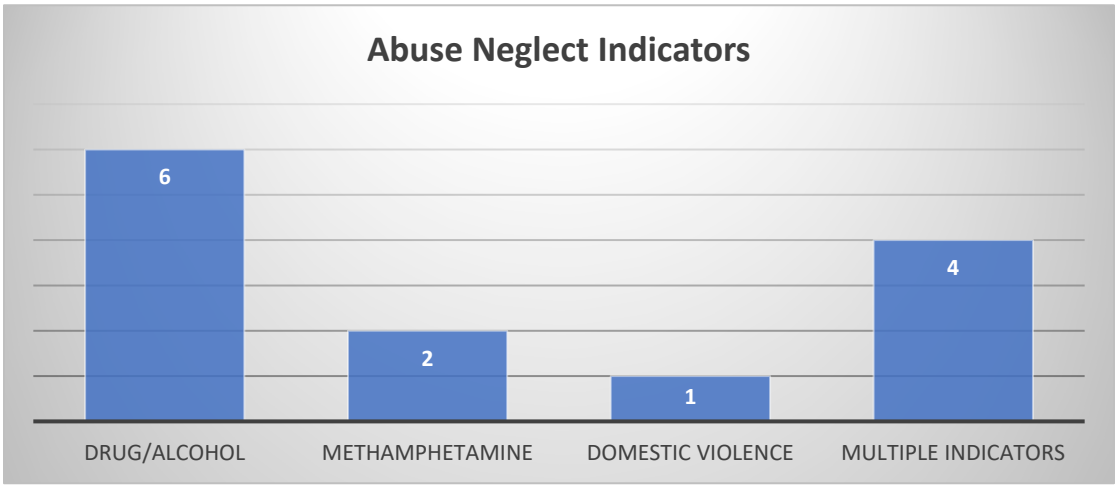
At the time of the 2021 OCFO Review, three of the eight fatalities resulted in criminal charges.



Child fatality case reviews count specific detailed facts related to the child's history and to family dynamics identified in the CFSD records. Family dynamics include behaviors and indicators that are known to increase the risk of child abuse. A case with one or more of these is considered a case with multiple risk indicators such as:

- Prior CFSD reports on deceased child
  - Occurred in seven of the eight fatalities.
- CFSD history on parent/s as children
  - Occurred in five of the eight fatalities.
- Fatality occurred within 60 days of CFSD report
  - Occurred in four of the eight fatalities.
- Drugs/alcohol use
  - Indicated in six of the eight fatalities.
  - Methamphetamine use
    - Indicated in two of the eight fatalities.
- Domestic violence
  - Occurred in one of the eight fatalities

