

Presentation to the 2009 Health and Human Services
Joint Appropriation Subcommittee

Child and Family Services Division

Department of Public Health and Human Services
Legislative Fiscal Division Budget Analysis, Volume 4, Page B-60

Contact Information

The division contacts information is as follows:

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Statutory requirements for the Division can be found in Attachment D.

Funding and FTE Information

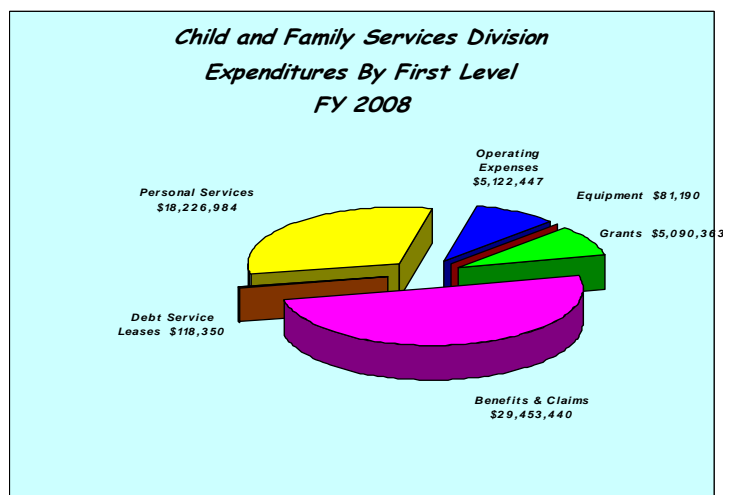
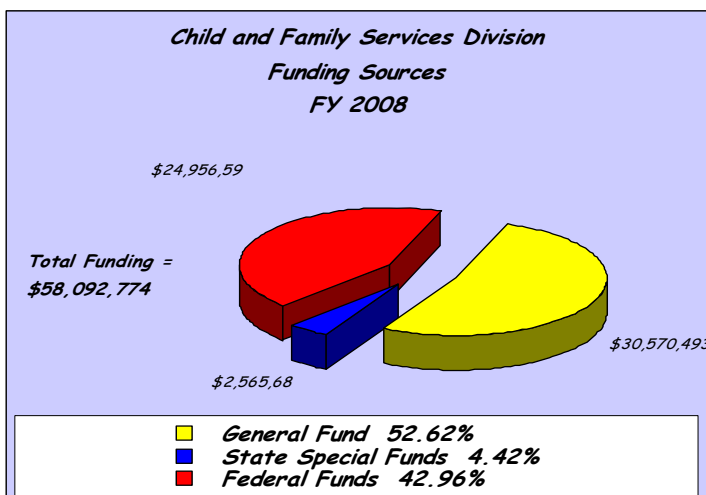
Funding Information

Below is a comparison of the 2009 Biennium versus the 2011 Biennium for operating costs and funding sources.

	2009 Biennium	2011 Biennium	% of Total	Difference	% of Difference
FTE	375.45	380.45		5.00	
Personal Services	34,143,105	38,068,137	29.0%	3,925,032	40.0%
Operating	9,675,967	11,576,382	8.8%	1,900,415	19.3%
Equipment	45,790	91,580	0.1%	45,790	0.5%
Grants	11,721,247	12,713,312	9.7%	992,065	10.1%
Benefits & Claims	65,682,034	68,670,458	52.3%	2,988,424	30.4%
Transfers	0	0	0.0%	0	0.0%
Debt Service	265,304	236,698	0.2%	(28,606)	-0.3%
	121,533,447	131,356,567	100.0%	9,823,120	100.0%

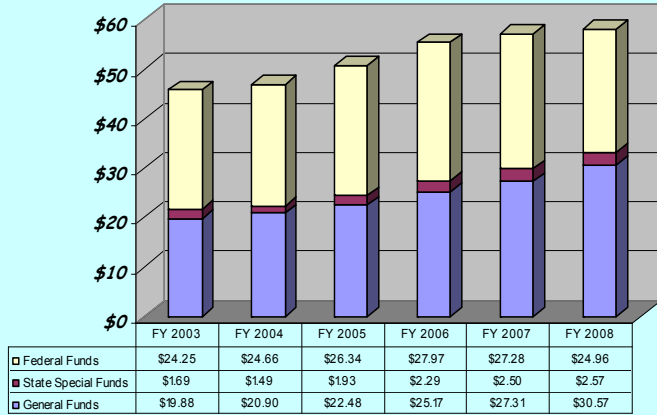
General Fund	60,367,221	69,857,031	53.2%	9,489,810	96.6%
State Special Fund	4,885,882	5,015,079	3.8%	129,197	1.3%
Federal Fund	56,280,344	56,484,457	43.0%	204,113	2.1%
	121,533,447	131,356,567	100.0%	9,823,120	100.0%

The following figures show funding and expenditure information for FY 2008 for all sources of funding of the Child and Family Services Division.

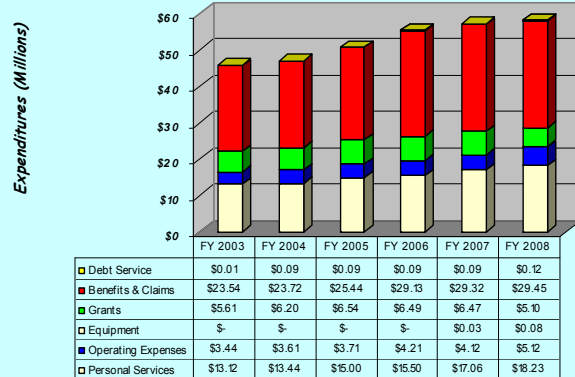


The following figures show funding and expenditures from FY 2003 through FY 2008, for HB 2 funding.

