A Report
to the
Montana
Legislature

Performance Audit

Kids in Care: Analysis of Population Trends and Management Processes in Montana's Foster Care System

Department of Public Health and Human Services

December 2021

Legislative Audit
Division

19P-01

Performance Audits

Performance audits conducted by the Legislative Audit Division are designed to assess state government operations. From the audit work, a determination is made as to whether agencies and programs are accomplishing their purposes, and whether they can do so with greater efficiency and economy.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Members of the performance audit staff hold degrees in disciplines appropriate to the audit process.

Performance audits are conducted at the request of the Legislative Audit Committee, which is a bicameral and bipartisan standing committee of the Montana Legislature. The committee consists of six members of the Senate and six members of the House of Representatives.

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LEGISLATIVE AUDIT DIVISION

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December 2021

The Legislative Audit Committee
of the Montana State Legislature:

This is our performance audit of Montana's foster care system, including examination of trends in the population of kids in care and related administrative processes in the Child and Family Services Division at the Department of Public Health and Human Services.

This report provides the legislature information about the number of kids currently in foster care and analysis of the factors that have driven the increase in the foster care population since 2010. This report includes recommendations for improving processes related to the investigations that lead to removal and placement of children into state care. A written response from the Department of Public Health and Human Services is included at the end of the report.

We wish to express our appreciation to Department of Public Health and Human Services personnel for their cooperation and assistance during the audit.

Respectfully submitted,

/s/ Angus Maciver

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Legislative Auditor

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Figures and Tables

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Appointed and Administrative Officials

Department of Public Health and Human Services	Adam Meier, Director
	Erica Johnston, Economic Security Services Executive Director
	Marty Vining, Child and Family Services Division Administrator (May 2018 through October 2021)
	Nikki Grossberg, Acting Child and Family Services Division Administrator

Performance Audit 19P-01 December 2021

Montana Legislative Audit Division

Kids in Care: Analysis of Population Trends and Management Processes in Montana's Foster Care System

Department of Public Health and Human Services

Background

The Child and Family Services Division (CFSD) investigates reports of potential abuse and neglect of Montana children. Based on their investigative process, CFSD determines if a child should be removed from their home and placed in state custody. District courts are responsible for hearing cases of potential abuse and neglect and determining whether a child should remain in state custody. A child removed from the home and placed in state custody is considered a Kid in Care.

Montana's Kids in Care rose 115% from 2010 to 2019. The courts approve each removal decision through a trial process where parents can appeal the decision to remove. Child and Family Services Division has opportunities to review and update their safety intervention system to ensure it is applied consistently and aligns with best practices.

KEY FINDINGS:

Child and Family Services Division's (CFSD) investigation model has identified more children who experienced abuse or neglect. The model implemented by CFSD starting in 2011 includes an examination of the entire family. This has led to more removals by CFSD, but the court system still must rule each removal is appropriate based on statutory definitions of abuse and neglect.

Inconsistent Implementation of the Safety Assessment and Management System (SAMS) model has likely contributed to rising levels of kids in care. Montana stopped working with the company they based their model on prior to completing implementation on their own. We also found other instances of SAMS policy being inconsistently implemented in the regions.

CFSD has not continually updated and reviewed their investigative model or process documents to ensure consistent and effective operations across the state. CFSD developed SAMS for investigations and ongoing case management. This process includes steps to asses and monitor the safety of the children in the home. A lack of clarity of SAMS process forms and the structure of the model have led to inconsistent application of the model across the state.

Senior regional staff have inconsistent understanding of the purpose and importance of parts of the SAMS model. Our review of CFSD investigative case files found many instances of missing documentation. Regional staff in many cases indicated they did not require or believe certain parts of the SAMS model were necessary for the completion of an investigation. This created instances where it was unclear how CFSD controlled for safety during times when they had children in their care.

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For the full report or more information, contact the Legislative Audit Division.

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CFSD should monitor programs designed to increase the use of in-home services. CFSD has implemented programs and created staff positions to engage families early on in CFSD's involvement. This determines if they can work with the family through voluntary in-home services versus through the court process. However, there has not been a sustained increase in the use of these plans since these programs have been implemented. CFSD will need to monitor the new programs to determine if they are effective

Current IT systems at CFSD are limiting management's ability to actively manage the investigative and ongoing case management processes consistently across the state. Montana has dated IT systems that have not been updated to align with current federal guidance. Montana has been in the process of updating their current system since 2015. Other states have updated their systems and those systems include access to real time management information they use to ensure consistent application of investigation models across their states.

RECOMMENDATIONS:

In this report, we issued the following recommendations:
To the department: 4
To the legislature: 0

Recommendation #1 (page 31):
Management and operational effectiveness
We recommend the department update SAMS documents to provide clarity to staff and conduct a review of the SAMS model.

Department response: Concur

Recommendation #2 (page 32):
Management and operational effectiveness
We recommend the department provide training to regional administrators to ensure consistent application of the SAMS model.

Department response: Concur

Recommendation #3 (page 35):
Management and operational effectiveness
We recommend the department monitor to increase the use and determine the effectiveness of prevention plans.

Department response: Concur

Recommendation #4 (page 39):
Management and operational effectiveness
We recommend the Department of Public Health and Human Services implement an upgraded information system and use this system to implement a data management plan.

Department response: Concur

Chapter I – Introduction and Background

Introduction

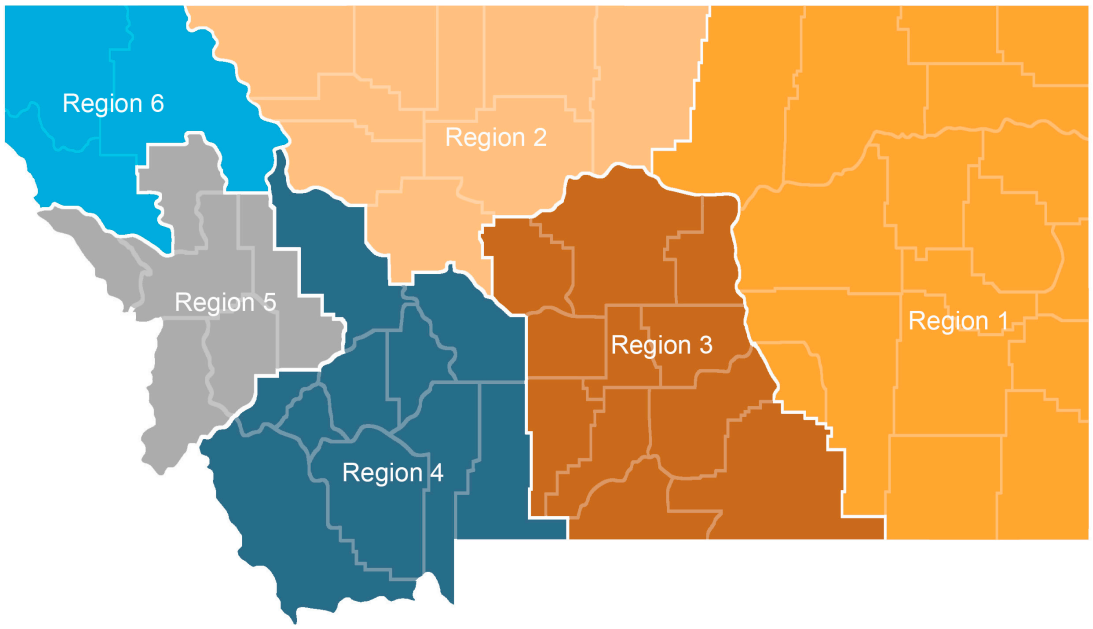
Child and Family Services Division (CFSD) is responsible for investigating potential cases of neglect and abuse in the state. If CFSD finds abuse or neglect has taken place, they respond in one of two ways. They alleviate the safety threats in the home or remove the child from the home and place them in foster care. When a child is removed from the home and placed in foster care, they are considered a kid in care. Montana has consistently ranked near the top in the number of kids in care per capita. In 2019 Montana had the second highest rate of kids in care per 1,000 children. Montana experienced a rapid increase in the number of kids in care from 2010 to 2019 with a peak in 2018. This has created growing interest in the number of kids removed from their homes and what factors contributed to this rise.

The choice to remove a child is rarely black and white. The definition of abuse or neglect in state law is actual physical or psychological harm to a child; substantial risk of physical or psychological harm to a child; or abandonment. CFSD's Child Protection Specialists are responsible for making the decision to remove a child based on the statutory definition. The decision to remove faces several levels of review within CFSD and through the judicial process to determine if removal and foster care are appropriate.

CFSD Processes

CFSD is responsible for responding to reports of potential child abuse or neglect. They operate a 24 hour, 7 days a week centralized intake function to receive and respond to reports of abuse or neglect. They forward the information in the report to one of six regional offices where the allegation is located. CFSD staff then investigate the report and determine the appropriate actions to take by engaging with the family and determining the threats to the child's safety. The following figure shows the six CFSD regions in the state.

Figure 1
CFSD Regional Office Map



Source: DPHHS Website.

CFSD changed its investigative model in 2011. They switched from a model focused on specific reported incidents to the current Safety Assessment and Management System (SAMS) model that looks at a family's functioning to determine if there are threats to the safety of the children in the home. SAMS is Montana's implementation of a widely used safety practice model that is in place in 22 states. This model uses the investigation process as an opportunity to engage with the family to determine the safety threats in the home and how best to address them. The SAMS investigative process is how CFSD gathers the information needed to determine if the statutory definition of abuse or neglect was met, what services the family needs to alleviate safety issues, and if the children need to be removed from the home. Once a child is removed from the home, they are considered a kid in foster care. Foster care includes children removed from the home and placed in an alternative care setting such as foster homes, kinship care (extended family member or clan member), group homes, shelter care, or residential facilities. Over 80% of children are placed in kinship care or foster homes. Kinship care is most common with 48% of kids in care being placed in that setting from 2010 through 2019.

SAMS Model

The SAMS model is based on identifying danger and safety threats throughout the investigative process. CFSD staff receive extensive training on collecting and analyzing information for an investigation of suspected child abuse or neglect. Once a report is assigned, investigative staff review all available information for the report, including past reports on that family. CFSD staff will then try to contact the family to begin the investigative process. The following are the major steps of the process.

- **Immediate Danger Assessment**

  Determines if any child in the home is in immediate danger of abuse or neglect.

- **Protection Plan**

  If a child is in immediate danger an in- or out-of-home protection plan is put in place. This plan can be agreed to voluntarily by the family or be involuntary, and the children are removed from the home.

  If a child is involuntarily removed, Emergency Protective Services (EPS) is filed by CFSD with the court.

- **Family Functioning Assessment (FFA)**

  CFSD staff gathers information on the family to understand if any impending safety threats exist in the home.

  Investigative process is completed in 30 days if the child is removed from the home and 60 days if the child remains in the home.

- **Safety Plans**

  Put into place based on the determination that impending danger threats existed in the home.

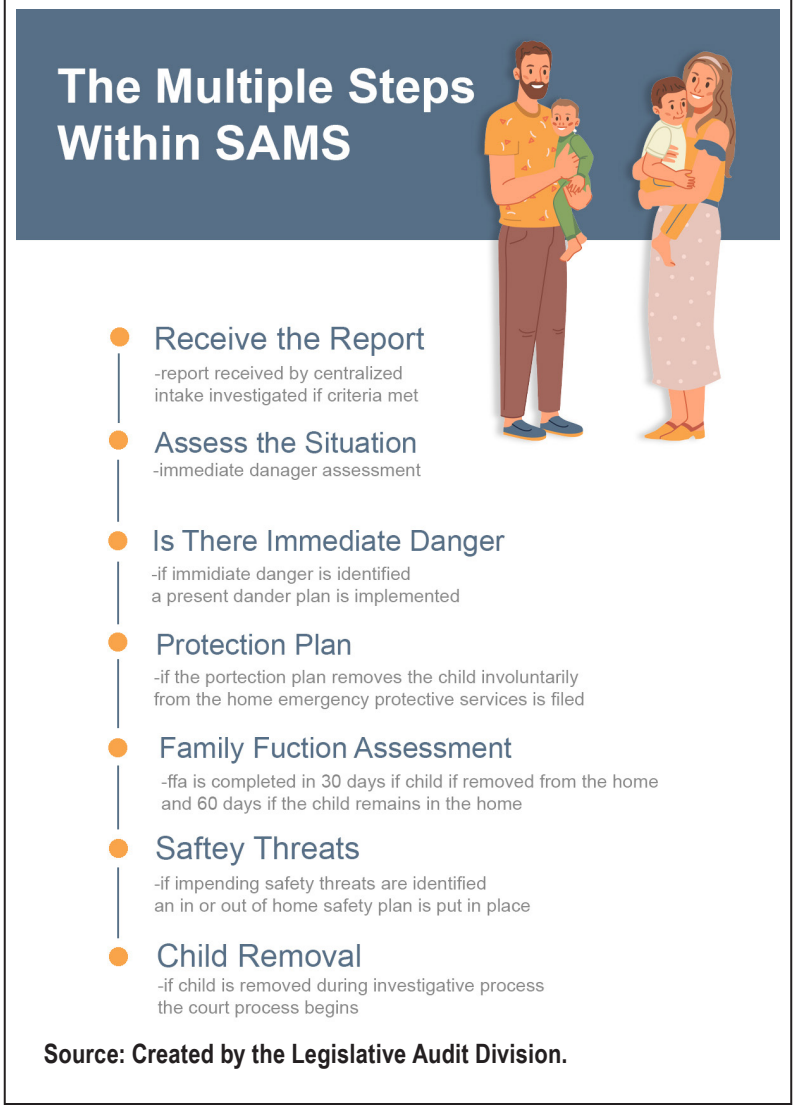
  CFSD staff uses in-home or out-of-home plans based on if the threats can be controlled while the child remains in the home.