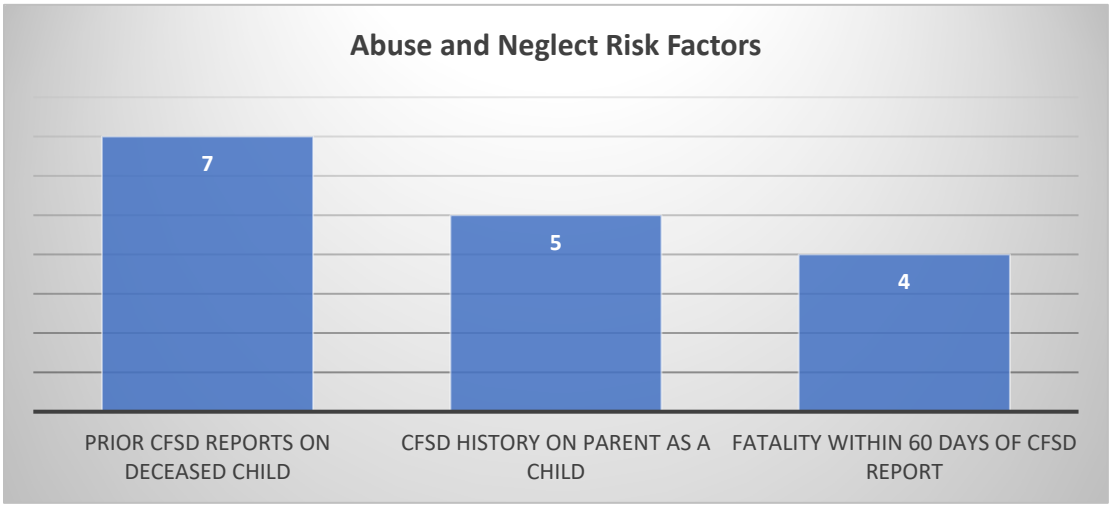
Finding 6: Multiple Risk Factors



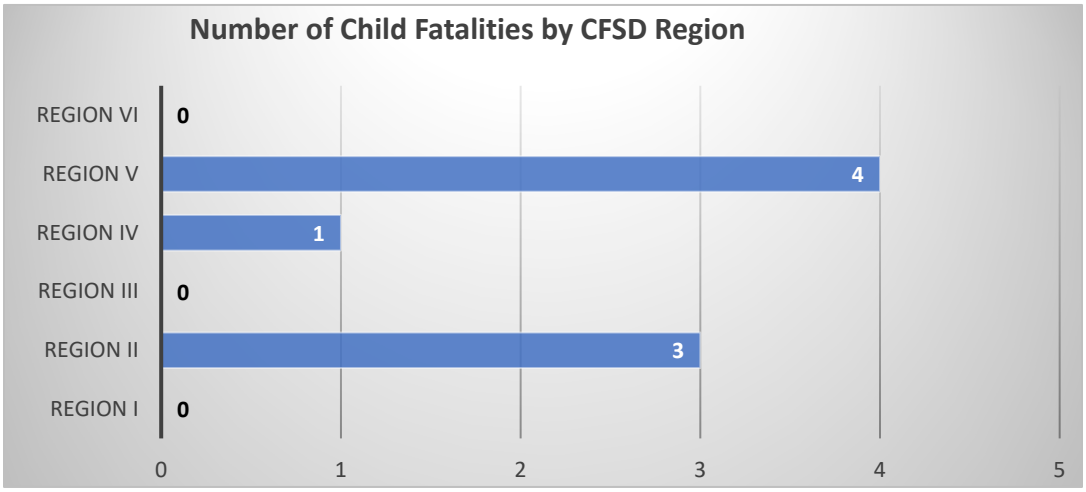
Four of the child fatality cases included multiple risk factors.

Finding 7: History of reports to CFSD.

There were historical reports alleging abuse or neglect for seven of the eight children.



Finding 8: CFSD Regions



Child fatalities occurred in three of the six CFSD regions.

Longitudinal Trend: 2015 – 2021

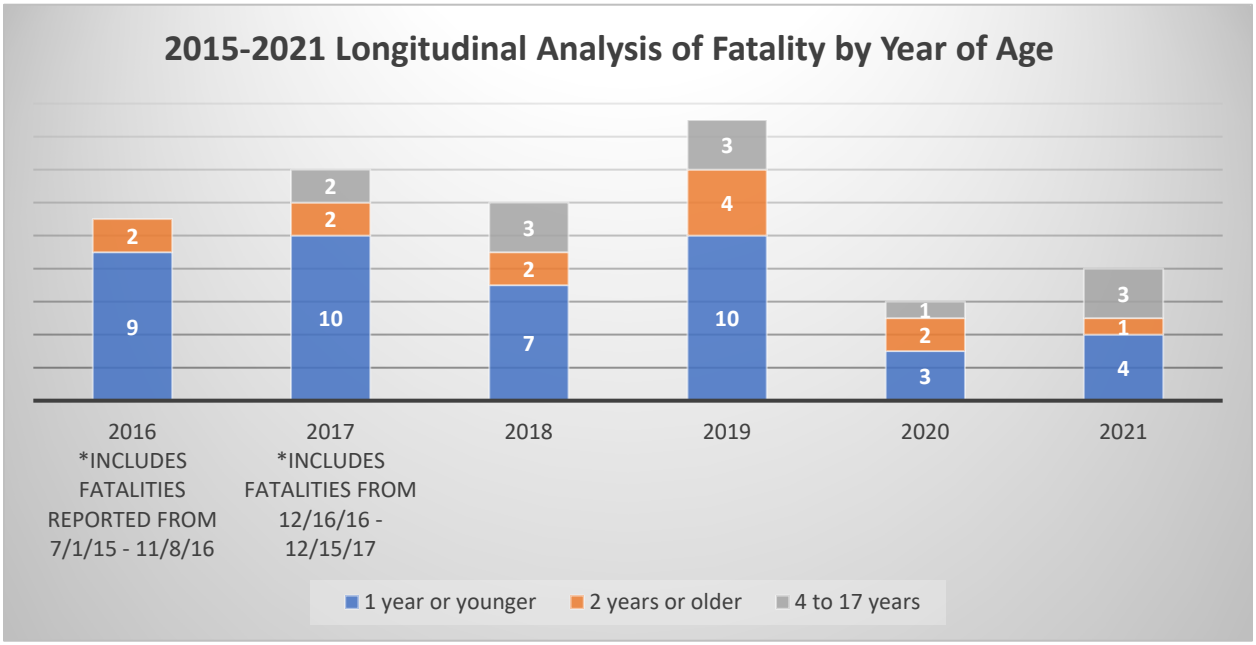
The 2021 OCFO Child Fatality Report provided the opportunity to review years of data. A 2015 – 2021 analysis of reported child fatalities made by CFSD to OCFO found a strong indicator that infants one year or younger are at the highest risk for fatality. In each report infants constitute at least 50% of the fatalities.

Th United States Department of Health and Human Services Administration Children's Bureau conducts annual reviews of child fatalities. The 2020 Child Maltreatment report data is consistent with Montana's data:

> *"FFY 2020 data show that 68.0 percent (67.8%) of all child fatalities are younger than 3 years old. Close to one-half (46.4%) of child fatalities are younger than 1*