**Child and Family Services Division
Expenditures By Fund Type FY 2003 - FY 2008**

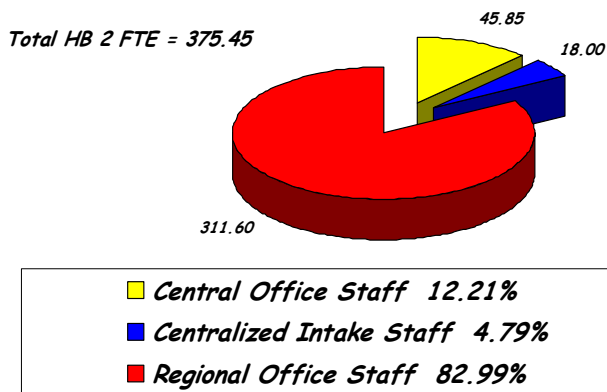


**Child and Family Services Division
Expenditures By First Level
FY 2003 - FY 2008**

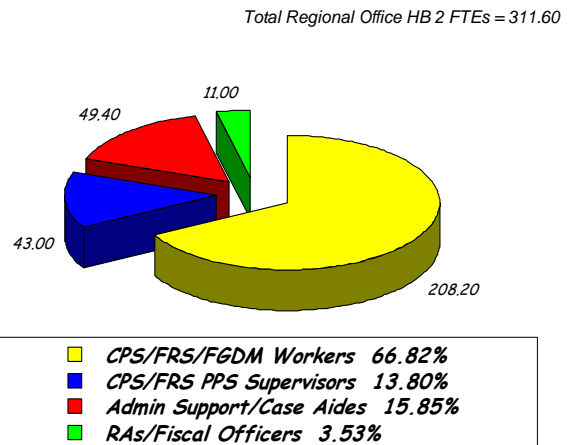


FTE Information:

**Child and Family Services Division
FTE Distribution - Central Office & Regional Offices
FY 2009**



**Child and Family Services Division
FTE Distribution - Regional Office Staff
FY 2009**



Overview of Child and Family Services Division:

The Child and Family Services Division administers programs to protect children and youth from abuse, neglect and abandonment. The mission of the division is to “keep children safe and families strong”. The primary focus of the services provided by Child and Family Services is to improve outcomes for children in the areas of safety, permanency, and well-being.

The division staff work with communities and providers to support the strengths of families to increase their ability to nurture and provide for their children. The division provides child protective services (including investigatory services, emergency protective services, voluntary protective services, court-ordered protective services, and permanency services) to children and families, licenses family foster homes, child placing agencies and adoption agencies, and provides adoption services to children in the custody of the State of Montana.

The Child and Family Services Division is comprised of five regions and three bureaus.

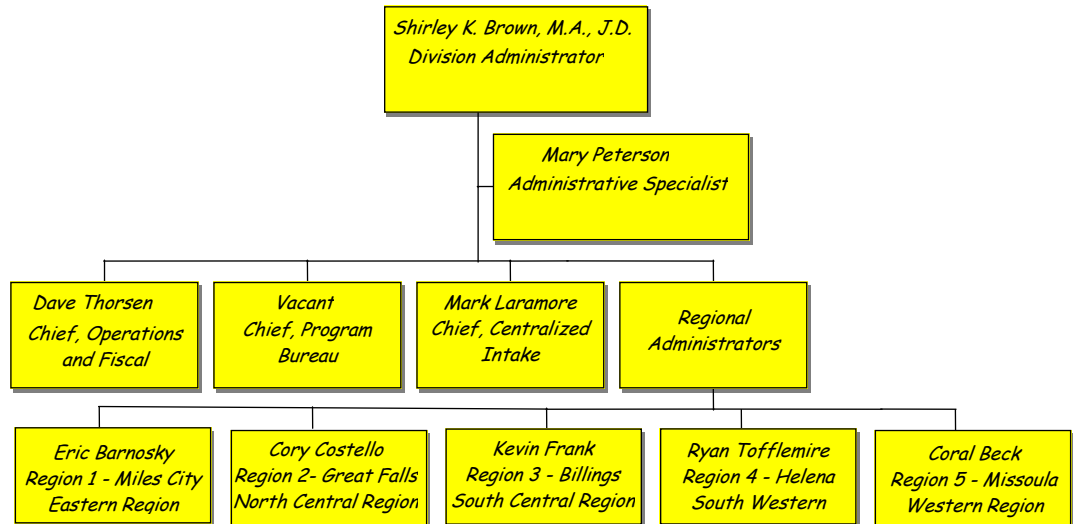
The Operations and Fiscal Bureau is responsible for the management and coordination of financial activities, information systems liaison, legislative budget preparation, evaluation and benchmark analysis, and coordination of supplies, leases, and equipment. This bureau contains the SSI Unit which applies for SSI/SSB benefits on behalf of children placed in foster care and the Title IV-E Unit which determines whether or not each child placed in foster care is eligible for Title IV-E federal foster care funding.

The Program Bureau is responsible for administration of interstate compacts for foster care and adoption, licensing adoption agencies, administering grants for programs involving domestic violence prevention, child abuse and neglect, access and visitation, Children’s Trust Fund, and the Children’s Justice Act. The bureau is also responsible for coordination of state and federal relations including the development of federally required state plans, contract monitoring, and program compliance. The bureau drafts administrative rules and policy and provides technical assistance and support to field staff in the areas of in-home/reunification services, family support and preservation, child protective services, foster care, guardianship, adoption and permanency, independent living, and Indian child welfare.

The Centralized Intake Bureau is responsible for the operation of the statewide centralized intake system. This bureau receives all reports of suspected child abuse, neglect or abandonment statewide from both mandatory and discretionary reports seven days a week, 24 hours a day.

The five Regional Offices are located in Miles City, Billings, Great Falls, Helena, and Missoula with staff in a total of 41 counties. These staff investigate reports of child abuse, neglect, and abandonment, provide services to either prevent foster care placement or reunite families as soon as possible, provide foster care services to children who cannot safely remain in their homes, and work to implement a permanency plan for children who cannot safely return to their homes. Staff from the regions also conduct foster and adoptive home studies, provide permanency services, family group decision-making meeting facilitation, and transitional living services to youth aging out of the foster care system.

