



Children, Families, Health, and Human Services Interim Committee

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

67th Montana Legislature

SENATE MEMBERS

CHRIS FRIEDEL
JEN GROSS
THERESA MANZELLA
MARY MCNALLY

HOUSE MEMBERS

ED STAFMAN -- Chair
DENNIS LENZ -- Vice Chair
MARY CAFERRO
JENNIFER CARLSON
JANE GILLETTE
DANNY TENENBAUM

COMMITTEE STAFF

SUE O'CONNELL, Lead Staff
ALEXIS SANDRU, Staff Attorney
FONG HOM, Secretary

TO: HB 39 Working Group
FROM: Sue O'Connell, Legislative Research Analyst
DATE: November 12, 2021
RE: PHC Facilitator Qualifications and Training

At its October 12, 2021, meeting the HB 39 Working Group asked about the number of people currently serving as facilitators for prehearing conferences in child abuse and neglect cases, including the number who are not attorneys and the qualifications that non-attorneys must have to serve as facilitators.

This memo summarizes materials provided by John Guinn, who served as the facilitator when prehearing conferences were first established and who is now a special projects coordinator for the University of Montana Center for Children, Families, and Workforce Development.

Number/Background of Current Facilitators

As of late October, 13 people were serving as facilitators – 11 attorneys and two non-attorneys.

One of the non-attorneys received certification in mediation, including family mediation, from the Montana Mediation Association and has both a master's degree and doctoral degree in human services. The other non-attorney has a bachelor's degree in communications/public relations and a master's degree from a law school, in negotiations and conflict resolution.

Selection Process/Qualifications

Prehearing conferences were first used in Yellowstone County as part of a pilot project initiated by the Court Improvement Program, a federally funded program that operates in each state with a goal of improving court practices related to child abuse and neglect cases.

As the use of PHCs expanded from Yellowstone County to other judicial districts, the Court Improvement Program has worked with judges in each district to obtain recommendations for facilitators. Facilitators are hired based on their knowledge, education, and commitment to the PHC project. Attorneys generally have had experience working with both the government and with clients in complex situations. Non-attorneys generally have mediation training or experience and preferably are experienced in child welfare and domestic relations matters. All candidates must have the ability to facilitate open discussions among varied parties.

Training Requirements

To become a facilitator, individuals must:

- complete online training modules;
- complete in-person or remote training sessions with Mr. Guinn;
- observe several prehearing conferences; and
- conduct prehearing conferences while being observed by and receiving feedback from an experienced facilitator.

Facilitators also meet twice a year to discuss PHC-related matters that have arisen in the various judicial districts.

Training Elements

The training modules cover, among other things, the following elements:

- the steps involved in court proceedings for child abuse and neglect cases, from the time a child is removed from the home until the case is resolved;
- the purpose, process, and goals of prehearing conferences;
- the participants involved in the conferences;
- the items to be discussed during the conferences; and
- the data to be collected and reported.

The training also includes sample scripts and forms that can be used for the conferences.

Facilitators are hired on a contract basis, at a rate of \$62 an hour.