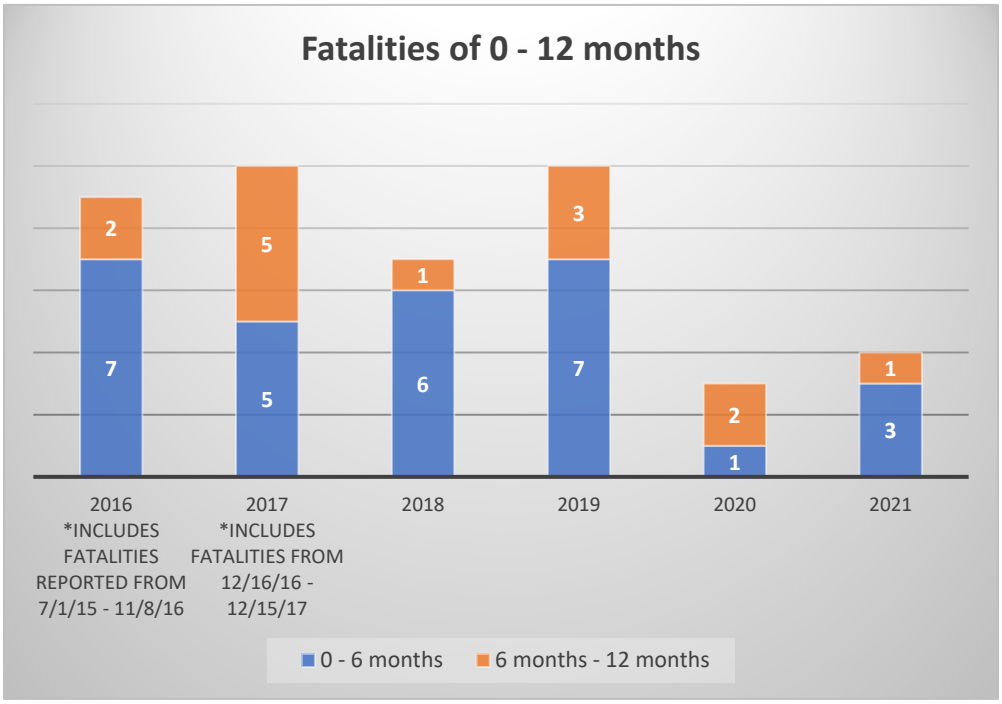
year old and died at a rate of 23.03 per 100,000 children in the population of the same age."[1]

Graph 5: 2015 – 2021 Fatality by year of age



Graph 6: 2015 – 2021 Fatality months of age

In five of the six annual child fatality reviews, OCFO found that at least 50% of the infants died in the first six months of life. The exception was in 2020 when two of the children were between six and twelve months old.



[1] https://www.childwelfare.gov/pubpdfs/fatality.pdf

The goal of the Child Fatality Report is to provide recommendations that include clear, measurable objectives to aid in the prevention of child fatalities due to neglect or abuse.

2021 Notifications Data

Child fatalities are not the only statutorily required notification OCFO receives from DPHHS. MCA 41-3-209 also directs CFSD to notify OCFO:

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;
   (c) 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;
   (d) a third report received within the last 12 months about a child at risk of or who is suspected of being abused or neglected.

Cross Reports:

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 CFSD Centralized Intake (CI) of suspected child abuse or when a CFSD Centralized Intake Specialist (CIS) reports a possible crime against a child to a local law enforcement agency. OCFO receives an email for each Cross Report statewide.

OCFO received 5,047 Cross Reports in 2021, which is more than ever. OCFO initiated an analysis of cross report data from 2018 – 2021. The analysis project is completed and has been presented to the following groups:

- Department of Justice, Division of Criminal Investigation Leadership
- Department of Public Health and Human Services, CFSD Leadership
- Montana Children's Advocacy Center Annual Conference
- Children's Justice Conference
- Attorney General's Law Enforcement Advisory Council

Critical Incidents:

Runaways & Missing Youth: OCFO works closely with DPHHS CFSD and the DOJ Missing Persons Specialist to track any youth who is missing from an out of home placement, or who has been receiving services from CFSD. DOJ hosts a global email for reports of missing youth which assures that law enforcement is notified each time a youth is missing, and CFSD also notifies DOJ when the youth is located.

OCFO, in conjunction with the DOJ Missing Persons Clearinghouse, have begun to compare clearinghouse missing youth with those receiving services through CFSD on a monthly basis. This protocol has produced a more accurate number of identified runaways. OCFO plans to have regular

coordinated meetings with CFSD and the DOJ Missing Persons Specialists to help local jurisdictions locate runaway youth in 2022.

Other Critical Incidents: Notifications received under 2) (b) are called "Other Critical Incidents" in the table below. This category covers all other notifications received about a child in foster care. These notifications cover any situation that would not normally occur such as non-routine hospitalizations, injuries, suicide attempts or neglect or abuse by substitute caregivers. There were 98 Other Critical Incidents reported.

Alerts: Notifications received under 2) (c) are called "Alerts" by OCFO. OFCO receives an electronic notification each time a third report on a child is entered by CI within a twelve-month period. This includes a new report to CI and a new incident on an open report. Alerts are received through the MFSIS.

In 2021, OCFO received 2,770 alerts, a similar number to what was reported in 2020.

Table 3: Notifications received by OCFO.

Type of Notification	2020	2021
Cross Reports	4,647	5,047
Runaways	108	156
Other Critical Incidents	10	98
Alerts	2,787	2,770

Duty: Procedure Review

2021 Request Trends

MCA 41-3-1211 (7) 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 Dependent Neglect Temporary Legal Custody (TLC) cases. In 2021, CFSD continued a comprehensive review and revision of policy and procedure that started in 2020. CFSD supplied the changes to OCFO and trained both their staff and OCFO in the new practices.