After the conclusion of the investigation, the investigative worker must notify the family of the determination and document the notification. The conclusion of the investigation may be the end of the department's involvement with the family or if safety threats are identified, and the child is

removed from the home, this begins the court process. The following figure illustrates the investigation of alleged child abuse or neglect reports received by the department.

Figure 2

Multi-Step SAMS Process Determines the Child's Safety



Source: Created by the Legislative Audit Division.

Court Process

If CFSD removes the child to negate the safety threats present in the home, they file for EPS. To file for EPS, CFSD staff submit an affidavit to the county attorney (CA) within two working days of the emergency removal of the child from the home. The affidavit includes the information gathered during the CFSD staff's investigation. The CA must file a petition with the district court within five working days of the emergency removal.

Once EPS is filed, the hearings process determines if CFSD will be granted custody of the child to act in its best interest until reunification with the parent. The court process typically includes the following steps.

- **Show Cause Hearing**

  Determines if it is appropriate to continue EPS that was granted to CFSD.

  Hearing is held within 20 days of EPS being granted.

- **Adjudicatory Hearing**

  Determines the nature of the abuse or neglect and establishes the facts that resulted in state intervention.

  Determines if the child is considered a youth in need of care.

  Hearing is held within 90 days of the show cause hearing.

- **Dispositional Hearings**

  CFSD typically files for Temporary Legal Custody (TLC).

  TLC must be renewed every six months.

  Hearing is held within 20 days of the adjudicatory hearing.

- **Treatment Plan**

  Addresses the safety threats in the home by establishing services and treatments the parents must complete.

  Completion of the treatment plan by the parents is designed to move the family towards reunification.

- **Permanency Hearing**

  If a child is under TLC of the state for 12 months, a permanency plan must be submitted by CFSD. This outlines their placement goal for the child.

  Permanency options include reunification with the parent, adoption, or guardianship.

- **Termination of Parental Rights (TPR)**

  CFSD must file for TPR if a child has been in foster care for 15 of the most recent 22 months unless CFSD determines TPR is not in the best interest of the child.

It is common for the show cause, adjudicatory, and dispositional hearings to be combined to move through the process more quickly and with fewer court appearances. Hearings can also be delayed by the judge for many reasons, including requests by council for the parents. Figure 3 (see page 5) outlines the court process. There are alternatives and more complex court cases that deviate from this outline.

Figure 3

Court Processes Drive the Process for Permanent Placement of a Kid in Care

Source: Created by the Legislative Audit Division.

Audit Scope and Objectives

Removing a child from their home has major consequences for the family and the state even when it is based on the best interest of the child. The high number of children removed in Montana compared to other states makes this an ongoing topic of debate and potential legislation. This audit focused on providing the legislature with more information regarding how the number of kids in care has grown over the past decade. We reviewed data from 2010 through 2019 because of the potential that CFSD practices have impacted the rapidly growing kids in care numbers over this time period.

During the assessment process, we determined the audit should review the removal process and associated data. This would determine what factors influence the decisions to remove a child. We interviewed staff within the Department of Public Health and Human Services (DPHHS) as well as stakeholders who work with CFSD during the investigative and removal process. We also reviewed CFSD policy, rules, and statute. This allowed us to review cases to determine how requirements for

investigations and ongoing casework are satisfied. We also looked at documentation practices by CFSD staff across the state to support removal decisions. This included information from the court process discussed above. Abuse or neglect cases are held in district courts with county attorneys representing the state and public defenders representing the parents in most cases. This audit included review of these court proceedings, but the scope of the audit was focused on CFSD's processes, which limited the amount of time spent on the court system. The court process plays a significant role in removal and treatment decisions, and interaction between the court system and CFSD is a candidate for future review by the Legislative Audit Division.

Based on this work, we found risk areas related to management and administration of the SAMS model and potential for delays in the court processes. To help analyze these risks, we looked at other states with similar child welfare models to determine how the implementation of their model differs from Montana.

Based on the assessment work, we developed the following objective for examining the placement of children in foster care in the state:

- Has the safety-based model used by the Department of Public Health and Human Services to investigate alleged instances of child abuse or neglect led to an increase in the number of children in foster care in Montana?

Audit Methodologies

To address this objective, we completed the following methodologies:

- Reviewed relevant policy, rules, and statute to understand the process of removal and keeping a child in care.
- Researched other states to determine appropriate states for comparison based on factors such as child welfare model, investigation policy and procedure, and court processes.
- Interviewed staff and reviewed materials from three other states to determine differences and similarities in the process to remove a child from the home.
- Reviewed the implementation of the SAMS model to determine how and why CFSD modified the Action for Child Protection model to fit Montana?
- Reviewed the Federal Children's Bureau reviews of CFSD, CFSD Program Improvement Plans, and Annual Progress and Services Reports.
- Took a random sample of 70 foster care cases from each of the six regional offices (Missoula, Kalispell, Great Falls, Butte, Billings, and Miles City) and six offices within a 50-mile radius of those regional offices (Rosebud, Fergus, Stillwater, Deer Lodge, Lake, and Pondera).
- Conducted and recorded a review of the sampled cases based on criteria for the SAMS and court processes found in policy, rule, and statute. Reviewed documentation in hard copy and in CFSD's IT systems.
- Reviewed and analyzed data on child removals and kids in care from 2010 through 2019. This was based on information provided by DPHHS from their data systems.

- Reviewed and analyzed data on child removals, kids in care, and related factors nationwide to determine how Montana compares to other states.
- Interviewed Action for Child Protection and CFSD staff to provide information on the implementation process for SAMS.
- Surveyed all CFSD staff, supervisors, and regional administrators on areas such as SAMS understanding, reasons for increasing kids in care, factors that can increase time in care, and training. The survey was sent out to 246 CFSD employees. It included 18 questions. Our response rate was 87%.
- Interviewed stakeholders who work with CFSD during the investigation, including foster parents, district court judges, Office of the Public Defender, and county attorneys.

Chapter II – Montana's Kids in Care Compared to Other States

Introduction

Montana and other states rely on child welfare data to determine the effectiveness of their programs to respond to abuse or neglect. Data analysis and data-based decision making give a better understanding of why kids are in care and how best to serve them. The U.S. Department of Health and Human Service's Children's Bureau monitors and gathers data on child welfare. This data is primarily gathered and reported from the state to the federal government through two systems, the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse or neglect Data System (NCANDS). Nationally kids in care data is broken down in many ways by the Children's Bureau and private foundations that provide analysis of federal data.

Montana reports data federally, but also maintains kids in care data internally. This data provides insight on trends within the state and the level of consistency between the six regions in the state. State data provides information on the results being achieved by the services provided by the Child and Family Services Division (CFSD). For our review, we looked at data from 2010 through 2019 whenever data was available for this time period.

Montana Sustains Higher Levels of Kids in Care

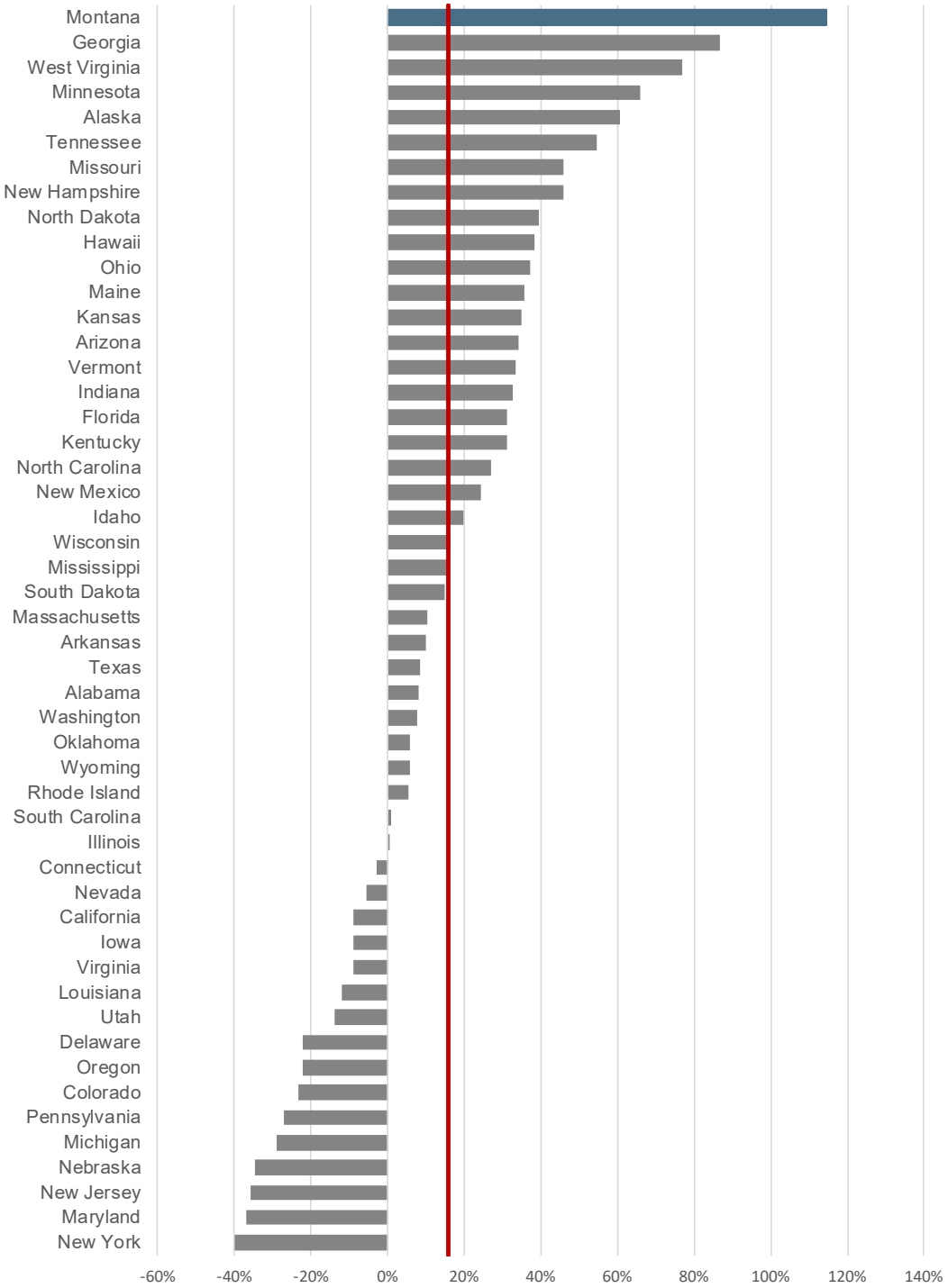
Montana implemented the Safety Assessment and Management System (SAMS) model in 2011. It is based on a child welfare model that was developed by a private company and implemented in many states across the country. This company worked with Montana until CFSD decided not to renew the contract with the private company in 2014 and continue implementation on their own. Montana has experienced a significant rise in the number of kids in care since the implementation of SAMS. This growth has been larger than any other state in the nation. The highest rate of growth came between 2014 and 2018.

Montana has the second highest ratio of kids in care in the nation at 16 kids per 1,000 in the most recent reporting. Montana is still at this level even after a decline in kids in care since those numbers peaked in 2018. Montana is currently at its lowest levels since 2016. Montana saw the highest rate of growth in kids in care in the nation between 2010 and 2019. The increase was 28% higher than Georgia which had the second highest. Nine states saw decreasing numbers of kids in care during that same time period. Figure 4 (see page 10) shows the percentage increase in kids in care for Montana compared to the national average and other states.