*North Central Region
North Central Region*



Summary of Major Functions:

The Child and Family Services Division has three major functional areas:

1. Division operations:

- Centralized Intake of Reports of Abuse and Neglect
- Investigation of Reports
- Emergency, Voluntary and Court-Ordered Protective Services
- Placement of Children in Appropriate Foster Care Settings
- Placement of Children in Appropriate Permanency Settings (Pre-Adoptive Placements, Subsidized Adoption, Guardianship)
- Case Management (Safety, Permanency and Well-Being)
- Independent Living
- Grant Management (In-Home/Reunification Services, Domestic Violence Prevention, Chafee Independent Living, Chafee Education and Training Vouchers, Domestic Violence, Caseworker Visitation, Access and Visitation, Child Abuse Prevention and Treatment Act, Children's Justice Act, Community Based Family Resource and Support (funds for the Children's Trust Fund))
- Budget and Administrative Management
- SSI Program
- Title IV-E Eligibility
- Policy Development and Technical Assistance to Field Staff

- Indian Child Welfare Act (ICWA)
- Interstate Compact on the Placement of Children (ICPC)
- Training (Foster and Adoptive Parent Training and Staff Training)

2. Foster Care Program:

The foster care program is a part of the child protective services continuum that is provided by the Child and Family Services Division. See Attachment A.

The Child Protective Services Continuum can be found in Attachment E.

3. Subsidized Adoption Program:

The subsidized adoption program is a part of the child protective services continuum that is provided by the Child and Family Services Division. See Attachment B.

2009 Biennium Goals and Objectives:

The following shows the division's biennium goals and performance measures that are associated with the 2009 biennium HB 2 budget. The division's goals and objectives reflect some of the goals and objectives identified by the Children's Bureau (CB) of the federal Administration for Children and Families (ACF). The Children's Bureau began an intense review of state child welfare systems in 2002 and has developed stringent criteria that states are expected to meet. The overarching theme of these reviews is "Safety, Permanency, and Well-Being". Federal law contains provisions for financial penalties for states that do not pass the Child and Family Services Review (CFSR).

Goal Number 1: Ensuring That Children Are Safe

Objective/Measurement: The Child and Family Services Division will improve the timeliness of initiating investigations. Child Protective Services Workers are required to initiate investigations on all CPS reports within 14 days of receiving the report. The Child Protective Services worker must make face-to-face contact with the alleged victim.

Status: The following data is based on the most recent periodic review which included cases through March 31, 2007. Because time needs to be allowed for the entry of current data between the period under review and the case review, this data does not relate to the 2009 Biennium.

Seventy-five (75) cases were reviewed for each of the following 6 month periods: For 04/01/2006 - 09/30/2006 timely investigations were completed in 76.92% of cases reviewed. For 10/01/2006 - 03/31/2007 timely investigations were completed in 61.54% of the cases reviewed. The average for these two periods is 69.23%.

The baseline for this measure was 54.2%.

Goal Number 2: Ensuring Timely Permanency For Children

Objective/Measurement: The Child and Family Services Division will determine if concerted efforts were made, or are being made to achieve a finalized adoption in a timely manner. The determination of timeliness is based on the date of the child's most recent entry into foster care, not the date that the goal of adoption was established. The agency has 24 months to demonstrate concerted efforts to finalize an adoption.

Status: The following data is based on the most recent periodic review which included cases through March 31, 2007. Because time needs to be allowed for the entry of current data between the period under review and the case review, this data does not relate to the 2009 Biennium.

Seventy-five (75) cases were reviewed for each of the following 6 month periods: For 04/01/2006 - 09/30/2006 timely adoptions were completed in 84.2% of cases reviewed. For 10/01/2006 - 03/31/2007 timely adoptions were completed in 60% of the cases reviewed. The average for these two periods is 72.1%.

The baseline for this measure was 52.9%.

Goal Number 3: Well-Being of Children

Objective/Measurement: The Child and Family Services Division will improve social worker face-to-face contact with children in care. The frequency and quality of visits between caseworkers and children must be sufficient to ensure the safety, permanency, and well-being of the child and promote achievement of the case goals.

Status: The following data is based on the most recent periodic review which included cases through March 31, 2007. Because time needs to be allowed for the entry of current data between the period under review and the case review, this data does not relate to the 2009 Biennium.

Seventy-five (75) cases were reviewed for each of the following 6 month periods: For 04/01/2006 - 09/30/2006 the frequency and quality of face to face contact between the worker and child was sufficient to ensure the safety, permanency, and well-being of the child and promote achievement of the case goals in 46.67% of cases reviewed. For 10/01/2006 - 03/31/2007 the frequency and quality of face to face contact between the worker and child was sufficient to ensure the safety, permanency, and well-being of the child and promote achievement of the case goals in 45.83% of the cases reviewed. The average for these two periods is 46.25%.

Note: At the time of the case reviews and the CFSR, the outcome was rated on previous policy which did not incorporate new federal requirements related to caseworker visitation.

The baseline for this measure was 40.0%.

Accomplishments and Barriers Encountered During the 2009 Biennium

Major Accomplishments:

The accomplishments of the Child and Family Services Division are:

1. **Reduction in the number of children in foster care:** The most significant CFSD accomplishment during the 2007 – 2008 biennium is the reduction in the number of children in foster care. In the 18 months of this biennium, the division reduced the number of children in foster care from 1,825 on July 1, 2007, down to 1,550 on December 31, 2008 (a net decrease of 275 children). In the two calendar years from December 31, 2006 to December 31, 2008, the reduction was even greater--1,910 to 1,550 (a net decrease of 360 children).

This reduction in the number of children in foster care is a major accomplishment because it has come through multi-level efforts such as increased staffing patterns, changes in practice, legal summit involvement, and efforts made by local and state level stakeholders, the judiciary, and the legislative and executive branches. The division believes the primary reason for this reduction is the 20 additional FTEs funded by the 2007 Legislature and approved by the Governor combined with the 11 FTEs transferred to CFSD from the DD Division midway through the last biennium (the FTEs were transferred but no funding so CFSD had to assure the Director and Deputy Director that the FTEs would pay for themselves--which they did). Other factors contributing to the reduction of children in foster care are the agency focus on family-centered practice, the reduction of meth involvement by parents of the children in foster care, and (to some extent) demographics. This reduction has occurred via finalizing adoptions and guardianships, reunifying children with the parent(s) from whom they were removed, and by increasing the provision of voluntary services--all of which have been supported by the additional FTEs.

2. **Training Partnership with the University:** The training partnership the Division has entered into with the University of Montana, Social Work Department is another major accomplishment for CFSD. The division started working on this partnership about two years ago and the first group of newly-hired workers who will be trained using the new curriculum will start the training in February.