The 2021 Montana State Legislature passed House Bill 625 which directs OCFO to:

> "...identify and report on systemic trends in the CFSD handling of cases and to make recommendations to improve the child protective system."

MCA 41-3-1215 allows OCFO to broaden case analysis from a single case review requested by a citizen, to reviewing multiple cases to research how a pattern and a trend of practices in CFSD is occurring and to report on those issues twice each year. DPHHS CFSD is required to respond to

the systemic issue reports within 60 days and provide a description of how recommendations will be implemented, or a description of the reasons a recommendation may not be implemented.

OCFO consults with DPHHS and CFSD leadership regularly to discuss casework, emerging trends, receive practice updates and maintain good communications. The information OCFO collects and maintains regarding trends and patterns in Montana's child welfare system are available to DPHHS administration and management team. In 2022, OCFO will produce public reports to disseminate this information.

Duty: Outreach and Education

General Outreach

To ensure that citizens and stakeholders are made aware of the purpose, services, procedures, and contact information for the ombudsman, OCFO is statutorily mandated to offer outreach. The challenges in 2020 moved 2021 outreach to electronic virtual platforms. The outreach materials (brochure and posters) and presentations were all updated. An example of the brochure is attached in Addendum #2:

2021 Outreach included:

- AWARE Clinicians
- Multiple statewide CFSD field staff presentations
- Attendance at the Kinship Navigator Advisory Council meetings
- Attendance at the CFSD State Advisory Council meetings
- Participating in the Justice for Montanans AmeriCorps Program
- The Montana Child Abuse and Neglect Conference
- The Children's Justice Conference

The OCFO website is redesigned and updated to provide a more detailed description of the office and to answer frequently asked questions.

Recommendations:

OCFO extends two recommendations to DPHHS.

Recommendation 1: The CFSD electronic case management system and data bases should be updated, and the information contained in the three separate electronic records should be consolidated where possible. Policy and procedures on how information is entered into the case management systems should be standardized between regional offices.

Rationale 1: OCFO conducts thorough investigation case reviews of over 125 CFSD cases each year. The three electronic case management and data bases are the primary source of case review information. Case information and documents are entered in the data bases differently between CFSD Regions and between field offices. The case record challenges are serious and significant for the children, families, CPS staff, courts, and service providers statewide. Given the serious nature of state intervention in a family's life, it is the responsibility of the state to provide CFSD a functioning comprehensive electronic case management system.

OCFO has also noted the following issues with multiple case management systems:

- One child's case information may be fragmented between electronic systems, which risks decision making based on incomplete information.
- The multiple records increase CFSD staff time for entering documentation and retrieving case information.
- There are significant differences in how information is attached to the electronic records from office to office and region to region. The discrepancies complicate all aspects of a case review.
- Legally required case documents may be kept in paper hard copy files in local CFSD offices and not uploaded to the electronic case management system. Thus, the electronic record for a case is not fully accurate or accessible from outside the local office.

Recommendation 2: DPHHS CFSD develop and implement an enhanced weekly staffing for all reports of child abuse about children ages three years and younger with additional staffing within 72 hours of receiving reports of suspected abuse or neglect of children one year or younger.

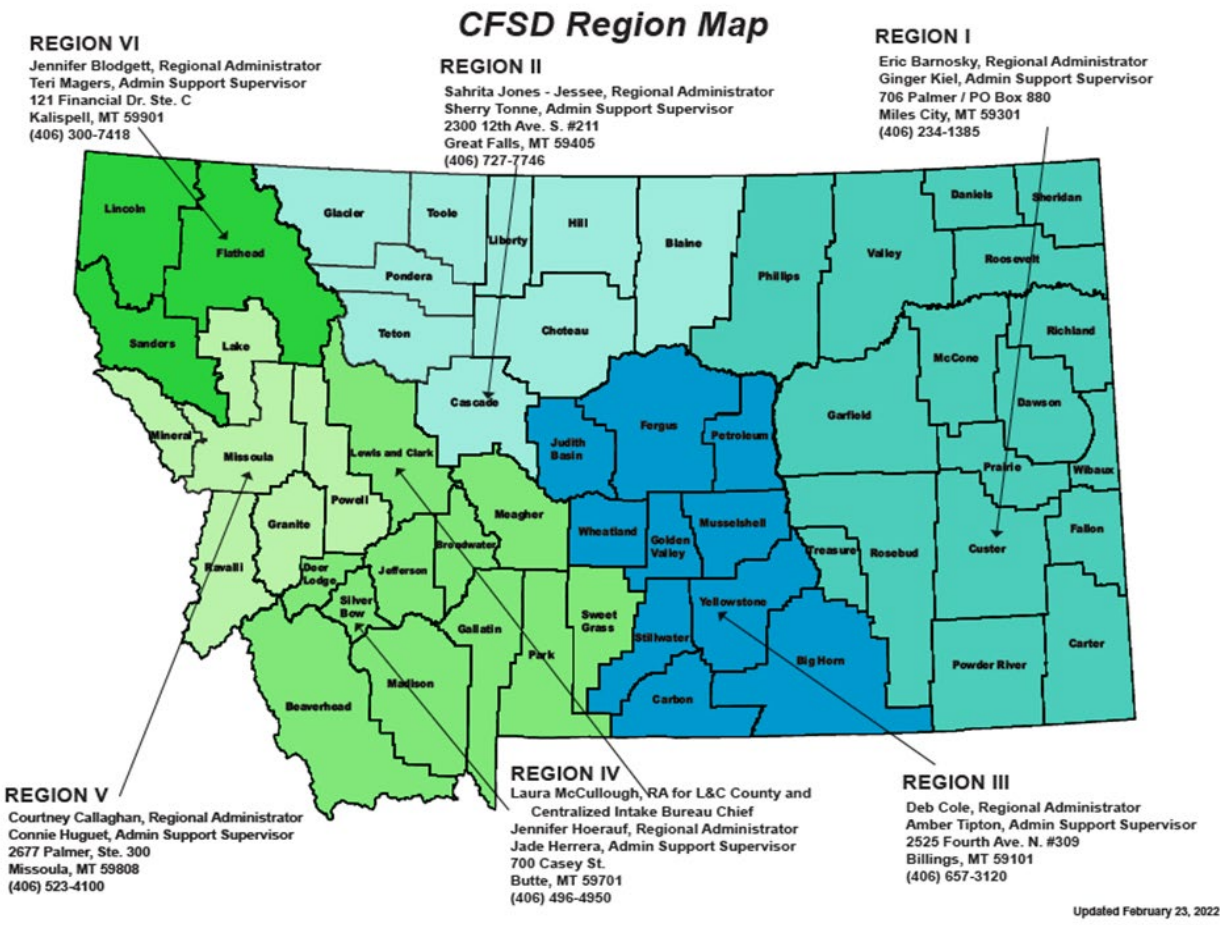
Rationale 2: This recommendation is based on a thorough review of CFSD records for each child fatality reported to OCFO as per MCA 41-3-209, and the longitudinal review from 2015 – 2021 of the ages of the children who died.