Figure 4

Kids in Care Growth in 50 States

Montana has outpaced the **national average** in Kids in Care growth through 2010 to 2019.



Source: Created by the Legislative Audit Division from Annie E. Casey Foundation data.

Montana Receives More Referrals and Conducts More Investigations Than Average

Before a child can be removed from the home, or an investigation conducted, there must be a referral from a reporter in the community. Mandatory reporters, or reporters that are required by law to report suspected child abuse or neglect, include teachers, police officers, and childcare workers. Reports of suspected child abuse or neglect can also come from anyone who calls CFSD's hotline. The number of referrals influences the number of investigations which then influences the number of kids in care. Montana is 15th in the nation (of those states with reported data) in total referrals per 1,000 children (based on 2018 data, Montana did not report in 2019).

"Montana's referrals rate per 1000 children in the population is 10% above the national average while the investigation rate is 35% above the national average."

- Annie E. Casey Foundation

The bulk of the work or caseload for CFSD is when referrals are deemed necessary to investigate based on CFSD's Centralized Intake screening protocol. As described earlier in the report, the investigation process requires CFSD staff to go through the SAMS model to determine if the child has been abused or neglected. All kids in care are based on an investigated referral. The rate of investigations per 1,000 children in Montana was the 9th highest in the nation in 2019. For both investigations and referrals, Montana is above the national average. Montana's referrals rate per 1,000 children in the population is 10% above the national average while the investigation rate is 35% above the national average. Montana receives referrals at a similar rate to other states but investigates a higher percentage of those referrals. This leads to more opportunities for CFSD to determine if a child needs to be removed from the home. This affects the number of kids in care by creating the potential for bringing more kids into the system. However, six of the eight states with a higher investigation rate than Montana have fewer kids in care per 1,000 children in the population.

Montana Has Mixed Performance Compared to Other States in Federal Reviews

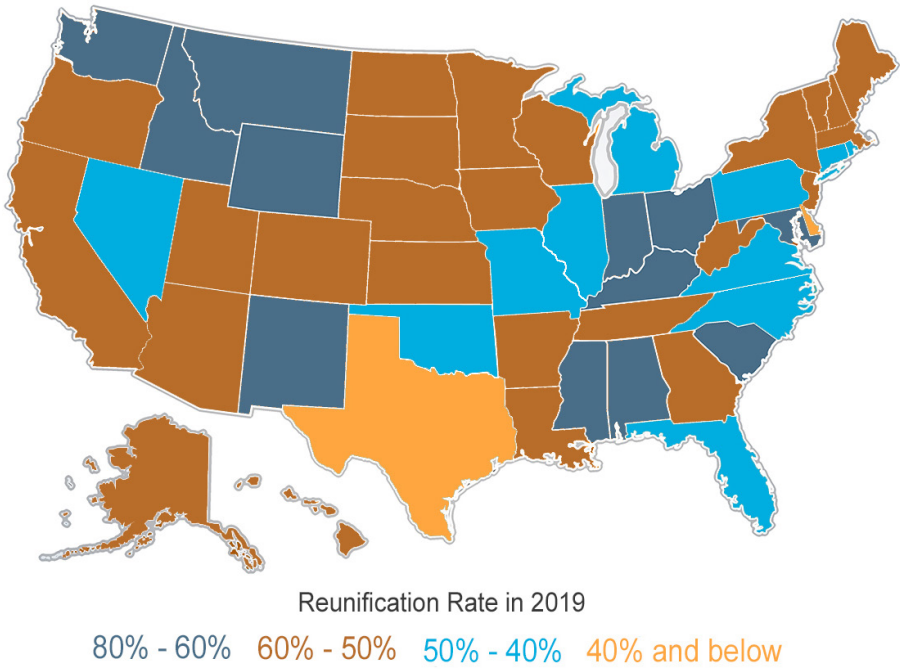
The federal Children's Bureau conducts child and family services reviews (CFSR) for each state. The most recent results were issued July of 2021. The Children's Bureau measures state performance and compares it to national averages based on reported state data and case review. The data periods used in their most recent reviews range from FY 2018 through FY 2020. Montana performed worse than the national average in several categories including permanency in 12 months for children who have already been in foster care 12 to 23 months and permanency for kids who have been in foster care 24 months or more. This shows foster children who are in state custody for long periods of time remain in state custody for longer in Montana. Examples of issues that can delay permanency for children are drug relapse by the parents or delays in the court process that postpone permanent placement of a child.

Montana performed at the national average or above average in achieving a permanent placement in 12 months for children entering foster care. Each of these data points relate to the number of kids who will be in care and the length of time in care. Montana has mixed results in these areas but has more categories where they are worse than the national average. The results of these reviews provide information on how the federal government views CFSD's performance compared to other states.

Reunification Is a Focus for CFSD

According to CFSD staff, reunification with the parents is the primary goal for a child who was removed from their home unless extenuating circumstances make this unsafe. Reunification means creating a safe home for the child to return to. This is a primary goal of the SAMS model and all child welfare agencies. CFSD works to provide the family with necessary services to reduce any safety concerns in the home that led to the removal. The percentage of children in foster care in Montana that achieve reunification is high compared to other states. According to CFSD staff, reunification can take more time than other permanency options such as adoption and guardianship because CFSD must determine the family changed their behavior to make the home safe. The family must complete a treatment plan and the court must agree reunification is in the best interest of the child. In Montana a district court judge may also extend a child's time in care by denying CFSD's request for termination of parental rights if they believe reunification is in the child's best interest. The following figure shows how Montana compares to other states in the percentage of reunifications achieved for children exiting foster care.

Figure 5
Montana Has a High Percentage of Reunification



Source: Created by the Legislative Audit Division from Children's Bureau data.

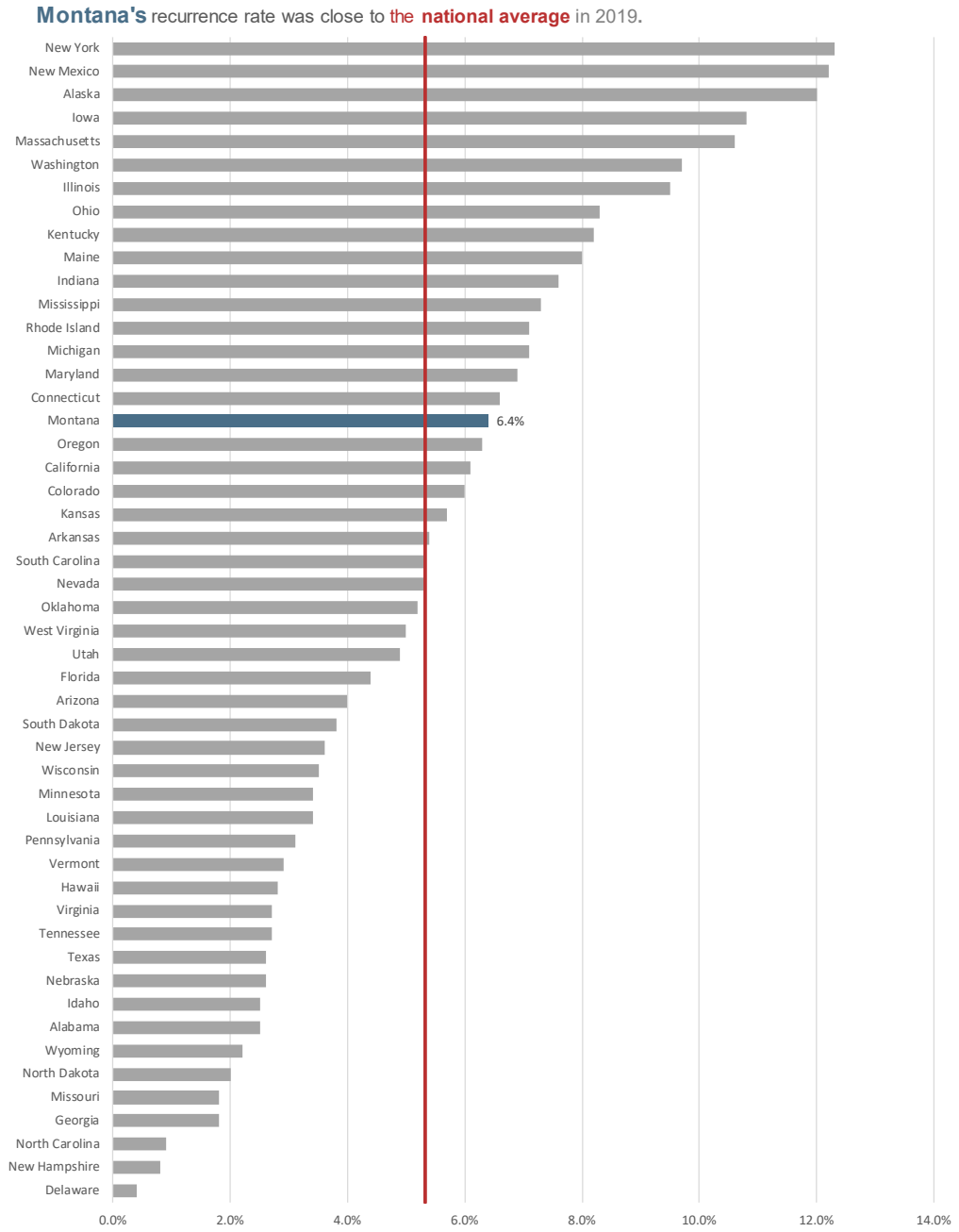
Recurrence of Children in Foster Care Will Affect Kids in Care

The goal of the SAMS model in Montana is to provide the necessary assistance to the family to create a safe home-like setting for a child. Recurrence is when a child experiences maltreatment within

6 months of a prior episode. It is not uncommon for CFSD to work through multiple investigations with the same family due to a recurrence. CFSD factors in historical interactions with every family they investigate for possible abuse or neglect. However, they still must conduct a full investigation for each new report. Recurrence offers CFSD information about the effectiveness of the services they provide to families. In 2019, Montana had the 18th highest rate of children with one or more recurrences. A child coming back into care effects the number of kids in care, but Montana only has 1% more children with recurrence than the national average. Figure 6 shows Montana's recurrence percentage in 2019 compared to other states and the national average.

Figure 6

Recurrence Rate in 50 States



Source: Created by the Legislative Audit Division from Children's Bureau data.

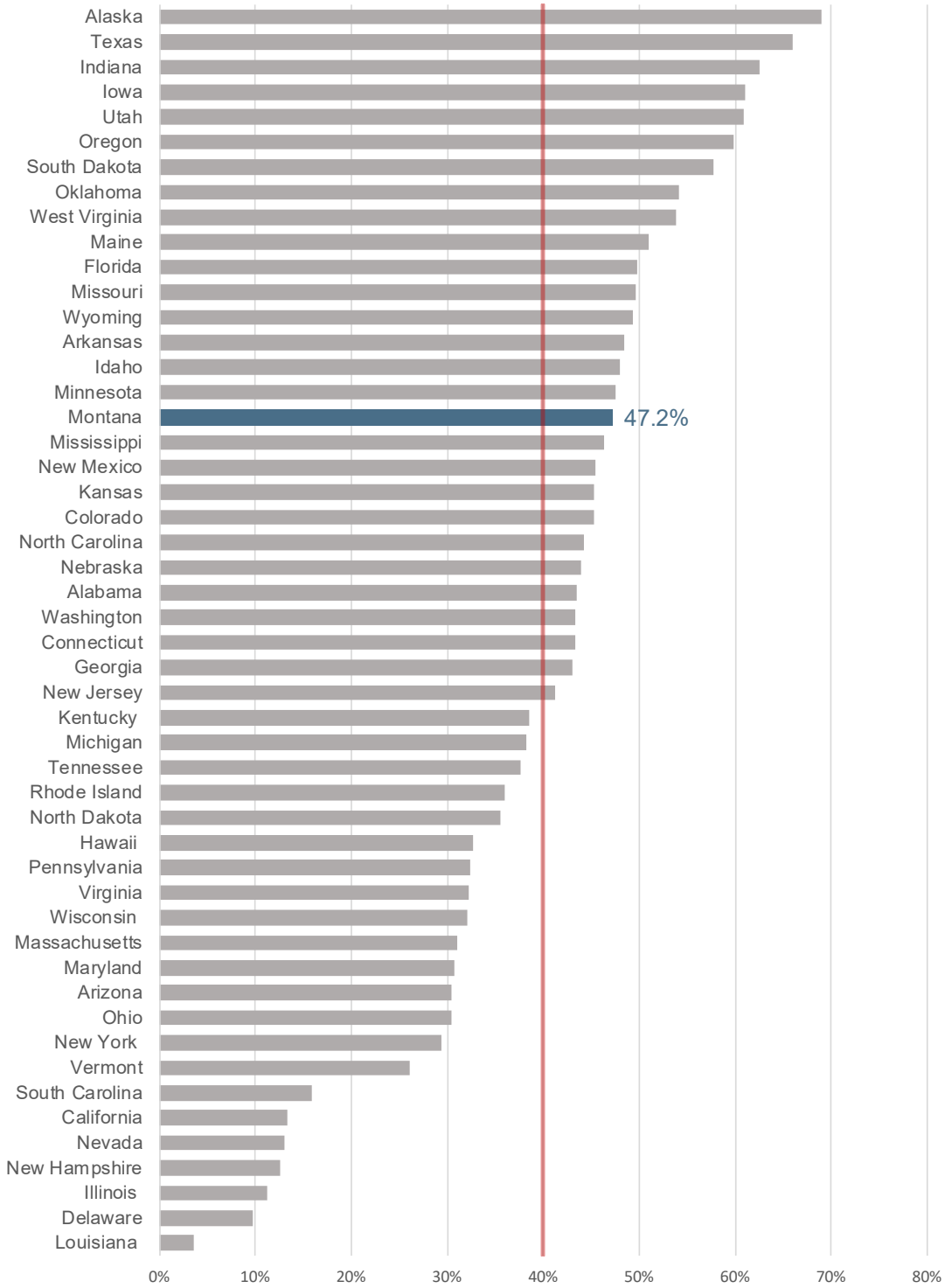
Percentage of Removals in Montana Where Parental Use of Drugs and Alcohol Was a Factor Is Similar to Other States