Under this partnership, the pre-service training for newly hired Child and Family Services staff will be increased from two weeks with a week in between for transfer of learning to six weeks with a week in between each week's session for transfer of learning to occur. The expanded curriculum, covering more information than was covered in the previous curriculum, coupled with the immediate transfer of learning opportunity will increase the readiness of newly-hired child protection specialists to assume responsibility for a caseload.

In addition, four Staff Development Specialists are being hired by the university to be located in four of the division's five regional offices. These Staff Development Specialists will work with the newly-hired staff as mentors, will assist the CFSD supervisors in addressing training issues related to newly-hired staff, and will assist the CFSD supervisors during the transfer of learning portions of the training. Eventually, all CFSD training will be provided under the umbrella of the training partnership.

3. **Tribal Title IV-E Foster Care Contracts:** Successful completion of the Title IV-E foster care contract negotiations with the Tribes is another CFSD accomplishment. This process was truly a government-to-government process in which the Tribes were represented by their attorneys,

tribal social services directors, and various Tribal Council members and the state was represented by the Chief negotiator from the Governor's Office, the Governor's attorney for Indian affairs, and CFSD program and legal staff. The language of the contract was hammered out during the negotiations with each word of the contract being examined. Each side (Tribes and State) compromised on various provisions/language in the contract with the end result being a strong contract which both sides accepted as fair. In addition, each side (Tribes and State) felt ownership of the final contract because the negotiations occurred in an environment in which each party was considered equal.

4. Child and Family Services Review (CFSR): Another significant accomplishment for the division is the CFSR. The division participated in its second CFSR during 2008. The State Self-assessment was submitted to the Children's Bureau by April, 2008, with the site visit to the three identified sites (Billings, Missoula, and Great Falls) occurring in August, 2008. The federal representatives who participated in the review held in 2002 and the 2008 review acknowledged the work CFSD had done between the first Child and Family Services Review in August, 2002, and the 2008 review to improve outcomes for children in the areas of safety, permanency, and well-being.

Montana met the national standard on four of the six composites established by the Children's Bureau (some of the states only met the national standard on two of the composites). Of the twenty-three individual measures on which the state was assessed, the state met the 95% standard on three. The percentage of improvement on the 20 individual measures and the two composites which must be met by CFSD will be identified in the Program Improvement Plan developed by the division and ultimately approved by the Children's Bureau. Although the division hasn't received the final report on the review, work has already started on the Program Improvement Plan using the preliminary information from the review.

2011 Biennium Goals and Objectives

Department of Public Health and Human Services Child and Family Services Division	
Goals and Objectives for the 2011 Biennium Submitted September 15, 2008	
Goal #1: Improve the safety, permanency, and well-being of children who are reported to be at risk of being abused or neglected.	
Objectives	Measures
<ol style="list-style-type: none"> 1) Safety: After investigation, safely maintain the children in their homes whenever possible and appropriate. 2) Permanency: After removal, establish and achieve appropriate permanency goals for children in a timely manner. 3) Well-being: While in foster care, maintain the child's connections with birth parents and siblings. 	<ul style="list-style-type: none"> • On an on-going basis, review randomly selected cases to assess whether appropriate services were provided to safely maintain the child in the home and prevent removal. • Increase the number of children achieving permanency. • On an on-going basis, review randomly selected cases to assess if concerted efforts were made to maintain the familial connections.

Decision Packages

Below are the decision packages included in the Governor's Budget for the 2011 Biennium. Expanded justifications for DP 30020, DP 30005 and 30024 can be found in Attachment C.

PL 7101: Fuel Inflation Reduction (No LFD Page #)

This request reduces the inflation factor applied to gasoline and diesel expenditures in the Executive Budget and replaces it with an inflation factor of 0%.

PL 30002: FMAP Rate Decrease - Subsidized Adoption (LFD Page B-71)

The Child and Family Services Division is requesting an increase of \$287,255 in general fund and a decrease of \$287,255 in federal funds for the 2011 biennium to address changes in the FMAP rate for Subsidized Adoption. The FMAP rate will decrease from 68.53% in FY 2008 to 67.42% in FY 2010 and 66.99% in FY 2011. The FMAP rate change will result in an increase in general fund of \$110,368 in FY 2010 and \$176,887 in FY 2011.

PL 30003: FMAP Rate Decrease - Foster Care (LFD Page B-71)

The Child and Family Services Division is requesting an increase of \$120,608 in general fund and a decrease of \$120,608 in federal funds for the 2011 biennium to address changes in the FMAP rate for Foster Care. The FMAP rate will decrease from 68.53% in FY 2008 to 67.42% in FY 2010 and 66.99% in FY 2011. The FMAP rate change will result in an increase in general fund of \$49,013 in FY 2010 and \$71,595 in FY 2011.

PL 30006: Foster Care Caseload Increase (LFD Page B-71)

The Child and Family Services Division is requesting a Foster Care Caseload Increase of \$1,468,367 general fund and \$1,250,831 federal funds for the 2011 biennium. This request is to increase the Foster Care program by 3% per year to account for a projected increase in the caseload.

PL 30007: Subsidized Adoption Caseload Increase (LFD Page B-71)

The Child and Family Services Division is requesting a Subsidized Adoption Caseload Increase of \$2,810,991 general fund and \$3,299,859 federal funds for the 2011 biennium. This request is to increase the Subsidized Adoption program by approximately 10% per year to account for a projected increase in the caseload. Projected caseload increases include: 10.4% from FY 2008 to FY 2009; 10.2% from FY 2009 to FY 2010, and; 9.6% from FY 2010 to FY 2011.

PL 30008: Rent Increases/New Office Moves/Move Costs (LFD Page B-71)

Rent increases for Child and Family Services include \$974,684 of general fund and \$548,259 in federal funds for the 2011 biennium. This request is to add additional funding for rent paid for 39 local and regional offices for the Child and Family Services Division, including consolidation of the Helena offices at the new South Pointe building at a rate of \$23.13 in FY 2010 and \$23.36 in FY 11. The funding split for the biennium is estimated at 64% general fund and 36% federal funds.

Two of our bigger offices will see significant increases in the lease agreements. Once construction is complete, the Helena Regional and State offices anticipate relocating to a new building. The Bozeman office is also relocating. Note: If the new South Pointe building is not

built, the CFSD Lewis & Clark County office will have to move. The lease with the county terminates effective 9/30/09.

