

Citizen Review Board Act: Montana's Proven Solution



**Thoughts on Technology and Workflow
Amendments to Increase Efficiency, Reduce
Costs, and Improve Participation and Outcomes**

Why did Montana stop using CRBs?

The District Court Council met on **Thursday, May 15, 2003**, at 8:00 a.m., and the minutes reflect chair Chief Justice Karla Gray said that **“All funding and the FTEs were removed from HB2. Although the program is still in statute, it is an unfunded mandate and will be phased out internally by the end of June.** Overall, the money situation is dire,” however, Justice Gray asked members of the council not to panic. The Chief Justice stated she would not close the Court System down, no matter what happened. Beginning July 1st, the Supreme Court would be fully responsible for paying all bills. **At that point it appeared the Court was approximately \$1.8 million short.** The Legislature did allow the Judicial Branch to carry forward any money left over from FY03 to FY04 instead of reverting it to the state’s general fund. **Bottom Line Shortages** – An estimated \$1.8 million on court assumption; \$500,000 for vacancy savings; payout of sick and annual leave for CRB staff; and \$300,000 for civil jury trials; which **totaled approximately \$2.6 million.**

THEN Karen Sedlock was the Citizen Review Board Program Supervisor in the OCA during the piloting of the CRBs. In my phone conversation with Karen, she explained about CRB members, “they weren’t afraid to voice their opinions” and “made them do 6 month reviews, which made them work,” and that it took 4 FTE, at a cost of \$150,00 per annum, with the bulk of the time spent photocopying the files for the CRB members to review.

NOW In 2024, we have the State File Transfer System, a secure State-managed and password-protected means to store documents and provide access to CRB members, without photocopying files for each member.

We have the ability to have CRBs meet virtually online, allowing citizens to oversee a child’s case in a community other than the one where CRB members live. Many people do want to “do something” to “help the system” but they don’t want to run into the family they are involved with, if they all live in the same town.

What could Montana children, parents, attorneys, and judges have with CRBs that we don't have now?

What statutory changes need to be made? How can technology help?

How do we get and train CRB members?

HEARING ON SENATE BILL 29 Opening Statement by Sponsor: Senator Jacobson, Senate District 36, sponsor, said in the 1993 regular session there was a bill to establish a local citizen review board which became a pilot program in the House, and she is aware the funding for that has been removed at this time. When they were setting up a pilot program to be established in a youth court, the administrator was removed from the supreme court. SB 29 puts the administrator back in the supreme court. She added that she has been informed there is approximately \$75,000 each year for a five year program available from the federal government for people administering this type of program. She concluded that she didn't know if the program can get started this year, but the law is on the books and she would like to get this problem straightened out.

closing by Sponsor: Senator Jacobson said although there is not a fiscal note, there is clear data from other states who have started citizen review boards that children do get through the system more quickly. **The difference between the board now and the board they are trying to set up with the pilot program is that there would be no people that are employed by the Department of Family Services or the state of Montana serving on this board. They would be local citizens so it would be a way to get local communities involved.** This legislation simply puts the administrator back in the Supreme Court as well as the funding to be discussed in House Bill 2.

With CRBs, Montana's done it before:

We could get children home or in permanent placements faster and provide more oversight to education continuity, sibling connections, health services and social participation;

We could get parents the services they need for reunification faster and improve outcomes with increased accountability through more frequent assessments of participation and progress in services;

We could get attorneys better results for their clients, by promoting a more collaborative effort between the agency and the family, overseen and guided by the citizenry;

We could get judges much needed time, by providing them relief from the time constraints of DN-administrative law requirements;

We could provide an increased opportunity to identify systemic, regional, and local issues and develop potential solutions or improvements, with the energy and commitment of trained volunteers, likely with a lower fiscal note than creating a separate, new court system.

What Statutory Changes Need to Be Made? Standing Master and CRB interaction amendments:

A standing master may conduct all hearings except termination of parental rights, MCA 41-3-422(15). Modifying this statute to provide that a CRB could also conduct all hearings, and providing that a CRB could be assembled and assigned to oversee and guide a case *if a standing master (or judge) determined* that a child could not safely be returned home after the 5-day EPS hearing.