CFSD administration has pointed to increased drug use by parents as a major driver of the increase in the number of kids in care. In our survey to CFSD staff and administration we asked what they believed was the biggest driver of the increase in kids in care. The top response was an increase in drug use by parents. However, Montana ranks 17th in the nation in the percentage of removals where drug and alcohol abuse was a factor. The percentage of removals where drug and alcohol abuse was a factor (national statistics combine drug and alcohol use) in Montana are near the national average and 15 of the states with a higher percentage of removals due to this factor have a lower rate of kids in care. Drug and alcohol use is a common factor in removals in Montana, but almost every state deals with drug use in parents of abuse or neglect victims. Other states have also dealt with increased drug use by parents but have not seen the increases in kids in care that Montana has experienced. Figure 7 (see page 15) shows the 2019 percentage of removals due to drug and alcohol abuse for each state compared to the national average.

Figure 7

Percentage of Removals

Montana's 2019 percentage of removals where drug and alcohol abuse were a factor compared to the **national average**.



Source: Created by the Legislative Audit Division from federally-reported data.

Court Action Determines Kids in Care Numbers

The introductory chapter described the court process CFSD must go through to remove a child from their home due to abuse or neglect. Each time CFSD investigates an allegation of abuse or neglect, they determine if the child faces enough danger to remove them from the home. In Montana, 45.9% of abuse or neglect investigations involve court action. Court action is defined as any legal action taken by CFSD on behalf of the child. This is the 7th highest rate in the nation. When CFSD involves the court, the case must proceed through the multiple hearings described earlier in the report. County attorneys and district court judges say the system for hearing these cases is often overburdened. This includes limited resources for abuse or neglect cases in county attorney offices and difficulty finding public defenders for parents. This leads to situations where representation for CFSD and parents have very little time to engage with their clients to learn about the case. District courts often hear abuse or neglect cases one day a week. This makes it difficult to meet statutory hearing deadlines. In Montana, we found it is not uncommon for deadlines to be missed leading to longer times in care. For CFSD to close out a case that has gone to the court, the judge has to agree it is in the child's best interest before a permanent placement can be achieved. Each of these factors can add time to a kid's time in care.

Data Comparisons to Other States Do Not Directly Explain Kids in Care Numbers

The analysis in this chapter provides a good comparison of Montana to the rest of the nation. The most obvious drivers of the number of kids in care are the relatively high number of referrals and investigations that Montana receives. Montana outpaces other states in other areas CFSD has a more direct effect on including recurrence of maltreatment, time to permanency, and the percentage of victims with court action. These have impacts on the number of kids in care and the length of time in care.

Montana has also experienced a snowball effect on the number of kids in care due to kids removed in previous years remaining in care. The national data does not provide a single factor driving the kids in care numbers. It does provide evidence that a comparatively high volume of interaction between CFSD and families and the length of time in care is driving Montana's kids in care numbers higher over time.

What Montana's Internal Data Says About Kids in Care

The data that Montana gathers for federal reporting requirements can also be used to look internally at CFSD operations across the six regions in the state. However, there are some differences between the numbers for the internal analysis and the national analysis. This audit focused on CFSD activity, so we did not include data from the reservations who operate their own autonomous child welfare agencies or work under an agreement with CFSD. Data presented in this chapter is based on snapshots from December 31 of each year, except for the following section on the number of kids in care. Internal analysis of the data looks for causes of the increase in kids in care and the consistency of CFSD across the state.

Number of Kids in Care Peaked in 2018

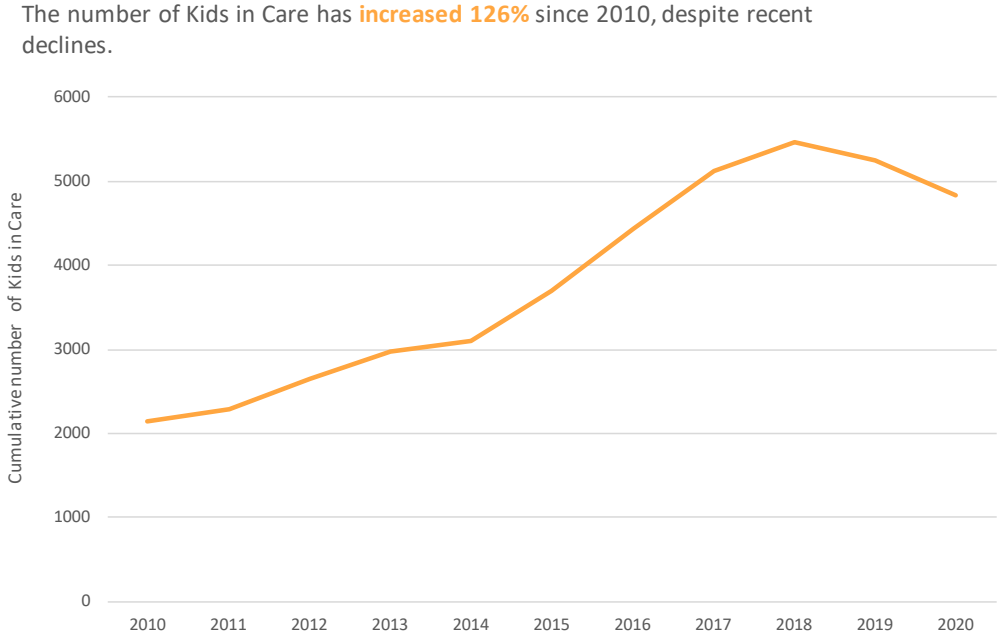
Kids in care numbers are almost always presented as a point-in-time number. However, we looked at how many kids in care the state has cumulatively throughout the year to show every child in care at some point in the year. This gives a more accurate picture of the actual workload that CFSD faces. Children who were in care for part of the year but found a permanent placement or aged out of the system before December 31 are not captured in the point-in-time data.

At its peak in 2018, total kids in care were 155% higher than in 2010. The most rapid growth started in 2014. This was the same time CFSD stopped working with the private organization consulting on the implementation of SAMS. CFSD also altered their model to try and streamline the investigative process when a report of abuse or neglect appeared to be erroneous. The model used to create SAMS is associated with an initial rise in kids in care. However, other states did not experience the increase in kids in care that Montana has.

We were able to get updated numbers from CFSD for 2020 to provide the most up to date data. The rest of the internal data comparison section will focus on the original scoped date of 2010 through 2019 to reflect the time period we reviewed in the audit and the available national data. In 2020 Montana has continued to improve and reduce the number of kids in care. However, even with recent declines Montana is still facing a historically high number of kids in care. The following figure shows the total number of kids in care throughout each year from 2010 through 2020.

Figure 8

Kids in Care Has Increased Since 2010

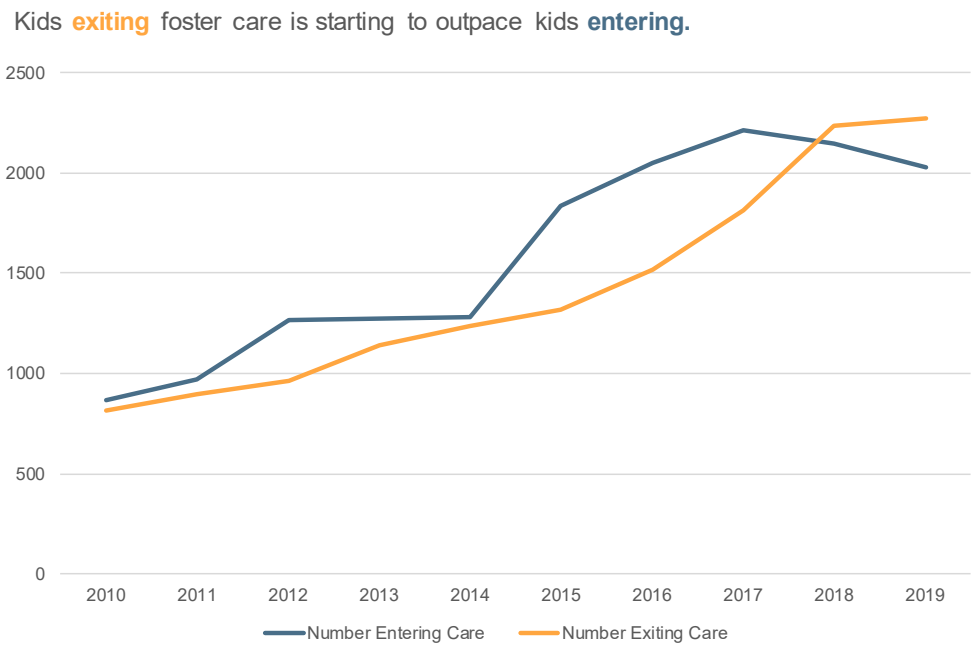


Source: Created by the Legislative Audit Division from DPHHS data.

Recent Data Suggest Ongoing Decreases in Kids in Care

The increase in the number of kids in care in Montana over the last decade was driven by the fact there have been more children entering foster care than have been exiting. However, since 2018 the trend has reversed leading to the decreases seen in 2018 and 2019. CFSD has taken several steps recently that are related to working with kids outside of the court process. This includes efforts to connect parents to services outside of the court process and engaging with community providers to educate them on CFSD's processes. The following figure shows the number of kids entering, exiting, and year-end counts of kids in care for 2010-2019.

Figure 9
Enter and Exit Rates in Foster Care



Source: Created by the Legislative Audit Division from DPHHS data.

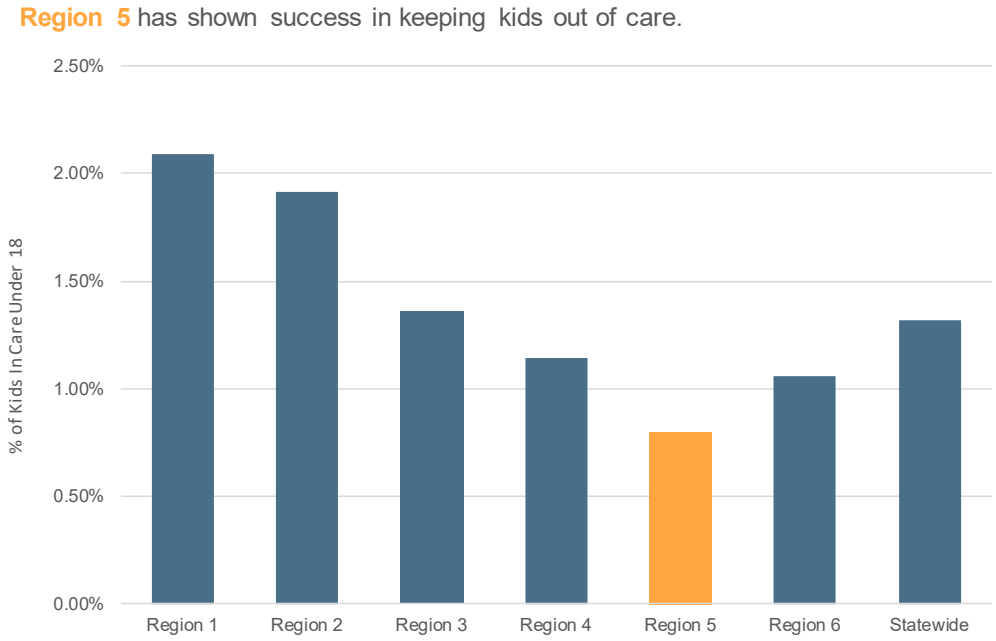
Regional Differences Exist in Kids in Care Comparison

Looking at kids in care by region offers information on potential inconsistencies in CFSD operation across the state. CFSD operations are divided into six regions in the state, each having its own regional office with a management team headed by the regional administrator. Counts of kids in care in each region is largely driven by the population of children under 18 in that region. To determine how kids in care counts compare across regions, we looked at the percentage of kids under 18 that are in care in each region. Region 1 in Eastern Montana has the highest percentage of kids in care in 2019 at just over 2% of children.