Many of the division's lease agreements will be expiring in the next couple of years and it is the responsibility of the Department of Administration to negotiate new leases. The division has seen the square footage rates for many lease agreements increase at 10% or more. For those lease agreements that will expire prior to June 30, 2009 the division is estimating an increase of 6 to 10% in most cases. Leases that don't expire reflect the rates that have already been negotiated.

PL 30019: Restore Overtime/Holidays Worked (LFD Page B-72)

The Child and Family Services Division is requesting \$324,644 in general fund and \$162,080 in federal funds for the 2011 biennium for zero-based overtime compensation.

The division is required to pay overtime to employees under certain circumstances. Many times child protective services workers are called out at night or are required to work additional hours due to staff shortages. Overtime is not included in the "snapshot" for personal services and it is an on-going routine cost for this division that should be funded.

PL 30020: Annualization of Tribal General Fund (LFD Page B-72)

In FY 2008, Child and Family Services Division renegotiated contracts with tribal entities. Many of these contracts were not signed until January, 2008, making some of the contracted dollars go unused. This request adds \$227,000 of general fund and \$987,000 of federal funds for each year of the 2011 biennium. See Attachment C for the Expanded Justification.

PL 30025: Liability Insurance (LFD Page B-72)

The Child and Family Services Division is requesting \$64,658 in general fund authority each year of the biennium, pursuant to HB 57 (2007 session), to purchase liability insurance for foster parents providing foster care or therapeutic foster care for youths under 18 years of age.

NP 8101: Increasing 4% Vacancy Savings to 7% (No LFD Page #)

The December 15th amendments to the Executive budget increased the applied vacancy savings rate from 4% to 7%. There is 4% vacancy savings built into agency adjusted base budgets. This decision package includes the additional 3% vacancy savings.

NP 30005: Therapeutic Group Home Fund Switch (LFD Page B-73)

The Child and Family Services Division is requesting \$1,000,000 in general fund for the 2011 biennium. Medicaid is changing its reimbursement policy under which Medicaid will only reimburse for the therapeutic portion of care on fee-for-service basis. Expenses associated with room and board are expected to increase when the fee-for-service reimbursement process is implemented. As a result, this will shift additional general fund costs to Child and Family Services Division. See Attachment C for the Expanded Justification.

NP 30009: Guardianship - Loss of Federal Funds (LFD Page B-73)

The Child and Family Services Division requests \$200,000 of general fund authority for each year of the 2011 biennium. Due to a decrease in federal funds available, this request will cover

the expenses associated with maintaining cost neutrality for the division's guardianship demonstration project.

NP 30015: New FTE Package (LFD Page B-74)

The Child and Family Services Division (CFSD) is requesting \$246,226 in FY 2011. Of this request, the general fund portion for the 2011 biennium is \$162,888. This request is for the addition of 5.0 FTE to address an increased workload. The FTEs will likely be utilized as visitation specialists to assure the division meets the interim goals and final goals as required by federal regulation. By October 1, 2011 the Division is required to visit 90% of all children in foster care each and every month and more than 50% of the visits must be in the child's home.

NP 30024: SSI Contracted Services for Transitional Youth (LFD Page B-74)

The Child and Family Services Division (CFSD) is requesting a reduction of \$122,734 general fund, an increase of \$27,316 in federal funds and \$200,000 in state special funds for the 2011 biennium. This request is for contracted services for an SSI transitional worker.

The Child and Family Services Division (CFSD) is requesting funding for contracted services for SSI transitional youth. The contractor will make SSI applications on behalf of children who are in the custody of the state of Montana and who are considered to meet the adult SSI criteria. Typically, these children have either a physical or mental disability that entitles them to SSI. CFSD estimates that the four incumbent SSI Specialists generated more than \$400,000 of general fund savings in the Foster Care program in FY 2008. This request is for contracted services that will be used to primarily address issues for children aging out of foster care who have multidisciplinary needs.

Of approximately 1,600 children in foster care, 340 (1 in 5 children or 21%) are currently receiving SSI or SSB benefits. These funds are collected by the state of Montana and are applied toward the cost of foster care. When children age out of foster care they must undergo an "Age 18 Redetermination" based on adult SSI eligibility criteria. The Division believes that children receiving benefits when they age out of foster care have a better chance of passing an Age 18 Redetermination. Also, when children age out of foster care the State of Montana no longer has custody or responsibility for a child; however, these contracted funds will be used in part to assist those children who volunteer to have the state assist them in submitting the appropriate paperwork for an Age 18 Redetermination. Currently, if a youth reaches age 18 and does not receive SSI benefits, the Division uses general fund to pay for room and board costs until the youth becomes SSI eligible.

See Attachment C for the Expanded Justification.

Significant Issues

The following describes the significant issues with Child and Family Services must address:

1. Vacancies/Staff Turnover:

Vacancies, staff turnover and recruitment and retention continue to be a significant issue for the Child and Family Services Division. The following chart depicts the staff turnover rates for CFSD Division from FY 2005 through FY 2008:

	FY 2005	FY 2006	FY 2007	FY 2008
Field CPS Workers Terminating	19	35	31	37
Total Number of SWs	184.4	184.4	184.4	208.20
Percent of SWs terminating	10.30%	18.98%	16.81%	17.77%
All Others Terminating	15	12	23	30
Total All Other Employees	156.05	156.05	156.05	162.25
Percent of Other Employees Terminating	9.61%	7.69%	14.74%	18.49%
Total Terminations	34	47	54	67
Total Employees	340.45	340.45	340.45	370.45
Percent of All Employees Terminating	9.99%	13.81%	15.86%	18.09%

Status of FTE From the 2007 Legislative Session:

The 2007 Legislature funded 20 new FTEs for Child and Family Services—15 for State Fiscal Year 2008 and 5 for State Fiscal Year 2009.

The 15 FTEs for FY 2008 were allocated to the five Child and Family Services regions based on a formula which considered the number of investigations and the number of children in foster care in each region taking a snapshot of that data on a specific date for each of three years. The data was averaged and weighted 35% for investigations completed and 65% for children in care. The 5 FTEs for FY 2009 were allocated one per region.

