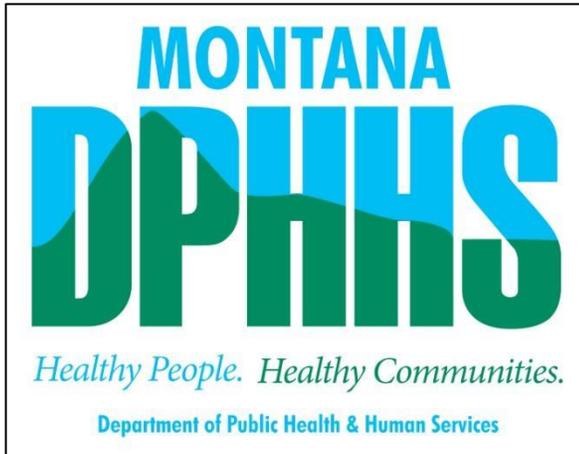


CHILD AND FAMILY SERVICES

## Agencies at odds over release of caseworker policy violation



MISSOULA (AP) — Two state agencies are at odds over whether investigations that find Division of Child and Family Services caseworkers failed to follow policies and procedures should be made public.

If the Child and Family Services Ombudsman's office investigates a complaint and determines caseworkers didn't follow policy, a "findings report" is sent to the director of the Department of Public

Health and Human Services.

The ombudsman's office, which is part of the Department of Justice, argues the reports should be made public after all identifying information is removed. The health department argues Child and Family Services case records are confidential.

The agencies plan to ask a judge for a decision on the matter, the Missoulian reports. DOJ spokesman John Barnes said the agency could file its petition as soon as this week.

"We will give the court a sampling of the reports for review and make our case why they are public," Barnes said.

Jon Ebel, spokesman for the health department, said the ombudsman's office is also subject to confidentiality laws and disclosure restrictions.

Mike Meloy, a Freedom of Information Act attorney in Helena, said he believes redacted findings reports can be released.

"The statute permits disclosure so long as the child's name doesn't appear and the document concerns the manner in which the program is administered," Meloy said.

The Child and Family Services division has come under fire in recent years for unnecessarily removing children from their homes or failing to remove them from dangerous situations. The criticism led to the creation of the ombudsman's office and led the governor to appoint a Protect Montana Kids Commission to study the agency and recommend changes.

The agency, which has also struggled with caseworker turnover, is currently seeking applications for 30 caseworker positions. The Montana Child Protection Alliance, a nonprofit

that was created to help families navigate the child welfare system, argues releasing the ombudsman's reports will create more accountability for caseworkers and the state agency.

"The state is saying, 'We are doing it right,' but there's no accountability and all of these ombudsman reports verify that," alliance member Denise Johnson told the Missoulian. Ombudsman Traci Shinabarger said the findings reports are meant to inform the agency, the public and legislators about problems that need to be addressed. "We're not releasing them to punish DPHHS; that's not the ombudsman's job," Shinabarger said. "If they can't fix it themselves, maybe the courts, laws or someone can. But we need to get over it and find some way to fix this." The Missoulian obtained several Findings Reports from parents or family members who requested investigations by the ombudsman's office, which was created in 2014. Those reports found case workers didn't follow the agency's policies and procedures, failed to document reasons for their actions and in some cases took actions that put children at risk.

One report obtained by the Missoulian found workers at the child abuse hotline failed to put a high priority on a report of a child born with meth in her system that the mother planned to place with a family the mother's sister may have found online.

The ombudsman's investigation found the caseworker didn't meet with the mother before she was discharged from the hospital, didn't talk with the child's biological father about whether he could care for the infant and that the caseworker talked with hospital staff about the child being placed with the prospective adoptive parents. The caseworker withdrew the state's petition for oversight to investigate the case and the hospital released the child to the prospective adoptive parents, who took the child out of state, the ombudsman found. The child was given to people who were unknown to the state agency or the biological family through a violation of policies and procedures, the report found.

"This has resulted in the presumptive father not knowing or having his daughter, the brother not having or knowing his sister, the grandparents not having or knowing their grandchild, all resulting in a tremendous amount of litigation, anger, frustration and fear that their child is lost to their biological family," ombudsman Gala Goodwin wrote in her report.

Another investigation found supervision notes and case notes "revealed an alarming lack of understanding of child development, trauma and basic principles of human behavior."

Other reports recommended Child and Family Services: — Provide better case documentation — Create a policy for working with parents with disabilities — Offer training to avoid bias — Consider including a code of ethics for caseworkers in the agency's policy and procedures after a case in which a caseworker "continued to mislead the court."