CFSD staff indicated Region 5 in the Missoula area typically achieves a more manageable kids in care count. They attribute this to the number of community resources, such as therapists and family support groups, available in Missoula. CFSD staff also said Missoula has a very active and engaged county attorney's (CA) office. Several stakeholder groups we spoke with indicated Missoula's CA office has more staff dedicated to working on abuse or neglect cases. This allows them to conduct a more

rigorous review of affidavits submitted by CFSD and have more active engagement throughout the court process. That level of engagement contrasts with areas like Region 3 which often struggles to have enough CA's to meet caseloads. The following figure shows the percentage of kids under 18 that are in care in each region and the state average.

Figure 10
Success in Keeping Kids Out of Care



Source: Created by the Legislative Audit Division from DPHHS data.

Parental Drug Use a Factor in Kids in Care Increases, but Data Accuracy Issues Exist

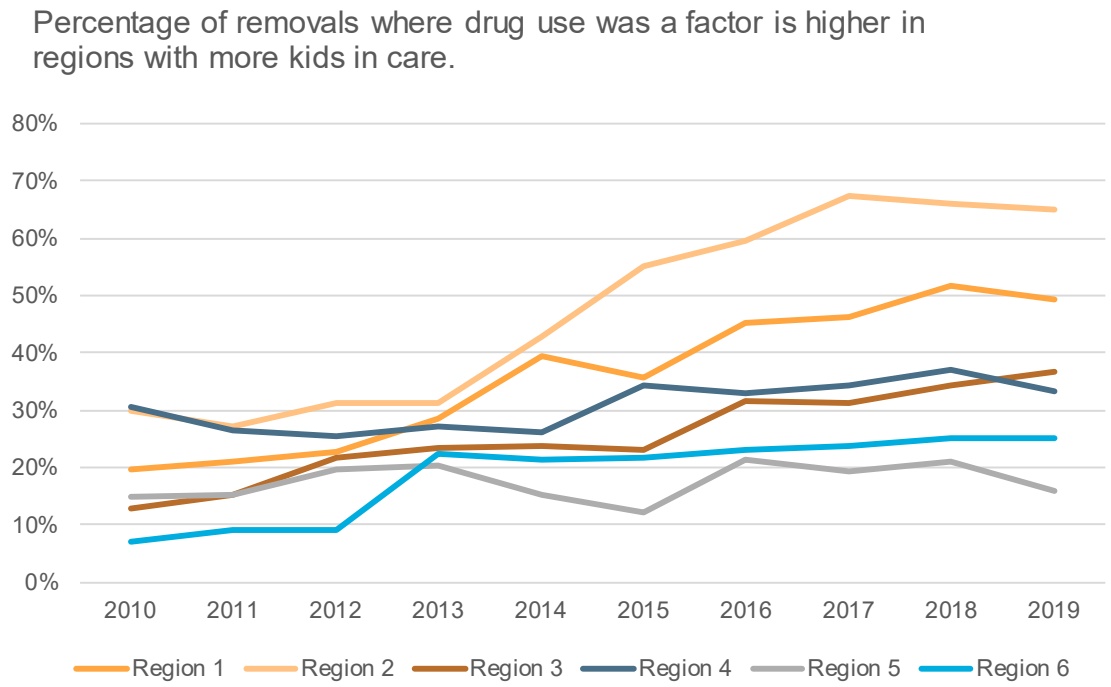
Parental drug use is a consistent factor in removing a child. We talked to CFSD about their data on drug use as a factor for removal and they indicated they were fairly confident in its accuracy. In the data provided by CFSD, we noticed several instances of missing data for if parental drug use was a factor in a removal or not. Like most CFSD data, it relies on staff to manually enter this information so errors can happen. In the survey we sent to CFSD administration and CFSD staff, about 23% of responses indicated drug use data was correct 50% of the time or less. The analysis in this section is based on the best available data.

Administrative staff in Helena and Region 2 indicated drug use by parents was a bigger issue in that region compared to other regions of the state. This is reflected in the data, with Region 2 having the highest percentage of removals due to parental drug use during our time period. This peaked in 2017 at 67%. Statewide the percentage of removals due to parental drug use increased from 18% in 2010 to

40% in 2019. This shows parental drug use has played a factor in the growing number of kids in care. However, the data presented earlier in this chapter shows other states have dealt with similar issues without seeing the large increases in kids in care. The following figure shows the percentage of removals for parental drug use from 2010 through 2019 for each region.

Figure 11

Parental Drug Use Is a Factor in Removals



Source: Created by the Legislative Audit Division from DPHHS data.

Length of Time in Care Drives the Number of Kids in Care

To analyze the length of time kids are in care, we looked at the number of days in a year a kid was in care and the percentage of kids in care for longer than a year prior to achieving permanency. This gave a good look at how quickly kids enter and exit care. The percentage of kids in care for longer than one year peaked in 2016 (61%) and in 2019 (48%) and was at the lowest level of any year in our reporting period. This aligns with the kids in care data which peaked in 2018. In 2016, more kids were staying in care longer, creating the snowball effect on the number of kids in care. CFSD has done a better job of getting kids out of care quickly in recent years based on this information. The number of days in care for kids who were in care for less than a year has remained consistent (142 days in 2019), except for a low year in 2010 (95 days). When CFSD determines to bring a child into care, they must go through the court process. The hearings in the court process take time and must be completed before achieving permanency for a child. Kids have to be in care while going through this process, limiting how low CFSD can get the average time in care. This limits how low we could expect CFSD to get the number of days a kid is in care.

Internal Data Shows Trends but Not the Cause of Kids in Care Increase

The internal data provides interesting information on trends across CFSD regions in Montana. Region 5 in Missoula is having more success than other regions based on factors such as county and community resources. Factors such as drug use among parents affect kids in care, but there are issues with the data, and it does not explain why Montana has had a harder time dealing with those issues than other states. The overall data shows there have been recent improvements in the kids in care, but that the current number is still historically high.

Region 3 consistently has a high number of kids in care due to the population in the Billings area. The data shows children exiting care starting in 2018 with a large decrease in 2019, but this is due in large part to Gallatin, Park, and Sweet Grass counties being switched from Region 3 to Region 4 in 2019. Region 1 has consistently had the highest percentage of kids in care but is a smaller population area. Internal data for the state shows the challenges different regions face. It does not provide us with a definitive answer to why kids in care numbers are growing.

Conclusions on the Rise and Comparatively High Number of Montana Kids in Care

This chapter provided data related to the number of kids in care. We looked both internally and compared Montana to national statistics. We did not find an individual data element that pointed to a definite driver of the number of Montana's kids in care. To look deeper for drivers of kids in care, we also looked at potential causes that do not have data associated with them. These potential drivers are based on potential differences in other states systems that could affect how kids in care are calculated or removed. We looked at other states who base their child welfare system on the same model as ours to determine any process differences that could affect kids in care. We conducted interviews and reviewed policy and statute in South Dakota, Arizona, and Idaho.

Kids in Care Definitions Follow Federal Guidance

One area of concern was potential differences in how states count kids in care. The federal government largely dictates this count based on their requirements for kids in care reporting. CFSD defines a kid in care as a child that is in some form of foster care and they have filed court action to receive some level of custody of that child. This will initially be emergency protective services and potentially on to temporary legal custody. CFSD staff indicated there is an exception to their definition. Children who are under voluntary out-of-home agreements are also counted as kids in care. However, this is going to account for a small number of children and would not be a major factor in the differences in kids in care counts. We found other states also follow the guidance provided by the federal government when determining how to define a kid in care. All three of the states defined kids in care in a similar way. This means Montana's definition of kids in care is not unique and skewing their kids in care numbers.

Removal Processes Differ but Court Processes Are Similar

In Montana, a removal decision is driven by CFSD. CFSD must then have a CA file a petition with the court within five days of the emergency removal to keep the child out of the home. Other states have different processes for removal. In Idaho and South Dakota, the statute says only law enforcement can

remove a child from home. In both states, child welfare agency staff indicated law enforcement relies heavily on their input when deciding to remove a child. However, it is ultimately law enforcement's choice to determine if the statutory threshold to remove a child is met.

SAMS Affects but Does Not Determine if a Child Is Removed

The SAMS process was a significant change in the investigation process for allegations of neglect and abuse when it was put into place in 2010. CFSD had an incident-based model in place prior to SAMS that focused on investigating the specific reported incident. National best practices changed to a model that aims to address the root causes in the family that led to the incident of neglect and abuse. This focuses on being less punitive and bases decisions on connecting families to the appropriate services. While the model has undergone minor changes from 2010 through 2019, the statutory definition of abuse or neglect did not. A judge still must determine all removals based on the SAMS investigation process meeting the same statutory definitions that have been in place during our entire analysis period. Judicial decisions in the court process can be appealed by the parents if they do not believe abuse or neglect has taken place. While SAMS offers a more comprehensive look at the family, all removal decisions are still subject to judicial review based on statute that has not changed during our review period.

The Implementation of SAMS Played a Factor in Kids in Care Increases

The company who contracted with Montana indicated SAMS would lead to an initial increase in kids in care. The data discussed in this chapter shows the switch to the SAMS model in Montana clearly contributed to an increase in the number of kids in care. This was supposed to be followed by a decrease as families were connected to resources to change their behavior. Kids in care numbers in Montana continued to grow during our analysis period, peaking in 2018. Montana experienced its most severe growth after 2014. This coincides with CFSD decision to no longer work with the company it used to implement its model. According to representatives for the company involved in the implementation in Montana and former CFSD staff, Montana did not work with the company to implement the ongoing case management portion of the model. This part of the model is based on changed focus contact with families and measuring progress towards mitigating safety issues in the home.

One area that relates to this part of the model is the percentage of required visits to children in foster care on a monthly basis. This is a federal standard where Montana compares poorly to other states. Montana completes these visits 61% of the time, which is last in the nation, and compares to a national average of 92%. Foster care stakeholders have also expressed frustration with CFSD's ongoing case management. They indicate CFSD is not sufficiently monitoring ongoing cases to ensure behavioral change has taken place prior reunification. They described consequences such as inappropriate treatment plans for parents and children being put back into foster care after exiting.

Addressing allegations of child abuse and neglect involves a lot of different variables, not all of which are easy to define, analyze, or understand. Factors such as parental drug use, number of referrals, and statutory differences related to removal processes affect the number of kids in care in Montana. However, these are largely out of CFSD's control. CFSD has greater control on their ability to maintain

fidelity to the investigative and ongoing care model they and many other states determined was best practice when they adopted it. Issues with CFSD's implementation and ongoing adherence to the SAMS model have likely contributed to the increase in the number of kids in care. CFSD should be credited for their recent work to improve how they engage with parents and its effects on kids in care number. However, our work shows further opportunities to increase fidelity to the model CFSD chose. The rest of this report will provide recommendations to address implementation issues with the SAMS model.

Conclusion

The SAMS model has led to the identification of additional children the courts determined to have been subject to abuse or neglect, which has increased the number of kids in care. However, Montana's inconsistent implementation of the SAMS model, among other factors, has likely contributed to the increase in the number of kids in care.

Chapter III – SAMS Process Updates, Clarification, and Training

Introduction

The first chapter of this report examined our main objective of determining if the Safety Assessment and Management System (SAMS) model has led to an increase in the kids in care in Montana. By its nature, SAMS looks at more children than the past model by including a more rigorous examination of the entire family. However, we determined there have been issues related to the implementation of the model that have likely contributed to rising number of kids in care. SAMS includes multiple steps that were described in the background chapter. With a more complex model, it is important to constantly review the model and determine if staff have a clear understanding about why each part of the process is important and necessary. There are also steps that can be taken to limit kids in care by working with them outside of court involvement. We will further discuss issues we saw during our review of CFSD and their implementation of the SAMS model.