Once the FY 2008 FTEs were allocated to the region, each Regional Administrator assigned the FTEs within his/her respective regions based on their analysis of the needs in that region. Based on the formula, the FTEs were allocated as follows:

Region 1—Eastern:	2.0 FTE
Region 2—North Central:	4.5 FTE
Region 3—South Central:	6.0 FTE
Region 4—Southwestern:	3.0 FTE
Region 5—Western:	4.5 FTE

For FY 2008, twelve FTE became Child Protection Specialists (CPS) and three became CPS Supervisors. For FY 2009, three became CPS workers and two became Permanency Planning Specialists.

CPS Caseload/Workload: Measuring the caseload/workload of Child Protection Specialists is complicated. The CAPS system does not capture all the information needed to determine the caseloads statewide in a "useable" manner. The division has identified caseload tracking as one of the needs to be considered when designing the new automated system.

By utilizing the information available, the statewide average caseload is approximately 14 children plus 7 open investigations on the caseload at any given time. This will vary by worker because some workers are combination workers who do both investigation and on-going activities, some workers are investigation only and some workers are on-going only.

Vacancy Savings Questions:

Question #1: How many positions are vacant now (January 2009) and what do they do? Why are they open? Which of these positions are held open to meet vacancy savings?

This table provides the answers to all of the questions. This data is as of January 15, 2009

CFSD	Advertised	Bureau Chief	1.00
		Child Protection Specialist	2.50
		Social Service Technician	0.50
	Filled	SSI Program Specialist	1.00
	Hard to Fill	Child Protection Specialist	3.50
		Fam Grp Decision Making Coord	1.00
	Interviewing	Child Protection Specialist	1.00
Under review	Administrative Assistant	2.00	
	Child Protection Specialist	3.00	
	Lawyer	1.00	
Vacancy Savings	Child Protection Spec Sup	1.00	
	Child Protection Specialist	4.70	
CFSD Total			22.20

Question #2: How many positions would have to be held open to make the 4 percent vacancy savings? (Annual number) What groups of positions are most likely to be open and what do they do?

FY09: $375.45 \text{ FTE} \times 4\% = 15.02 \text{ FTE}$ (Based on the assumption that all FTE are funded proportionally)

LFD Page B-70: The vacancy report states that there is high turnover in several occupations including child protection specialists (CPS), program officers, SSI specialists and centralized intake (CI). This is primarily due to demanding, highly stressful job duties that overwhelm new hires, competition with other entities offering equal positions with less stress and higher pay, difficult to hire in very rural areas, and the 24/7 nature of centralized intake. The division has been addressing these issues by improving wages, offering state vehicles to those staff members that reside in Billings. Of the 22.20 positions that are currently vacant, these positions make up 74% of the current vacancies.

Question #3: What is the division's total 7 percent vacancy savings and how many positions would have to be held open to make the 7 percent vacancy savings? What additional positions (by group) are most likely to be open and what do they do? List only the additions to the 4 percent list.

FY09: 375.45 FTE X 7% = 26.28 FTE (Based on the assumption that all FTE are funded proportionally)

Additional open positions needed to achieve the 7% vacancy savings will likely be similar or the same types of positions as those listed in response to Question #2 above.

Question #4: Of the division's anticipated retirements, what positions do the retirees hold? Is the estimated payout still in line with the estimates on page B-4 of the LFD Analysis?

The division's employees eligible for retirement benefits based on projections using the data provided by DOA are 182 FTE for the biennium. The anticipated compensated absence liability of \$162,960 is still in line with the estimates on page B-4 of the LFD analysis. The following table shows the retirements that have occurred in the past two fiscal years in general job categories.

Management	Pay Bands (7,8,9)	9%
Manager/Supervisor	Pay Bands (5,6,7)	9%
Professional/Program	Pay Bands (5,6,7)	36%
Administrative	Pay Bands (2,3,4)	45%
		<u>100%</u>

Question #5: Would the division make cuts in the operating budget to meet vacancy savings? Please identify.

If needed to achieve the target amount of vacancy savings, the division can consider reductions in travel, training, equipment purchases and other discretionary operating costs. All operating budget reductions for this purpose will be subject to the review and approval of the agency senior management team in light of overall agency priorities.

The division has already submitted a 5% Reduction Plan to the OBPP in preparation for the 2009 session which will be used to guide the initial division fiscal reductions if it becomes necessary.

Question #6: If the division should have to make cuts to services, which services would be reduced first? Does the division have the authority to eliminate any programs during the interim? Please list the programs.

Elimination of programs and services is not at the discretion of the division. If program or services reductions are required, the DPHHS senior management team will assess the agency priorities, critical service needs, federal and state mandates, as well as fiscal targets, and make recommendations to the Governor for his consideration.

2. Child and Family Services Review and Program Improvement Plan Development: The on-site review component of the federal Child and Family Services Review was conducted in August, 2008. The Division is waiting for the draft report from the Children's Bureau of ACF.

Once the draft report is received, the Division has 30 days in which to challenge any facts contained in the report (conclusions cannot be challenged). The final report is then issued. Based on other state's experiences, the Division may receive the draft report in the spring, 2009.

Once the report is finalized, the division must develop a Program Improvement Plan to address the "areas needing improvement" identified in the final report. The percentage of improvement is determined by the Children's Bureau with little opportunity to really negotiate the percentage of improvement which must be accomplished under the plan. The Program Improvement Plan is a two year plan. The Children's Bureau may impose sanctions if the division does not successfully complete the plan. In the first round, states which did not successfully complete their program improvement plan within the two years were given a year's grace period in which to do so. Montana didn't need the grace period because the division met each of the goals negotiated in the plan.

Preliminary development of the plan has already begun by the Program Improvement Group (which is comprised of staff from each region). This group will take the preliminary information and start to develop goals, objectives, and actions steps for those measures/outcomes the division knows must be addressed.

One area which will be difficult to address is the impact the judicial system had on Montana's performance during the Child and Family Services Review. During the site review, the federal reviewers identified actions taken by the county attorneys, the public defenders, and the courts themselves which impede the division's ability to achieve permanency for some children.

The timeframe within which all this must occur could be problematic. The Program Improvement Plan is a two-year plan. The division will not have a full two years to meet the negotiated goal on any outcome for which legislative action may be needed if the division receives the final report by March, 2009, and has the Program Improvement Plan negotiated by October, 2009.

