

Pre-Hearing Conference (PHC) Pilot Project

The state of Montana is the legal parent to thousands of children because of allegations of abuse and neglect. Courts play a critical role in determining their future because once lawsuits alleging abuse or neglect are filed, courts ultimately decide what happens to the children. No child enters or leaves foster care without a court order. A judge decides where a child will live, with whom, and for how long.

In proportion to its population, Montana has a high number of children in foster care, totaling about 3,624 as of 12/31/19. As a result, child abuse and neglect cases are overwhelming the district courts in some judicial districts around the state.

According to a report from the Montana Supreme Court's Office of the Court Administrator, the 1st Judicial District, Lewis and Clark County, had 41 abuse and neglect cases in 2010. In 2015, the number had risen to 141. In the 8th Judicial District, Cascade County, the number of cases increased from 166 to 386 in the same time period. Not only are the urban counties affected, but so are rural counties. For example, the 9th Judicial District, comprising Glacier, Pondera, Teton, and Toole counties, saw its abuse and neglect cases increase from 18 to 144 between 2010 and 2015.

To improve the court process for kids in the child welfare system, CIP developed and launched a pilot program called the pre-hearing conference (PHC) project, which operates in seven judicial districts in Montana.

Those districts are:

- 1st J.D. – Lewis & Clark County
- 2nd J.D. -- Butte-Silverbow County
- 4th J.D. - Missoula County
- 6th J.D. – Park and Sweetgrass counties
- 11th J.D. – Flathead County
- 13th J.D. - Yellowstone County
- 18th J.D. – Gallatin County

At its most basic, a PHC is a conversation among the parties that occurs before the first court hearing. The participants consist of parents, Child and Family Services Division (CFSD) Child Protection Specialists (CPS), attorneys, Court Appointed Special Advocates (CASA) volunteers, foster parents, family members, and children, if appropriate. The PHC's are conducted by a neutral facilitator, who is paid by CIP. The facilitator's role is to make sure everyone in the room can speak openly and honestly about the pending case. Facilitators are not allowed to give legal advice. Judges do not participate.

The purpose of the PHC is to talk about the four main issues in the case:

1. The child's placement
2. Improved family time (visitation) between parent and child
3. Treatment services for the family
4. Conditions of return

PHC's provide an opportunity for all parties to establish a mutual understanding of what is in the best interest of the children, and to begin working toward reunification of the family as a team. PHC's seek to establish trust between the parties by fostering open discussions among them.

Besides introducing the parties and their roles as they relate to the children, and trying to move the process from adversarial to cooperative, the general goals of a pre-hearing conference include:

- Identifying any needs or issues related to the children
- Gathering input from family and friends concerning family history, safety issues, and support available to the family
- Identifying possible relative and kin placements for children early in the case
- Identifying possible relative and other resources for supervision of increased visitation (family time)
- Identifying services the parents would agree to begin immediately
- Discussing and reaching agreements regarding placement, family time, and services for the family
- **Establishing realistic conditions of return: Can the children safely return home? If not, what conditions must be met before they can safely return home?**

The outcomes CIP hopes to achieve through the PHC pilot project are:

1. Increased rate of family reunification
2. Decreased number of days to effective resolution (the date on which the case is resolved in some manner)
3. Increased buy-in from the parties by providing a safe and neutral environment
4. Decreased judicial workload

*As part of the PHC project, and in line with the federal Children's Bureau's requirements, CIP is collecting and analyzing data to determine whether cases are started and completed in a timely manner with higher rates of return and placement with family. **At the bottom of this page, in the "links" section, there are two PHC data analysis reports. One is a two-page summary, while the second is a longer report.***

Documents to Download

- [Pre-Hearing Conference Brochure](#) (Rev 08-2016) (.pdf, 1.39 MB)
- [PHC Training Manual Safety](#) (UPDATE) (.docx, 57.19 KB)

More Links

- [CIP Training Videos](#) Pre-Hearing
- [Summary of PHC data analysis](#) Montana PHC Study
- [PHC data analysis report](#) Montana PHC Study

Source: Court Improvement Program Website