Case Review Used to Understand Regional SAMS Processes Versus Policy

We reviewed a sample of 70 cases from 2019 that resulted in removals and kids in care. This gave us an understanding of how SAMS is implemented across the state. We sampled cases from each of the six regional offices and one smaller satellite office that was within 50 miles of each regional office. We reviewed each case from the immediate danger assessment through the SAMS model and the court process. This ensured we had a complete picture of the decision to remove a child from the home and put them in foster care. SAMS is based on Child and Family Services Division (CFSD) regions and individual communities working together to connect families with the needed services to limit removals in the future. If SAMS is not being implemented consistently, it creates confusion for stakeholders and limits its effectiveness as a model. We reviewed our sample to determine if regions were carrying out the model described in policy and according to best practices.

SAMS Process Documentation and Guidance Causing Confusion Among CFSD Staff

We reviewed each part of the SAMS process in each region to determine if it was carried out according to policy. We also looked to ensure the language in each document provided correct guidance for working through SAMS. We found instructions on the SAMS documents were unclear or contrary to policy in some cases. The following are examples of issues we found with the SAMS documents:

- **Protection Plan:** Documents how immediate danger will be controlled during the completion of the FFA.

  Does not have an option for an in-home protection plan to be implemented when immediate danger can be mitigated while the child stays in the home.

  If emergency protective services (EPS) is filed and the child is removed, there is a check box to indicate this decision. However, there is not a prompt for staff to document the type of out-of-home placement put in place until a safety plan is implemented. This leaves no documentation of the child's placement during completion of the FFA.

There is no check box option for an involuntary placement with a foster parent. This should be available for cases when the child needs to be removed and cannot be placed with kin or a noncustodial parent.

- **Safety Plan:** Documents the impending dangers and how the safety resources in the plan will control for those dangers.

  The in-home safety plan has a section that indicates the parent/caregiver is entering into a voluntary agreement that may be terminated at any time. However, our review identified numerous instances where children were under the state's custody while CFSD transitioned into an in-home plan. In this case the agreement would not be voluntary.

  The out-of-home safety plan indicates failure by the parent/caregiver to agree to or carry out the plan can lead to emergency removal of the child from the home. All safety plans we reviewed were not voluntary and CFSD had already filed for EPS.

  The out-of-home safety plan does not have a signature line for a foster care provider if that is the placement option chosen.

- **FFA:** Documents the investigation, impending dangers, and the conditions for return of the child.

  Supervisors currently cannot document their concurrence with completion of the FFA in Montana Family Safety Information System (MFSIS). CFSD staff indicate the supervisor's concurrence is documented by uploading it on MFSIS, but there are no signatures on the FFA.

  The FFA includes a conditions for return section. Some regions indicate they use a separate document to document conditions for return.

  FFA indicates the safety plan determination and conditions for return should be reviewed within five days, but CFSD policy says within 24 hours of removal.

Each of these issues creates confusion for how staff should be documenting the complex situations and actions they are taking. For example, the language on the safety plan makes it seem it is used only to document voluntary agreements with parents. Policy and practice indicate safety plans are used to document involuntary removals as well.

As part of our review, we also interviewed staff in each office covered in our sample to talk with them about their experience putting the SAMS model into practice. CFSD staff, supervisors, and regional administrators discussed when their region determined parts of the SAMS model were necessary. In some cases, regional practice did not align with CFSD policy. The following are examples of regional practices:

- CFSD staff indicated a protection plan is not necessary in cases where they are going to file for EPS. Filing for EPS is one of the options for addressing immediate danger listed on the protection plan.
- CFSD staff were not clear on the purpose of the safety plan and did not believe it was necessary when CFSD had filed for legal custody. Policy states a safety plan must be done in these cases.

- CFSD staff indicated they did not fill out the second section of the FFA in cases where the investigation was in relation to a family they have recently worked with. Policy does not indicate this is appropriate.
- CFSD staff did not believe SAMS documents were in policy and thus were not required to be completed in order to complete an investigation. The SAMS process and documents are clearly outlined in policy.

A lack of process clarity in SAMS documents and varying applications of the model have created inconsistency across the state. This contributed to missing and incomplete documentation found in our review.

Case Review Showed Missing and Incomplete Information

This chapter has laid out issues we found in guidance for CFSD staff navigating the SAMS process and staff understanding of its requirements. During our review we wanted to determine the effects of this confusion. However, this is not the only driver of missing documentation. Staff also indicated in some cases documentation was missing or incomplete due to workload or simply being unsure of what happened to documentation. In our survey to CFSD staff and administrators, only 20% of staff indicated they could carry out the SAMS process according to policy with current resources. The following are some of the results by region of our review of documentation for each of the 70 cases we reviewed.

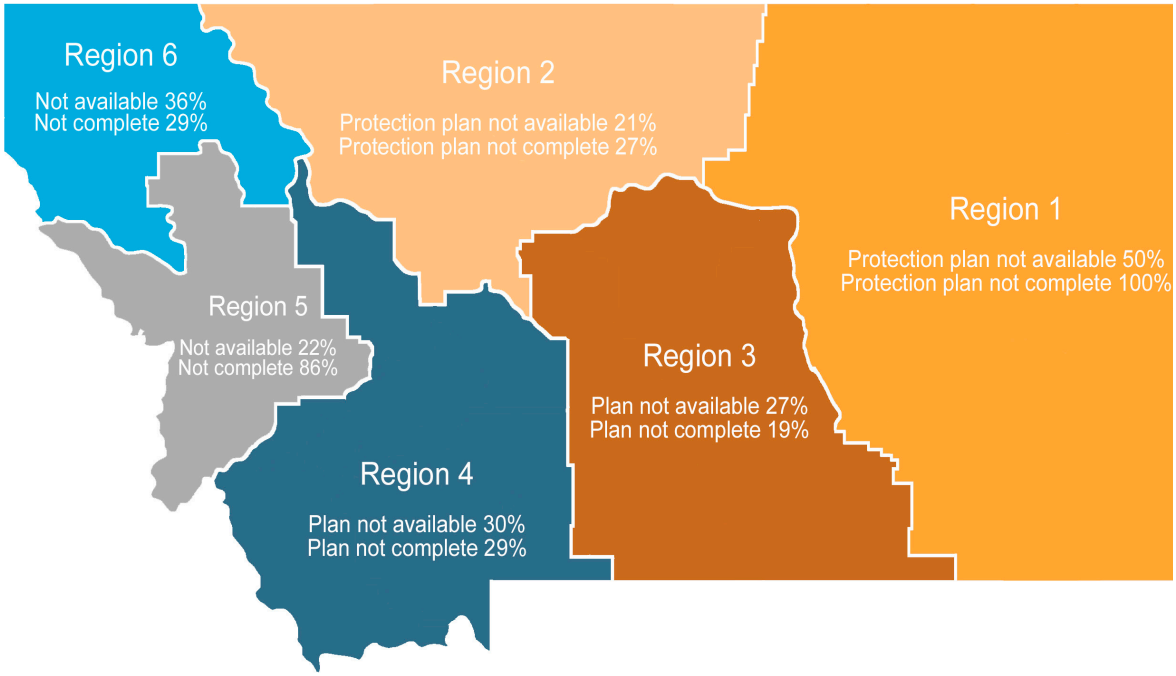
Protection Plan

Protection plan review showed they are inconsistently done across the state. We found 20 cases where a protection plan was not done. This leaves no documented plan for how immediate danger was mitigated in that case until the FFA is completed and a safety plan developed or mitigation is outlined in an affidavit.

In the 50 cases where we were able to review the protection plan, we found that 64% of them were not complete. There are several sections of the protection plan that require specific information, such as identification and description of the danger threats, justification of the selected caregiver's willingness to participate in the plan, and the visitation plan between the caregiver and the child. We often found these were not filled out with the information that was required, leaving the protection plan incomplete. Figure 12 (see page 28) shows the percentage of protection plans that were available for our review and the percentage of those available that were incomplete in each region.

Figure 12

Regions Were Inconsistent in Their Use and Completion of Protection Plans



Source: Created by the Legislative Audit Division from case review data.

FFA

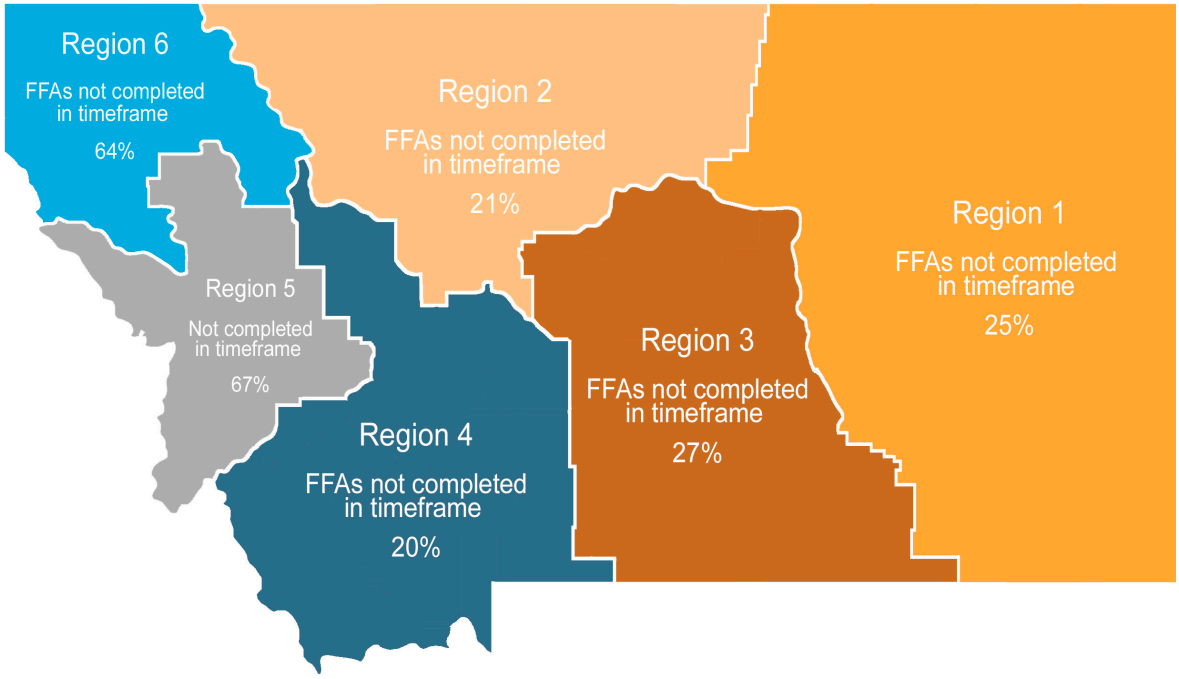
The FFA is the most important documentation in the SAMS process. It outlines which steps CFSD took to investigate the allegation and review the families functioning. The FFA serves as the documented basis for any action taken by CFSD to alleviate safety concerns. We were able to review all but one FFA for our sampled cases. In one case the regional staff could not locate and provide an FFA. The following are statistics of our FFA review.

- 16% of the FFAs we reviewed did not have a completed first section. This section documents contact with the family, caregiver protective capacity, maltreatment, and whether CFSD staff determined the reported abuse or neglect to have happened.
- 9% of the FFAs had an incomplete second section that documents impending danger threats, safety decision, and conditions for return.
- 36% of the FFAs we reviewed were not completed within the 30- or 60-day time frame.

CFSD staff have 30 days to complete the FFA if the child is removed from the home and 60 days to complete it if the child remains in the home according to statute. In cases where they do not complete the FFA within the time frame, it may delay the case and keep a child in care for longer. This can also delay CFSD implementing services to address safety concerns in their home. The following figure shows the number of FFAs that were not completed by the applicable 30- or 60-day time frame in each region.