Possible sanctions: If the Division does not meet the established percentage of improvement within the two years of the plan (or possibly within three years if the grace year is allowed to be in the second round of reviews) a sanction will be applied. The plan will establish goals for improving: 2 composites and 20 outcomes. Although no amount can be identified for this review, under the 2003 – 2005 Program Improvement Plan, a sanction of approximately \$400,000 would have been imposed for each outcome for which the Division did not achieve the established goal.

3. Caseworker Visitation: A new federal requirement was imposed on the states requiring, by 2011, 90% of the children in foster care to have a meaningful face-to-face visit with their caseworker each calendar month with the majority of the visits occurring where the child resides. The division had to identify interim goals—if the interim goals aren't met, the state will be penalized. The requirements are written so that if one visit is missed, the case fails for the entire year—there is no provision for pro-rating if, for example, the child has a caseworker visit 10 of the 12 calendar months. The standard for this visitation is high and will be difficult to meet given the CFSD system capacity.

Child and Family Services submitted the baseline on October 31, 2007—Montana's baseline was 2% because the policy at that time was that the child had to be visited each month with a visit in the home each quarter. The interim goal for October, 2008 was 25% and the division was at 34.6% so the division surpassed that interim goal. By October, 2009, the division must

reach 40%; by October 2010 the division must reach 60%; and by October 2011 the division must reach the final goal of 90%.

To assist the division in reaching the goals, two modified caseworker visitation positions were approved for a pilot project by the Budget Office. Because of the services available in both Billings and Missoula, many children are placed in those two communities from outside the county. The two caseworker visitation specialists will focus on visitation with the children placed from other counties.

Possible sanctions: If the Division does not meet the interim goals a sanction will be applied each year based on the percentage by which the goal is not met.

4. Title IV-E Review: The next Title IV-E review is scheduled for June, 2009. The Title IV-E unit staff and program staff have begun to review the eligibility files of each Title IV-E child so adjustments can be made if Title IV-E for a child was incorrectly determined.

Possible sanctions: Eighty files will be reviewed. If Title IV-E is incorrectly used, the Division will be required to pay back the amount of Title IV-E which was claimed for that child.

5. Implementation of the Fostering Connections to Success and Adoption Incentive Act of 2008: This federal legislation contained multiple new requirements. CFSD was required to notify the Children's Bureau by November 23 if legislation is needed to implement any of the provisions. If legislation is required, that legislation must be in effect by July 1, 2011.

CFSD notified the Children's Bureau that legislation would be needed for at least three of the provisions: Development of health care oversight and coordination plans for children in foster care; due diligence to identify and notify adult relations within 30 days of a child's placement in foster care (we may need to amend the confidentiality statute); and case plan inclusion of a plan for educational stability of the child while in foster care. The other provisions of the legislation will be implemented via policy requirements.

This is the legislation which allows the Tribe's to access Title IV-E foster care funding directly. Once more information is available as to how those provisions will be operationalized, CFSD staff will work closely with any of Montana's tribes which decide to develop their own Title IV-E plan/program.

6. Automated Systems Issues:

a) Montana Automated Child Welfare Information System (MACWIS) - Update: The 2007 Legislature appropriated \$27.15 million for the development of a new automated system to replace CAPS. The funding is in the ITD budget and that division has the lead as to technology with CFSD having the lead programmatically. The new system will be the federal Statewide Automated Child Welfare Information (SACWIS) system.

The RFP for the planning consultant was issued and the proposals were reviewed and rated on 11/19/08. The contract was offered to the company with the highest rated proposal. CFSD has three modified FTEs—one for a project supervisor and two for project analysts. The supervisor position has been filled. The project analysts have been advertised three times and one remains unfilled. That position will be advertised again. The Division is working with Human Resources to make the position more attractive to qualified candidates.

b) Adoption and Foster Care Analysis and Reporting System Review (AFCARS):

This review was conducted the week of December 8, 2008. The review was a federal audit of a state's ability to report adoption and foster care information as required by federal law. The AFCAR reporting requirement is a subset of SACWIS (discussed above).

One primary purpose of scheduling the review during December was to assist the division in identifying deficient areas so they can be corrected in the new MACWIS system. The review consisted of 50 foster care cases and 20 adoption cases in addition to running a group of 16 various scenarios that were predetermined to see how they would come out in the reports.

The timing for this review was positive in that the findings of the review can be considered in the development of the new system. The preliminary findings shared during the exit interview indicated that, among other things, approval of the new system was timely and the new system will better meet the reporting requirements.