Infants and toddlers are highly dependent upon others for basic needs, health, and safety. Young children are small and unable to defend themselves, to ask for help, or disclose abuse. Reports that include information of adult substance or alcohol abuse, domestic violence, or a caretaker who was known to the child protection system as a child are indicators of higher risk. These factors require an intensive investigation of alleged abuse of very young children.

Conclusion:

The DOJ Special Services Bureau and OCFO recognize the impact case reviews and child fatalities have on citizens, communities, and professional stakeholders. Child abuse is a community problem; preventing and responding to child abuse requires strong collaboration among multiple agencies. We sincerely thank the Department of Public Health and Human Services for sharing information and considering recommendations for future system improvements. We extend our thanks to Attorney General Austin Knudsen, Division of Criminal Investigation Administrator Bryan Lockerby, and DOJ staff for their unwavering support and commitment to improving Montana's child protection and child welfare systems to build a better future for us all.

Appendix I: Child and Family Regional Map



Appendix II: Acronyms

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

Appendix III: Office of Child and Family Ombudsman Brochure

What is the Office of the Child & Family Ombudsman?

The Office of the Child and Family Ombudsman is an independent, impartial, and confidential resource to Montana citizens.

The Child and Family Ombudsmen duties include:

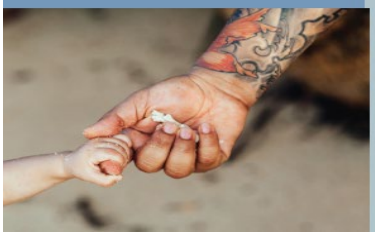
- Reviewing requests involving Child and Family Services Division of the Department of Health and Human Services
- Supporting best practices in working with children and families
- And providing education on how best to protect and serve Montana children and Families

Who can request assistance from the Ombudsman?

Any individual concerned about the interests or rights of a child in Montana may request assistance from the Ombudsman.

If you suspect a child is being abused or neglected, please call the Child Abuse Hotline at 1-866-820-5437.

To report a crime, please call 911.



Examples of requests the Ombudsman may address:

- **A concerned citizen** sees a commercial for the need for more foster families' in Montana. A few weeks later the idea is still in her mind, but she cannot remember who to call. She knows about the Ombudsman and calls for information.

- **A grandmother** learns her grandchildren were removed from their parent and placed in foster care. She was in contact with the Child Protection Specialist and given permission to see her grandchildren. She tried to contact the foster parents but received no call back. Now, the Child Protection Specialist is unavailable. Six weeks have passed since she last saw her grandchildren. Grandmother calls the Ombudsman.

- A student shows up to school unclean and hungry. **A teacher** attempts to contact his parents with no response. Concerned for the child's safety he calls the child abuse hotline and files a report. The student continues to appear neglected. The teacher makes several more calls to the hotline and fears nothing is being done. The teacher calls the Ombudsman.

Office of the Child & Family Ombudsman
P.O. Box 201417
Helena, MT 59620
dojombudsman@mt.gov
1-844-25-CHILD (24453)
FAX (406) 444-2759

Montana Department of Justice
Special Services Bureau

Office of the Child & Family Ombudsman

Promoting the rights of Montana children & families

Who can request assistance from the Ombudsman?

A request for assistance can be made by filling out a request for assistance form. The form can be found at **dojmt.gov/enforcement/specialservices/**

Send the completed form to the Ombudsman:

1. MAIL P.O. Box 201417 Helena, MT 59620
2. EMAIL dojombudsman@mt.gov
3. FAX (406) 444-2759

Office of the Child & Family Ombudsman

How can I ask questions or get help filling out the form?