Figure 13

Figures Within Time Frames Varies by Region



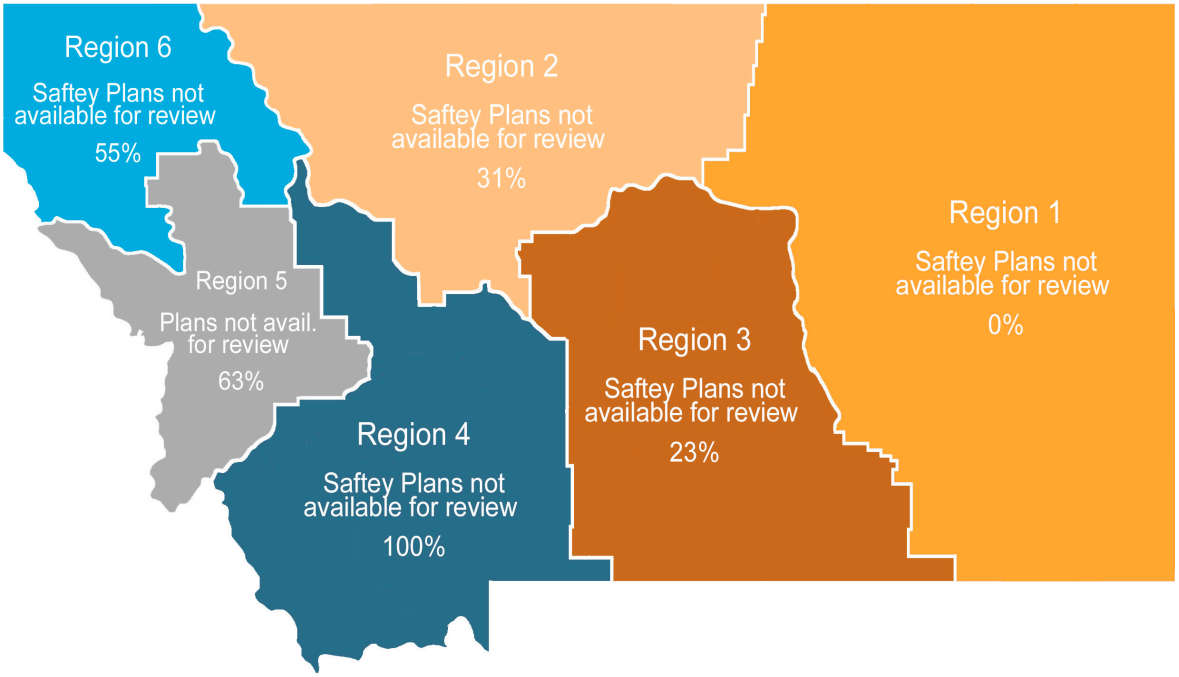
Source: Created by the Legislative Audit Division from case review data.

Safety Plans

The safety plan documents what long-term steps CFSD and the family need to take to alleviate impending dangers so the child will be safe while CFSD works with the family. These can be voluntary agreements with the family. In all the cases we reviewed, the child had been removed from the home and CFSD filed for EPS making the safety plans involuntary. We found 41% of the cases we reviewed did not have a safety plan. Eighteen percent of the available safety plans were not complete according to policy. This was typically due to required narrative information on court action filed or placement

information not being completed according to policy. Figure 14 shows the percentage of safety plans that were not done based on region. This was due to staff oversight or not believing they were necessary to move a case forward. There were three cases in which a safety plan was not necessary based on the situation in the case.

Figure 14
Inconsistent Use of Safety Plans Across the Regions



Source: Created by the Legislative Audit Division from case review data.

Stakeholders we spoke to indicated they did not believe safety plans and conditions for return were consistently monitored for ongoing cases. CFSD policy requires review of safety plan determinations and conditions for return every 30 days. CFSD staff indicated this is documented in the Child and Adult Protection System in the case notes. We did not find consistent documentation of this review for any of the cases in our sample.

These sections on the SAMS documentation highlight the inconsistency we saw between how regions use key elements of the SAMS model. If staff believe parts of the SAMS model are unnecessary, there should be consideration of changes or updated training and documents to reinforce their importance.

SAMS Would Benefit From a Formal Review

The names and features of some SAMS documents and processes have changed over the years. However, the substance of the model has not been updated. One change in SAMS documentation was including the immediate danger assessment in the FFA. This decision was reversed in 2019. In 2014, CFSD made changes to streamline the FFA. This limited the review in cases where it was apparent the report did not rise to the level where a full investigation was necessary.

CFSD does have a quality improvement process in place to drive changes like those listed above. A major part of this process is case review in the regions to determine any issues regional staff are facing

and areas of needed improvement. However, these reviews focus on the work of the staff and do not identify issues with the documents or processes themselves. CFSD administration have not conducted a formal review of SAMS documents to ensure the options available or that the processes are clear when determining the correct course of action to ensure the safety of the child.

In general, there has been a lack of substantive change to SAMS even as the numbers of kids in care has risen. As mentioned previously, there are multiple parts of the SAMS process that cause staff confusion or that staff believes are unnecessary. The SAMS model was based on a child welfare model from a private company chosen by Montana and other states as a best practice. CFSD created SAMS by modifying that model in a way they thought best for Montana. We discussed possible changes to SAMS with CFSD staff. They indicated any review of the SAMS model should be based on how to make it work better for Montana. They did not think they needed to more closely adhere to the original model purchased by DPHHS in 2011. However, this is not the strategy we saw in other states who have had more success sustaining a level of kids in care that is closer to the national average.

Other States and CFSD's Own Policy Require a Clear Process and Documentation for Investigation

South Dakota, Arizona, and Idaho all have child welfare models based on the same company's model Montana used to implement SAMS. They have all recently or are in the process of conducting third-party reviews of their child welfare models. They describe these as fidelity reviews from the company that helped them implement their model to determine if they are adhering to its goals and purposes. These reviews look at the process itself, including documents used. They use case and process reviews to determine if their child welfare agencies are carrying out the model and achieving its stated goals. This has led to clear staff direction for their models and the associated documentation. For example, we reviewed investigative process documents and did not find the confusion and lack of clarity identified in Montana's documents.

Other states also indicated they had seen a reduction in kids in care after fidelity reviews are conducted. They are not sure this is a directly causal relationship, but they believe a more active process review has contributed to limited kids in care growth in those states. Montana has predominantly had the same process and documents in place since changes were made to the FFA in 2014. CFSD needs to ensure SAMS is structured in a way that makes the purpose of each part clear to staff and provides them with straightforward guidance.

RECOMMENDATION #1

We recommend the Department of Public Health and Human Services:

A. *Conduct a review of the SAMS model to ensure all elements are appropriate and align with best practices.*

B. *Update SAMS documents to reflect current policy, best practice, and to provide staff clarity on using the SAMS model.*

Regional Management Have Drifted From the SAMS Model

Each new staff member at CFSD, except administrative support and fiscal staff, start their employment with the Montana Child Abuse/Neglect (MCAN) training. CFSD has also partnered with the University of Montana to create an ongoing training program for new staff. CFSD created a field training specialist to provide hands on training in the field to supplement these existing trainings. CFSD has made positive steps to get the training support new staff need to be successful. However, when talking to management in each of the regions we were surprised by the level of confusion or disagreement regarding the SAMS model. Administration in some regions questioned why certain parts of the model were necessary. We see the effects of this outlined earlier in the chapter. There are regions in the state where parts of the model were deemed unnecessary for periods of time or in certain situations. This leads to inconsistency between regions, but also signals a drift from the SAMS model.

CFSD indicated part of the problem may be a focus on training newer staff at the expense of continuing education for more senior staff and management. CFSD staff need consistent guidance from regional administration before SAMS implementation can become more consistent.

Montana Needs to Focus on Training for Senior Staff and Management

CFSD's focus on training shows this is a priority for the division. The CFSD policy manual has a page dedicated to the required trainings new staff must go through. This establishes a standard for a well-trained staff. However, policy does not include ongoing training after a staff member's first year in the office. Most regional administration have been with CFSD for years or decades. Longer tenured staff have seen many changes to the child welfare system and its implementation over the years. In the other states we reviewed, they have conducted fidelity reviews of their child welfare systems. This involves the management team looking at their process to determine how and why they are doing each part of the model and if it is working for them. The company conducting these reviews is analyzing their fidelity to the model, but also reinforcing the importance of each step. This serves as a default training for other states' management by showing them where they have drifted from the model and why that is an issue. CFSD has done a good job enhancing training for new employees but should ensure management maintain agreement on each part of the SAMS process across regions to ensure consistent guidance is being given to CFSD staff.

RECOMMENDATION #2

We recommend the Department of Public Health and Human Services develop and provide ongoing training to regional administration that is focused on the purpose and importance of the SAMS model to ensure it is uniformly understood.

CFSD Has Implemented Steps to Focus on Using In-Home Plans

National nonprofits, the U.S. Department of Health and Human Services, and the child welfare model that Safety Assessment and Management System (SAMS) is based on all put a focus on keeping children in their homes or homelike settings, if possible. This can include kinship placements that

keep the child in a familiar setting. Research suggests that a child's functioning and development are hindered if they do not have a permanent home-like setting. State welfare agencies are using all resources available to work with families to deal with safety issues while the child remains in their home. This is not possible in situations where severe threats to the child's safety are present. However, in appropriate cases it can be beneficial to the child and limit the number of kids in care. Federal guidance and state statute refer to these types of plans as prevention plans. Other states have invested in in-home programs designed to keep kids out of structured care.

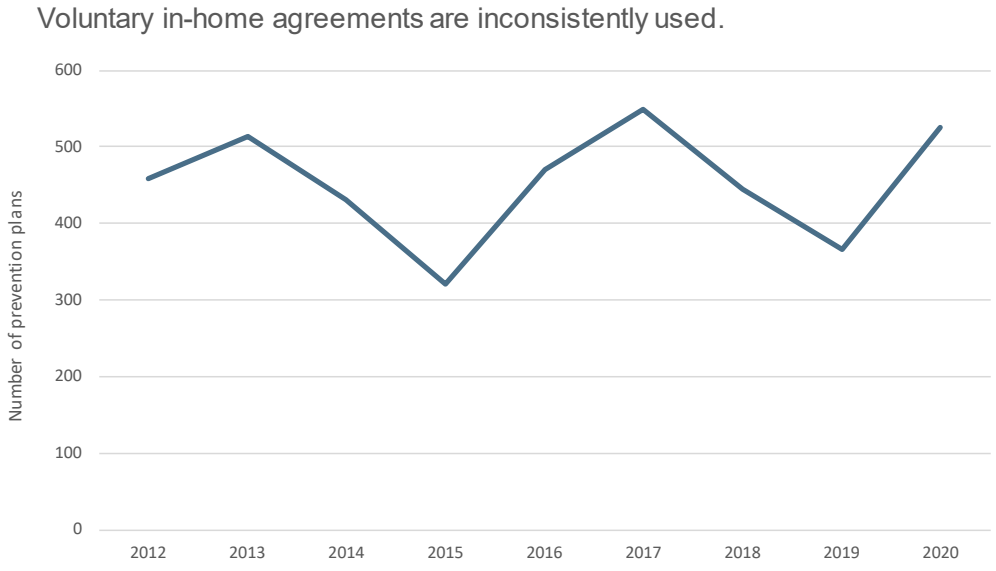
Child and Family Services Division (CFSD) piloted implementing Family Support Teams (FST) in 2018 in Region 2 in the Great Falls area and expanded to three other regions by 2020. They created positions called Safety Resource Specialists to lead the FSTs. FSTs are used to inform a family of the available services CFSD can connect them with after a report of abuse or neglect. They also connect the family to the tools to allow the child to remain in the home while they work to address the family's issues. For a family to be eligible for an FST, the parents must agree to the following:

- They must work with CFSD staff to complete the Family Functioning Assessment (FFA).
- The home must be suitable for an in-home protection plan to be put in place.
- They must cooperate with the service providers and follow their recommendations.

CFSD started tracking the use of prevention plans in 2012. From 2012 through 2020 CFSD has seen a 15% increase in the use of prevention plans. However, in 2019 there were only 367 of these plans used, showing the use has gone up and down over the years. The most use of these plans came in 2017, prior to the implementation of the FST or the Safety Resource Specialist positions. For these plans to be effective, CFSD needs to focus on their consistent use in situations where they are appropriate. The following figure shows prevention plans from 2012 through 2020.

Figure 15

Prevention Plans Are Inconsistently Used



Source: Created by the Legislative Audit Division from DPHHS data.

Use of Prevention Plans Can Decrease Kids in Care

Montana has taken steps to focus resources and policy on developing a framework for using prevention plans. However, CFSD still faces an uphill battle by currently having a large number of kids in care. Montana has seen a larger increase in kids in care from 2010 through 2019 than any other state in the nation. They have seen up and down use of prevention plans over this time period. Working early with families through FSTs and establishing prevention plans can lead to fewer kids in care and decrease the chances CFSD will engage with that family in the future. Early engagement with parents and connecting families with appropriate services are national best practices for addressing safety concerns that lead to abuse or neglect.

Effects of Newly Implemented Steps Are Unclear

CFSD has taken steps to connect families with services so they can voluntarily address safety issues in their homes through prevention plans. It is too early to determine how effective these programs will be at keeping kids out of care. Best practices indicate this type of engagement with families has benefits for the child and the parents. As data in the second chapter shows, even with improvement Montana is still at a high level of kids in care. This makes it difficult to provide ongoing services and monitor their effectiveness. Working voluntarily with families still carries a significant workload. Some staff indicated this increases workload because the child is in the home, so CFSD staff must check in more often to ensure they are able to remain safe in the home. However, prevention plans can reduce the length of time CFSD must work with the family and avoids the administrative burden associated with the court process.

