



September 10, 2024

Task Force on the Dependency and Neglect Court System
Senate Bill 182

Chair Lenz and Members of the Committee:

The following information is in response to a request for additional information about using FTE employees to represent children in Dependency and Neglect actions.

Caseload for DN attorneys:

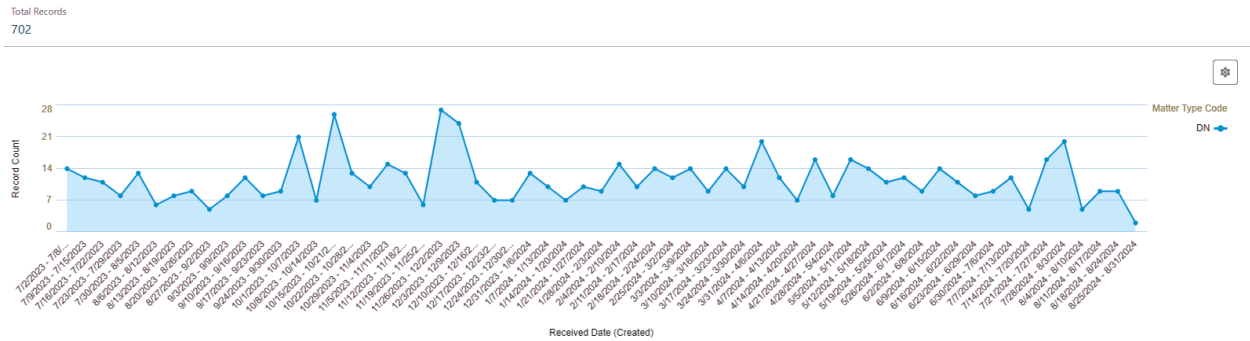
- OPD utilizes Ethical Case Management (ECM), through a policy and protocol, to ensure OPD attorneys are assigned an ethically reasonable volume of work. ECM has workload limits, which in the DN context equate to an individual attorney receiving no more than seven (7) new DN cases a month. ECM also takes into consideration an individual attorney's time spent traveling and adjusts the case cap accordingly.
- When an attorney reaches the case cap, the DN matter is offered for assignment to a conflict FTE attorney or contract attorney.
- Every DN involves at least two parties, a child and a parent or guardian. Due to conflicts of interest, the Family Defense Bureau can only represent one of the parties and relies on attorneys in other OPD divisions and contract attorneys to represent the other parties.

FTE allocation:

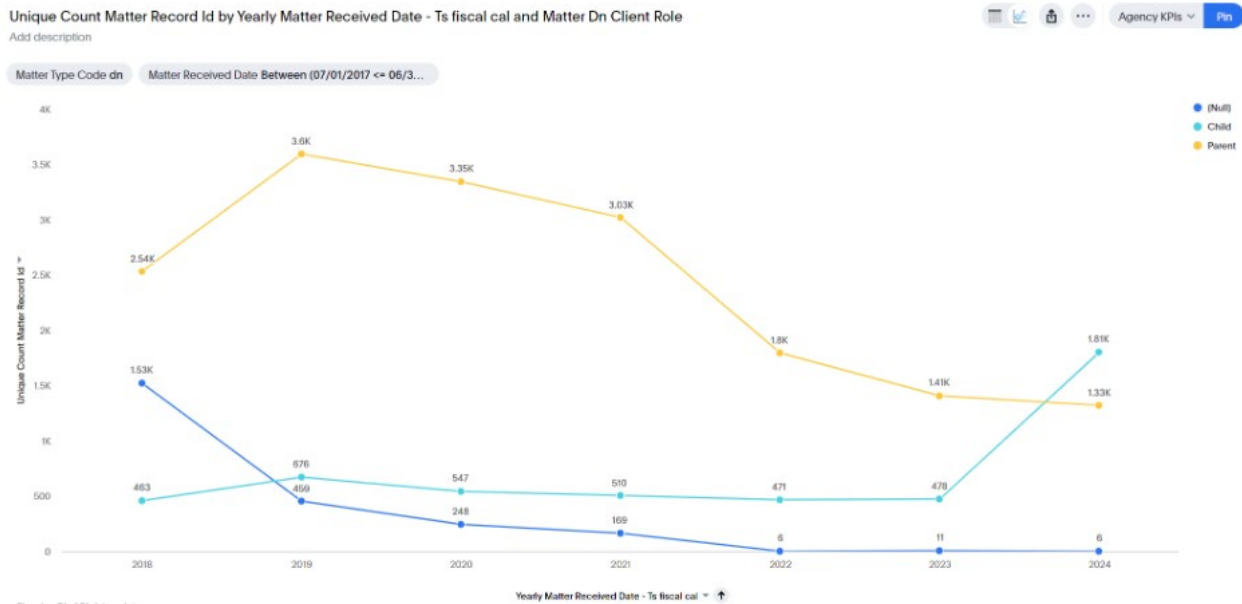
- The Family Defense Bureau currently has nine (9) line attorneys, three managing attorneys, a bureau chief, three staff members, and one case manager. The managing attorneys in the FDB coordinate the assignment of counsel for all parties at the EPS-stage of the case.
- If OPD was to build a Children's Bureau to represent children, we estimate that we would need 9 attorneys, 2 staff members, and an office manager. The costs (salary and benefits) associated with a line attorney are approximately \$115,000 per attorney per year.

DN Caseloads:

The graphic below shows the weekly influx of DN matters into OPD from in Fiscal 2024:



The graphic below shows the volume of DN cases from 2018 to 2024. Parents are yellow, children are light blue.



The table below shows the DN filing numbers, by district, for calendar years 2022 and 2023, according to data from the Office of the Court Administrator. Please note that OCA counts each cause number as a single case, regardless of how many individuals are involved, whereas OPD counts each individual client involved in a petition. For example, if a DN petition is filed that has two children and two parents, the Courts would count that as two cases, but OPD would count it as 4 cases, as each child and parent is a unique client to OPD.

		CAL 2023	CAL 2022
Northwest			
	Lincoln	6	17
	Flathead	69	72
	Lake	3	9
	Sanders	1	6
	Mineral	3	5
	Missoula	99	87
	Ravalli	12	19
Southwest			
	Butte	70	74
	Anaconda-Deer Lodge	9	10
	Granite	2	0
	Powell	0	5
	Beaverhead	9	15
	Jefferson	3	10
	Madison	1	5
North Central			
	Glacier	64	68
	Pondera	3	4
	Teton	7	7
	Toole	20	6
	Cascade	224	216
	Chouteau	2	0
	Hill	53	79
	Liberty	1	0
South Central			
	Fergus	12	45
	Judith Basin	0	0
	Petroleum	0	2
	Golden Valley	1	1
	Meagher	2	0
	Musselshell	11	19

	Wheatland	4	0
	Broadwater	6	0
	Lewis and Clark	91	75
	Park	5	12
	Sweet Grass	0	0
	Gallatin	30	57
North East			
	Blaine	4	1
	Phillips	12	5
	Valley	6	11
	Daniels	1	0
	Roosevelt	2	1
	Sheridan	10	1
	Dawson	7	13
	McCone	0	0
	Prairie	0	1
	Richland	3	10
	Wibaux	0	0
South East			
	Big Horn	17	16
	Carbon	2	15
	Stillwater	5	8
	Carter	0	0
	Custer	9	18
	Fallon	6	7
	Garfield	0	0
	Powder River	1	0
	Rosebud	3	10
	Treasure	0	0
	Yellowstone	372	372