Call the Ombudsman at 1-844-25-CHILD (24453)

What will the Ombudsman do when I ask for help?

Once the record is available for complete review, the Ombudsman will consider:

Step 1: Has the individual requesting assistance attempted to get help from the department?

Step 2: What does the individual hope will occur from the Ombudsman's intervention?

Step 3: Is there evidence supporting the requesters concern?

The Ombudsman reviews Requests for Assistance in the order they arrive. It may take some time for the office to initiate your case.

If the request fits within the Ombudsman's legal authority, then the Ombudsman will do a complete review.

The Ombudsman will communicate with requestors to discuss findings of the case review.

What ways can the Ombudsman help me?

• Resource & Referral
In many cases, the Ombudsman will help by finding the right person or service to address the request. The Ombudsman will connect individuals seeking help with contact information for the right service.

• Conflict Resolution
Sometimes, an individual feels their needs are still not fully addressed. The Ombudsman may offer to mediate the concern with everyone involved. This will look different from case to case.

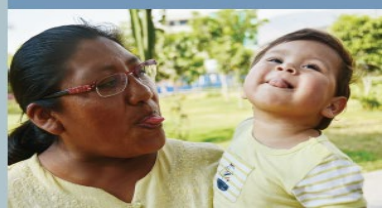
• Review & Report
In other cases, a request will come to the Ombudsman with larger concerns and a good deal of work already tried to resolve the issue. If the Ombudsman determines that request for assistance requires it, a review will occur.

A review may include collection of all case documentation, interviews of involved parties, and attendance at meetings and court hearings about the case. The Ombudsman may also decline to review a request and will inform the requestor of the reasons for declining

What else does the Ombudsman Do?

Each year the Office of the Child and Family Ombudsman publishes an annual report.

The report details the number of citizen contacts and requests. It also explains what trends found in Child and Family Services cases for that year. The Ombudsman recommends solutions to these problems and sends them to the department.



Appendix IV: 2021 Recommendations from OCFO to DPHHS

OCFO's statutory authority includes making case specific findings as well as recommendations to strengthen the system. Often the cases reviewed, and the findings determined, are relating to specific actions of a worker and or higher-level administrator. While there is value in reporting back to the agency the areas of practice that were assessed during case reviews, it is the recommendations for overall case practice that stand to benefit the citizens of Montana. OCFO recommendations have directed the agency to clarify their policy and procedures for ease of use by field staff once they are working in the field.

As reflected in the agency responses, CFSD has been reviewing and updating policies and procedures over the past several years to improve clarity and ease of use by field staff. New policy and procedure went live to the staff and public on April 1, 2022.

OCFO has determined that moving forward in 2022 to focus our recommendations which may identify challenges within an identified region with recommendations specific to that regional staff.

Recommendations from the twelve 2021 *Findings Reports* are listed in the order they were issued as written, with the exception of identifying information as to protect citizen confidentiality. Responses from DPHHS/CFSD are below each recommendation in blue.

There were a total of 28 formal recommendations to DPHHS. DPHHS agreed with 23 or 82% of the recommendations and disagreed with five or 18%. The responses which differ from the OCFO recommendation are in orange font.

DPHHS has responded to each OCFO recommendation from 2021 within the statutory 60-day timeline.

2021 Recommendations from OCFO to DPHHS	
Report 1:	1) DPHHS direct CFSD to review policies and procedures on Emergency Protective Services and Emergency Placement. Clarify and enhance policies for ease of use by field staff.
DPHHS Response:	Thank you for this recommendation. Overall, CFSD believes that the Child Welfare Manger acted in the best interest of the children with the information available to her at the time of the removal. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures regarding removal and placement of children.
	2) DPHHS direct CFSD to review policies and procedures on Visitation Parent/Child and train field staff.
DPHHS Response:	Thank you for this recommendation. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures regarding visitation.
Report 2:	1) DPHHS direct CFSD to review policies and procedures on Indian Child Welfare Act. Clarify and enhance policies for ease of use by field staff.
DPHHS Response:	CFSD will continue to educate its employees on Indian Child Welfare Act (ICWA). However, CFSD initially had reason to believe that JCWA applied in this case and made active efforts, as outlined in the April 2, 2021 Affidavit supporting the Petition for EPS, Adjudication, and TLC CFSD later discovered that ICWA did not apply to this case, meaning active efforts were no longer necessary.
Report 3:	1) DPHHS direct CFSD to review policies and procedures on court timelines.
DPHHS Response:	Thank you for this recommendation. CFSD will review statutory court timelines in regional trainings and will continue the work that has already begun through the Court Improvement Project and the Moving the Dial Regional Teams to help all systems, including District Court Judges, Office of Public Defenders, Guardian ad Litems, CASA volunteers, and County Attorneys, work together to create better outcomes in Dependent and Neglect cases
Report 4:	1) DPHHS direct CFSD to review policies and procedures on reasonable and appropriate treatment plans. Clarify and enhance policies for ease of use by field staff.
DPHHS Response:	Thank you for this recommendation. CFSD respectfully disagrees that the policies or procedures cited above were violated. However, CFSD recognizes the benefit of regular policy and procedure reviews and will review policies and procedures on treatment plans at regional meetings
Report 5:	1) DPHHS direct CFSD to review policies and procedures around action on reporting and noting exceptions when needed. Clarify and enhance policies for ease of use by field staff.