National data shows Montana ranks last in the percentage of children receiving monthly caseworker visits. This shows CFSD is struggling to manage ongoing casework for the current levels of kids in care. The effect of kids in care levels increases the need to work with families in more innovative ways to reduce CFSD involvement in the future.

Other States and the Federal Government Have Focused on Voluntary Engagements in the Home

Other states have dedicated or are developing units within their current child safety departments to increase the use of voluntary in-home family services. This is in response to the Families First Preventative Services Act passed by Congress in 2018. This act opens Title IV-E funding for services that previously were not available until after the state had custody of the child. Title IV-E funding is grant funding provided by the federal government to state welfare agencies to pay for eligible costs. The expansion of eligible expenses for these funds is an effort by the federal government to encourage states to work voluntarily in home with families. This is part of an effort to avoid the documented negative effects of removing the child from the home and putting them in foster care.

In Arizona, family support workers are responsible for carrying out either an intensive family preservation or moderate family preservation plan. These 60- to 120-day programs offer intensive, short-term in-home support and counseling to families to resolve concerns related to child abuse or neglect. These programs safely maintain the child in their home. Idaho is in the process of developing a specialized unit to handle similar types of services. Idaho indicated this was based on the guidance

and funding available under the new federal law. CFSD has not implemented goals or data measures to determine how to measure success of the FST program. They have gathered data on the number of FSTs put into place and the number of children effected by them. Data on this program will be important to determining if it is successful and whether to expand or adjust these efforts.

RECOMMENDATION #3

We recommend the Department of Public Health and Human Services:

A. *Determine through data-based measures that Family Support Teams and Safety Resource Specialists lead to an increased use of prevention plans.*

B. *Adjust the program if it does not lead to results.*

Chapter IV – CFSD IT Systems Must Be Updated

Introduction

The second chapter of the report showed the importance of data analysis for assessing the effectiveness of child welfare agency operations. During audit work, we found the systems generating this data in Montana are dated and limited in their capabilities. The Child and Family Services Division (CFSD) works with a combination of information systems to store documentation, data, and process payments related to children in foster care in Montana. The Child and Adult Protection System (CAPS), Montana Family Safety Information System (MFSIS), and DocGen are the systems that produced the data we have discussed in this report. CAPS is a disk operating system (DOS) used to track and maintain child welfare services and manage the case process with children, youth, and families. MFSIS is where staff fill out SAMS process documents such as the FFA and safety plans. DocGen is an online repository for court and ongoing case management documentation such as affidavits and treatment plans.

IT Systems Used to Report Data and Manage Cases Lag Behind in Montana

The U.S. Department of Health and Human Services establishes standards for the functionality of a state's IT systems. This ensures data is reported in a uniform manner so it can be analyzed at the national level. The current guidance is for states to have a Comprehensive Child Welfare Information System (CCWIS) in place. The guidance was recently updated to adapt to technology capabilities and includes new design, data quality, and data exchange standards. Many states are in the process of implementing systems to follow the updated CCWIS regulations. These upgrades create more functionality to monitor and make data-based decisions in each state's child welfare system.

DPHHS is required to send an Implementation Advanced Planning Document (IAPD) to the U.S. Department of Health and Human Services every year to outline their transition to CCWIS. In the 2020 IAPD, Montana requested over $2.2 million in funding for the transition to CCWIS. This funding is a 50/50 split between state and federal funding. In 2019, DPHHS received over $2.7 million in funding in HB 10 to cover the state funding portion of their request. They are unsure if this will cover the cost of implementation because at this point, they have not determined what product they will use to complete the next stages of this process. To date DPHHS has spent over $3 million in state funding on Phase I of the MFSIS project. CFSD staff indicated current funding will not be enough to implement the new IT system outlined in the IAPD. They also indicated they are making cost benefit decisions about which aspects of CCWIS regulations to focus on.

Montana's IT Systems Are Dated and Create Administrative Inefficiencies

CAPS was created in 1996 and is currently being replaced with a CCWIS. Phase I of the MFSIS project to transition to a CCWIS was implemented in 2018, which created the platform we used to review our sampled cases. However, CFSD staff said they are still limited in the management information they can gather on investigations or ongoing case management. DPHHS has experienced

delays in phase II of replacing CAPS. They indicated delays are due to having to prioritize transitioning CAPS off the state's mainframe leading to staff time limitations. They started this process in 2015. A recommendation for a CAPS replacement has been included in our last two performance audits of CFSD.

There is a large administrative burden that comes with every case that CFSD is involved in. This comes from CFSD policy requirements, data entry for federal reporting requirements, and SAMS documentation requirements. CFSD staff reported the administrative burden takes away from the time they can spend working with the family. Staff are required to enter information into the documents such as the FFA that are located electronically inside MFSIS. However, we found many SAMS process documents are filled out by hand and scanned into MFSIS or DocGen. CFSD staff also must add case information into CAPS. They believe this process leads to inaccuracies in the CAPS generated data and delays in working cases. In our survey to CFSD administrators and staff in the regions, 20% believed the data in CAPS is entered accurately half the time or less. CFSD staff across the state described the administrative burden as a significant hurdle to spending enough time with families in the field. Any delay to processing cases affects kids in care. Delays can extend a child's time in care as well as limit CFSD staff's ability to effectively manage caseloads.

Current IT Systems Limit Available Management Information

The inability of CFSD's current IT systems to produce real time management information has limited their opportunities to create a data analysis plan and make performance-based decisions. We presented CFSD administration information from our review of removal cases, including missing and incomplete protection plans and missing safety plans. CFSD administration were not aware of these issues or the reasons they were happening. CFSD administration do not have this information available to them in real time to determine why this is happening and to implement data-driven corrective actions.

CFSD does not have a data analysis plan, but they did provide information on their quality improvement process. However, this does not include what data they will use as key performance indicators or address limitations of their current systems management information. CFSD staff indicated they have never had a data unit in place to drive a detailed data analysis plan. Currently, the information generated from CAPS is processed by the University of Kansas. However, CFSD staff said this process is currently being updated and data is available to regional staff, but not being fully utilized.

Other States' IT Systems Have Better Functionality

We reviewed the IT systems used by child welfare agencies in South Dakota, Arizona, and Idaho. They all are transitioning to CCWIS in their states. In interviews, those states expressed how crucial it was for their IT systems to have the functionality to allow them to make data-driven decisions. Their systems have the functionality of the three separate systems in Montana. Other states discussed the ability to get up-to-the-minute data to drive decision making. In South Dakota, their system is used to review data and monitor trends across the state and trends within specific offices. Staff can also review quantitative data and compliance reports to determine if they are missing any documents. South Dakota's system also has several edit checks built in which flag entries outside set ranges. This limits input options to appropriate choices to ensure greater data accuracy.

Idaho's newly implemented system allows them to get more updated information. It allows them to track if staff are meeting time frames in real time. For example, Idaho staff were able to inform us they currently have 60 cases that have taken over 30 days to complete the investigation. They review information on each of those cases to understand and address any issues. With their new system, they created caseworker dashboards to provide all the information related to each CFSD staff's caseload. CFSD needs this level of functionality to make data-driven management decisions.

RECOMMENDATION #4

We recommend the Department of Public Health and Human Services:

A. *Modernize the child welfare system based on federal government guidance.*

B. *Use the increased data capacity of this system to create and implement a data management plan.*

Department of Public Health and Human Services

Department Response

MONTANA DPHHS
Healthy People. Healthy Communities.
Department of Public Health & Human Services

Department of Public Health and Human Services

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Greg Gianforte, Governor
Adam Meier, Director

December 27, 2021

Angus Maciver
Legislative Auditor
Office of the Legislative Auditor
State Capitol, Room 160
Helena, Montana 59620-1705

Re: Kids in Care LAD Audit Recommendations

Dear Mr. Maciver:

The Department of Public Health and Human Services has reviewed the *Performance Audit of Kids in Care: Analysis of Population Trends and Management Processes in Montana's Foster Care System* completed by the Legislative Audit Division. Our responses and corrective action plans for each recommendation are provided below.

Recommendation #1:
We recommend the Department of Public Health and Human Services:

A. Conduct a review of the SAMS model to ensure all elements are appropriate and align with best practices.
B. Update SAMS documents to reflect current policy, best practice, and to provide staff clarity on using the SAMS model.

Response: Concur

Corrective Action:
The Department will conduct a comprehensive review of the SAMS model and implementation of its use in the Montana child welfare system to ensure that all elements are appropriate and align with best practices. Additionally, the documents and forms used in practicing SAMS are an opportunity to provide guidance and reinforcement of the policies and practices of the model. These will be reviewed and updated to provide clarity to staff.

Planned Completion Date: June 30, 2022

Recommendation #2:
We recommend the Department of Public Health and Human Services develop and provide ongoing training to regional administration that is focused on the purpose and importance of the SAMS model to ensure it is uniformly understood.

Response: Concur

Corrective Action: The Department will initiate refresher training for regional management focused on the purpose and importance of the SAMS model to ensure it is uniformly understood at a Child & Family Services Division (CFSD) management team meeting in January 2022. The CFSD management team will then design the content, schedule, and delivery method for ongoing training to ensure continued understanding and consistent application of the SAMS model.

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Planned Completion Date: March 31, 2022

Recommendation #3:

We recommend the Department of Public Health and Human Services:

A. Determine through data-based measures that Family Support Teams and Safety Resource Specialists lead to an increased use of prevention plans.
B. Adjust the program if it does not lead to results.

Response: Concur

Corrective Action:

Family Support Teams were developed as part of the CFSD Program Improvement Plan (PIP) resulting from a federal Child & Family Services Review (CFSR) conducted in 2017. The teams were initially started as a pilot program in Cascade county in 2018 and are now practiced statewide. In four communities across the state, these teams are supported and facilitated by Safety Resource Specialists.

As part of the PIP, several measures specific to the effectiveness of the teams are tracked and reported to the Children's Bureau within the federal Administration of Children and Families:

- Timeliness to reunification
- Increased utilization of in-home safety plans (as opposed to out-of-home safety plans)
- Increased family participation

These data measures are compiled quarterly and reported twice per year to the Children's Bureau. Reporting requirements extend through January 2023, but CFSD plans to continue tracking these outcomes to ensure effectiveness of the teams. CFSD will add increased use of prevention plans to the performance measures and will adjust the program based on the overall results of the performance measures.

Planned Completion Date: Ongoing

Recommendation #4:

We recommend the Department of Public Health and Human Services:

A. Modernize the child welfare system based on federal government guidance.
B. Use the increased data capacity of this system to create and implement a data management plan.

Response: Concur

Corrective Action:

The Department of Health and Human Services currently uses two automated systems to support the delivery of child protection services CFSD. DPHHS will replace their legacy system (CAPS) with a

modularized child welfare information system, the Montana Family Safety Information System (MFSIS). The modernized MFSIS will support the child welfare services provided by CFSD and achieve compliance with the Comprehensive Child Welfare Information System (CCWIS) requirements. The new system modules will operate concurrently with CAPS until all functionalities have been completed and CAPS is retired. The CAPS replacement strategy was initially established in November 2015.

In 2018, DPHHS implemented the first module of the replacement system, MFSIS, based on federal government guidance to support business processes specific to the intake and investigations function of child protective services reports. Once a report of abuse or neglect moves out of the intake and investigation phase and into the ongoing stage of the child welfare system, the case is tracked in CAPS. In 2019, DPHHS and CFSD resumed planning activities to prepare for the planned procurement and implementation of the remaining MFSIS modules. The MFSIS development project was put on hold when it became clear that mainframe services supporting the legacy system, CAPS, would no longer be available after November 2021. Funding was provided by the 2019 Legislature to convert CAPS from a mainframe to a mid-tier environment, which successfully occurred in November 2021.

Going forward, DPHHS is positioned to implement the subsequent MFSIS modules to support the child welfare case management business processes within a single, comprehensive system. CAPS will run concurrently with MFSIS until design, development and implementation efforts are complete and MFSIS is certified and operational. A comprehensive data management plan is included in the existing requirements for MFSIS and is required by the federal government in order to achieve system certification. It should be noted that certification to federal guidelines, known as CCWIS, is operational but necessary to receive federal participation in design, development, and implementation costs. Completion of a fully compliant CCWIS system is also dependent on obtaining sufficient future funding from the Legislature.

Planned Completion Date: DPHHS will submit a request to the federal cognizant agency to continue phased development of MFSIS, planned for June 30, 2022. Development and implementation are ongoing.

Sincerely,

Adam Meier, Director
Department of Public Health and Human Services

cc:
Erica Johnston, Executive Director, Economic Securities
Nikki Grossberg, Child and Family Services Division Acting Administrator
Chad Hultin, Audit Liaison