This modification would alleviate the need for the district judge to be involved, unless termination of parental rights is filed. Or, as later addressed, in the circumstance where the CFSD maintained it could not meet the recommendation of the CRB, the ACT already provides a mechanism to be heard by the court. Amendments could include the first review of the CFSD written explanation of its inability to meet the CRB

What Statutory Changes Need to Be Made? Standing Master and CRB interaction amendments: Show Cause, Adjudication as a Youth in Need of Care, and Disposition

41-3-432 show cause hearing **must be conducted within 20 days of the filing of an initial petition**

41-3-432(9) Adjudication of a child as a youth in need of care may be made at the show cause hearing

41-3-432(8) If a child who has been removed from the child's home is not returned home after the show cause hearing or if removal is ordered, ~~the parents or parent, guardian, or other person or a gency having physical or legal custody of the child named in the petition~~ may request that a citizen review board, if available pursuant to part 10 of this chapter, review the case within 30 days of the show cause hearing and make a recommendation to the district court, as provided in **41-3-1010**.

The ACT could be modified to require a CRB if the EPS hearing results in continued removal of a child from their home, and for the CRB to review the case and make its recommendations x days before the show cause hearing to the standing master or district court. Or the modification could leave the recommendation of the CRB as an order, reviewable by a standing master, and then reviewable by a district judge if the CFSD cannot implement the recommendation.

41-3-1013:

After reviewing each case, the board shall prepare written findings and recommendations with respect to:

- (a) whether reasonable efforts were made prior to the placement to prevent or to eliminate the need for removal of the child from the home and to make it possible for the child to be returned home;
- (b) the continuing need for the placement and the appropriateness and safety of the placement;
- (c) compliance with the case plan;
- (d) the progress that has been made toward alleviating the need for placement;
- (e) a likely date by which the child may be returned home or by which a permanent placement will be finalized;
- (f) other problems, solutions, or alternatives that the board determines should be explored; and
- ~~(g) whether the district court should appoint an attorney or other person as special advocate to represent or appear on behalf of the child pursuant to **41-3-112**.~~

41-3-1011. Board recommendations concerning foster care services and policy considerations. In addition to reviewing individual cases of children in foster care, a board may make recommendations to the district court and to the department concerning foster care services, policies, procedures, and laws. Recommendations must be in writing and must be provided to the department

41-3-1013. Court review of findings and recommendations of board. (1) Upon receipt of findings and recommendations from the board, the district court shall:

(a) review the findings and recommendations of the board within 20 days. If the district court finds it appropriate, the district court may on its own motion schedule a review hearing.

(b) cause the findings and recommendations of the board to become part of the district court file; and

(c) give the board written notice if the district court modifies, alters, or takes action on a case as a result of the board's recommendations or refuses to take action on the board's recommendations in any case.

(2) Upon receipt of findings and recommendations from the board, the department shall:

(a) review the findings and recommendations of the board within 10 days. The recommendations must be implemented and the case plan must be modified as the department considers appropriate and as resources permit.

(b) give the board written notice as soon as practicable, but in no case later than 17 days after receipt of the findings and recommendations, of any reasons why the department objects to or is not able to implement the recommendations; and

(c) include the findings and recommendations of the board as part of the case file of the department.

(3) The court may schedule a hearing on any recommendations that the department objects to or contends that it is unable to implement.

How can we use advances in technology to

- (1) cut the costs of the prior implementation of CRBs
- (2) improve the delivery of oversight, case and policy recommendations from CRB members, in order to
- (3) bring cases to quicker resolution and permanency and
- (4) improve the child welfare legal system?

- (1) We can cut costs of photocopying case files with Montana FTS
- (2) We can improve oversight by using online CRB reviews to meet more often than every 6 months. Turning the Dial participants reported that cases where the parties had monthly status hearings moved more quickly to resolution.
- (3) Policy recommendations can be tracked in a database in real time, and changes implemented based on data-driven needs and identified issues.
- (4) We can consult with the Legislative Services Division (and others) for its meeting management software.

How do we recruit and train CRB members?

We don't have to reinvent the wheel, we can borrow heavily from other states:

Idaho

<https://isc.idaho.gov/child-protection/public>

Kentucky

<https://www.kycourts.gov/Court-Programs/Family-and-Juvenile-Services/Pages/Citizen-Foster-Care-Review-Board.aspx>

Minnesota

<https://mn.gov/dhs/general-public/about-dhs/advisory-councils-task-forces/citizen-review-panels.jsp>

Oregon

<https://www.courts.oregon.gov/programs/crb/Pages/default.aspx>

Related Resources to these Slides Include:

[CAPTA Policy Manual Update.pdf](#)

[Case weights across districts.pdf](#)

[Example of Resources with Names of Interested Persons.pdf](#)

[Idaho CRB 191205_cplo_IdahoCRPs.pdf](#)

[Kentucky Foster Care Review Boards.pdf](#)

[Citizen Review Panel Minnesota.pdf](#)

[OREGON CRB POLICY and PROCEDURE MANUAL-2010.04.01-CRBVolunteerPolicyProcedureManual.pdf](#)

Sent Separately to the Task Force