DPHHS Response:	Thank you for this recommendation. The Department believes that it acted in the best interest of the identified children and reduced any unnecessary trauma by having the first contact surrounding the allegations of sexual abuse take place in a child evaluation center by trained forensic interviewers. While the contact with the identified children was not made within 24 hours, it was made within 48 hours. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures on reports at regional meetings.
Report 6: **DPHHS Response:** **DPHHS Response:** **DPHHS Response:**	1) DPHHS direct CFSD to review policies and procedures pertaining to Investigation / Assessment. Clarify and enhance policies for ease of use by field staff. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on investigations at regional meetings. 2) DPHHS direct CFSD to review policies and procedures pertaining to Confidentiality. Clarify and enhance policies for ease of use by field staff. CFSD respectfully disagrees that confidentiality was violated during the course of this investigation. However, CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on investigations at regional meetings. 3) DPHHS direct CFSD to review policies and procedures pertaining to documenting case management efforts and correspondence between agency and parties to a case. Create procedure regarding documentation of phone calls, email, and text messaging correspondence. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on case management at regional meetings. In consultation with the Office of Legal Affairs, CFSD will determine the how phone calls, emails, and text messaging correspondence should be captured in our electronic case management system.
Report 7: **DPHHS Response:** **DPHHS Response:**	1) DPHHS direct CFSD to review policies and procedures pertaining to Investigation / Assessment. Clarify and enhance policies for ease of use by field staff. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on investigations at regional meetings. 2) DPHHS direct CFSD to review policies and procedures pertaining to documenting case management efforts and correspondence between agency and parties to a case. Create procedure regarding documentation of phone calls, email, and text messaging correspondence. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and

	procedure on case management at regional meetings. In consultation with the Office of Legal Affairs, CFSD will determine the how phone calls, emails, and text messaging correspondence should be captured in our electronic case management system.
Report 8: **DPHHS Response:** **DPHHS Response:**	1) DPHHS direct CFSD to review policies and procedures pertaining to Youth Foster Home Licensed Provider Complaints and Investigations. Clarify and enhance policies and procedural expectations for ease of use by field staff. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures on case management at regional meetings. This policy is currently being reviewed by CFSD Leadership and the policy development team to improve the Department's practices. 2) DPHHS direct CFSD to review policies and procedures pertaining to Investigation / Assessment in Out-of-Home Care. Clarify and enhance policies and procedural expectations for ease of use by field staff. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures on case management at regional meetings. This policy is currently being reviewed by CFSD Leadership and the policy development team to improve the Department's practices.
Report 9: **DPHHS Response:** **DPHHS Response:**	1) DPHHS direct CFSD to review policies and procedures on the use of Family Engagement Meetings during assessment and safety planning. Clarify and enhance policies and procedural expectations for ease of use by field staff. Thank you for this recommendation. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures on Family Engagement Meetings at regional meetings. 2) DPHHS direct CFSD to review policies and procedures on Investigation / Assessment including the Montana Safety Assessment and Management System (SAMS) philosophy and key principles, information collection protocol, mandatory cross reporting requirements, the need for of a court order for urinalysis, and case closure requirements. Clarify and enhance policies and procedural expectations for ease of use by field staff. Thank you for this recommendation. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures on Investigation/Assessment including the Montana Safety Assessment and Management System (SAMS) philosophy and key principles, information collection protocol, mandatory cross reporting requirements, the need for a court order for urinalysis, and case closure requirements at regional meetings.

DPHHS Response:	3) DPHHS direct CFSD to review policies and procedures on Child Abuse and Neglect Petitions including filing date requirements, the expectation that the *affidavit include only the facts within the personal knowledge of the Child Protection Specialist or other witnesses who will testify*, the facts of the case *must include the parent's statements*. Clarify and enhance policies and procedural expectations for ease of use by field staff. Thank you for this recommendation. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing statutes and policies and procedures on Child Abuse and Neglect Affidavits in support of Petitions at regional meetings.
DPHHS Response:	4) DPHHS direct CFSD to review policies and procedures on Parent Child Visitation including that *it is a fundamental right for children in foster care to have visits with parents*, that *only in rare circumstances when the child's health, safety and well-being cannot be protected* are visits reduced or denied and only after staffing with the Child Protection Specialist Supervisor and providing written 5 day notice to the parent if changes to visitation are required. Clarify and enhance policies and procedural expectations for ease of use by field staff. Thank you for this recommendation. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures on Parent Child Visitation at regional meetings.
DPHHS Response:	5) DPHHS direct CFSD to review policies and procedures on Confidentiality of Case Records and *the default position of the Department that personal information shall not be released without the appropriate review process*, including the process for Child Protection Specialist Supervisors to take when a complaint or violation allegation has been made. Clarify and enhance policies and procedural expectations for ease of use by field staff. Thank you for this recommendation. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing statutes and policies and procedures on confidentiality at regional meetings.
DPHHS Response:	6) DPHHS direct CFSD to review policies and procedures on Documentation and the importance of capturing the Decision Points clearly. Clarify and enhance policies and procedural expectations for ease of use by field staff. Thank you for this recommendation. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing statutes and policies and procedures regarding Documenting Decision Points at regional meetings.
Report 10:	1) DPHHS direct CFSD to review policies and procedures regarding CFSD Policy 502-1. The Activity Detail Screen (ACTD) will be used to record all significant case contact and activities. Significant case contact is defined as any contact that impacts the direction of a child protective services case. Any time a decision is made that impacts the Child

DPHHS Response:	Protective Services Case the decision should be recorded on the Activity Detail Screen as a Decision Point. All decision points in a case must be clearly documented in the case record. Decision points include, but are not limited to: Receipt of Reports, Determination regarding substantiation, Removal, Change in Placement, Change in Visitation Plan, Permanency Plan Decisions, New Referral, Reunification, Termination of Parental Rights, or Case Closure. Thank you for this recommendation. After review of the documentation, it was noted that not all entries were copied to the infant's record. This has now been corrected. The assigned CPS worker had weekly home visits documented, and the CPSS had supervisory reviews documented as well. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policies and procedures on reporting at regional meetings.
DPHHS Response:	3) DPHHS direct CFSD to review policies and procedures regarding CFSD Policy 402-5. The Placement Stabilization Plan addresses a foster child's behaviors, medical condition, disabilities, trauma, or other needs/issues that the resource parent or child protection specialist determines need extra attention to stabilize the placement and/or prevent disruption or crisis for the child and/or resource parent or family. Thank you/or this recommendation. The CPS worker recognized a need/or extra attention to prevent disruption for these children and their family. CFSD commends the CPS worker's commitment to engaging this family in a solution that would best address their needs and help maintain the placement. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on placement stabilization plans at regional meetings
DPHHS Response:	4) DPHHS direct CFSD to review the policy, procedure, and practice in reuniting children with their parent and producing a pertinent safety and protection plan prior to the reunification date. Thank you for this recommendation. For clarification, an in-home safety plan is utilized for reunification, not a protection plan. A protection plan is implemented during the course of an investigation. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on safety plans at regional meetings.
Report 11: **DPHHS Response:**	1) DPHHS direct CFSD to review policies and procedures around investigation legal base. Clarify and enhance policies for ease of use by field staff. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on investigations at regional meetings. CFSD has been

DPHHS Response:	reviewing and updating policies and procedures over the past twenty months to improve clarity and ease of use by field staff. 2) DPHHS direct CFSD to review policies and procedures around action on reporting and investigations, noting exceptions when needed. Clarify and enhance policies for ease of use by field staff. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on investigations at regional meetings. CFSD has been reviewing and updating policies and procedures over the past twenty months to improve clarity and ease of use by field staff.
DPHHS Response:	3) DPHHS direct CFSD to review and re-train Montana Safety Assessment and Management System (SAMS) interview and investigation protocol with field staff. Starting in 2022, the SAMS model will be retrained to Regional Administrators and CPS supervisors. Throughout 2022, the CPS supervisors will train the SAMS model at unit meetings and through individual supervision with CPS staff. CFSD staff will receive the benefit of reviewing SAMS interview and investigation protocol through these trainings and supervision.
DPHHS Response:	4) DPHHS review this investigation and FFA with field staff and offer trainings in the field including interviews of identified child, alleged maltreating parent, collaterals and other family members. The investigation and FFA were reviewed with the CPS and CPSS at the time the Request for Assistance was sent to the Regional Administrator requesting a response. The Department currently provides field training for field staff during their first year of employment, including training on interviewing skills and engagement, among other topics. These trainings are also available to field staff who are beyond their first year of employment. The Department will increase its efforts to raise awareness of these available trainings to field staff that have been employed with the Department for more than one year. Due to statutory changes adopted during the 2021 legislative session, the Department is currently developing a certification process that includes ongoing training for field staff consistent with statutory requirements.
Report 12: **DPHHS Response:**	1) DPHHS direct CFSD to review policies and procedures on Investigation / Assessment, including the Montana Safety Assessment and Management System (SAMS) philosophy and key principles, safety planning, substantiation, and case closure requirements. Clarify and enhance policies and procedural expectations for ease of use by field staff. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on investigations at regional meetings. CFSD has been reviewing and updating policies and procedures over the past twenty months to improve clarity and ease of use by field staff. In 2022, the

DPHHS Response:	SAMS model will be retrained to Regional Administrators and CPS supervisors. Throughout 2022, the CPS supervisors will train the SAMS model at unit meetings and through individual supervision with CPS staff. CFSD staff will receive the benefit of reviewing SAMS interview and investigation protocol through these trainings and supervision. This process aligns with the recommendations from the Legislative Practice Audit. 2) DPHHS direct CFSD to review policies and procedures on Documentation and the importance of capturing the Decision Points clearly. Clarify and enhance policies and procedural expectations for ease of use by field staff. CFSD recognizes the benefit of regular policy and procedure reviews and will implement this recommendation by reviewing policy and procedure on documentation at regional meetings. CFSD has been reviewing and updating policies and procedures over the past twenty months to improve clarity and ease of use by field staff. Due to changes in the relevant statutes made during the 2021 legislative session, the Department is currently developing a certification process that includes ongoing training for field staff consistent with statutory requirements.