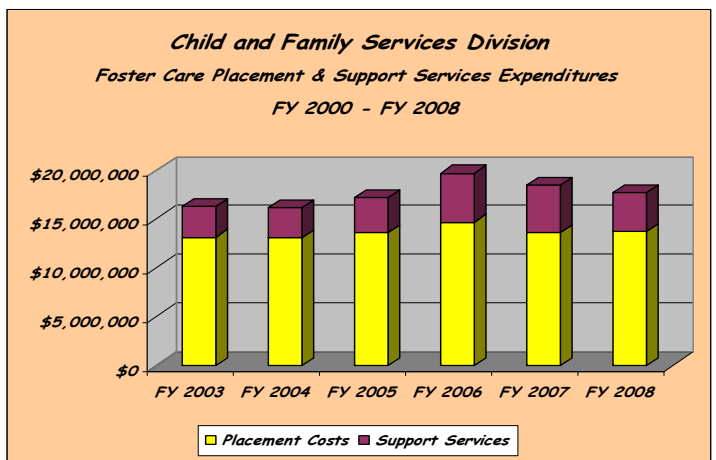
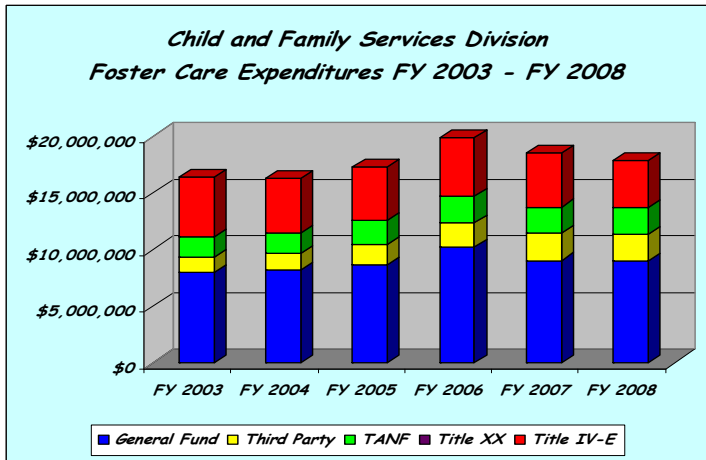
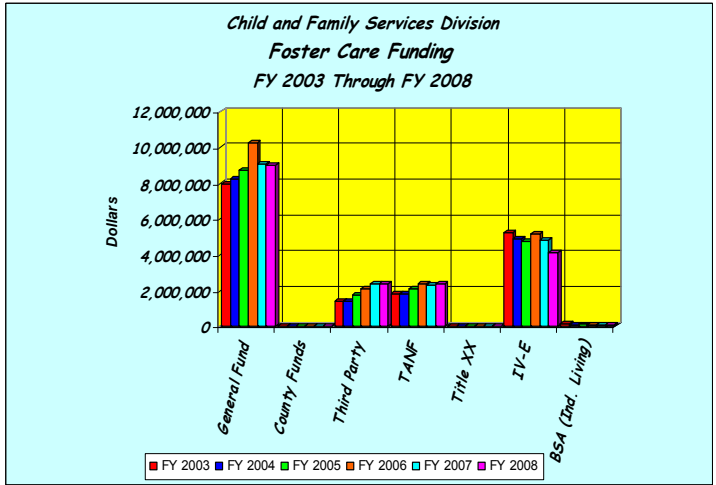
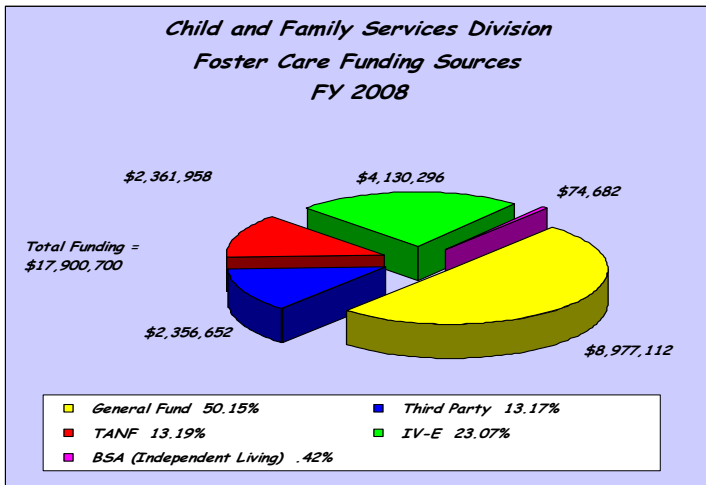
New proposed federal rules related to the AFCARS reporting system have been promulgated but not finalized. Depending on the timing of adoption of the new rules, the Division will either have to incorporate the new requirements into CAPS or design them into the new system. These new rules will also have major policy implications because of the extensive new data elements.

- c) National Youth in Transition Database:** States are now required to track youth after they transition out of foster care and to collect data from at least 60% of those youth after they leave foster care including, but not limited to, the following: 1) employment status, 2) education status, 3) medical status, and 4) housing arrangements, whether they have had children. This database must be implemented by October 1, 2010, and is an unfunded mandate in that the division will receive no additional federal monies to assist in the development. This means that resources will have to be re-directed from other areas to make the required changes. CFSD had hoped that implementation of these requirements could be delayed until the new MACWIS system is operational but CFSD has been advised that implementation can't be delayed.

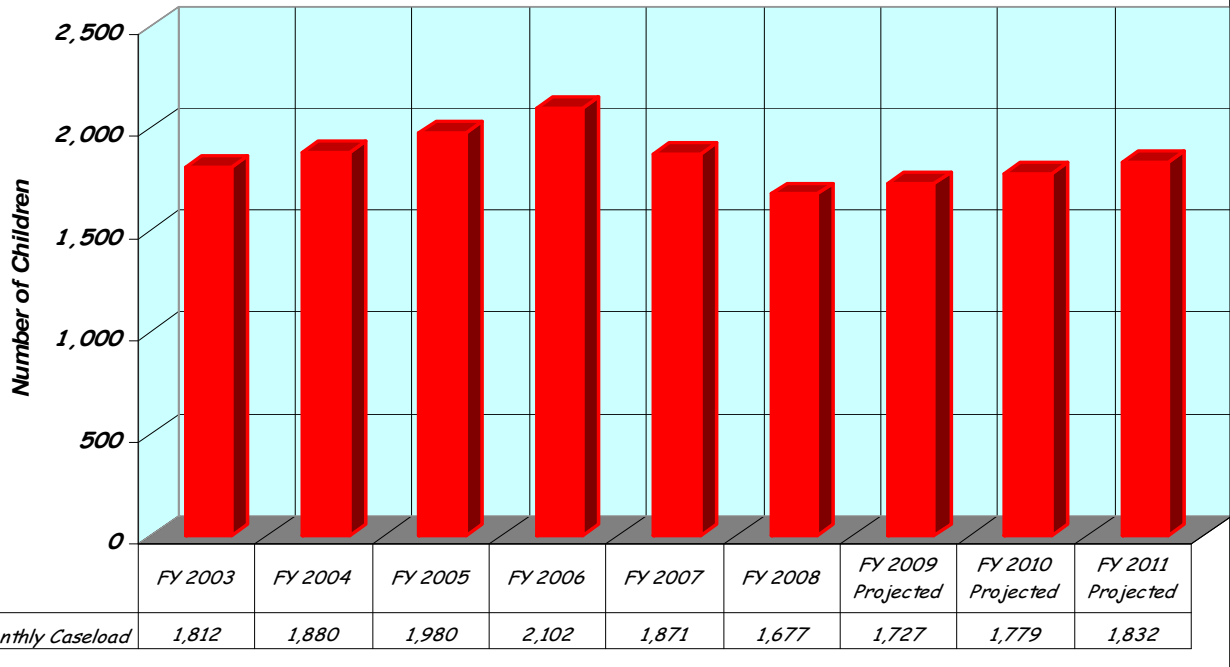
Attachment A

WHAT THE FOSTER CARE PROGRAM DOES

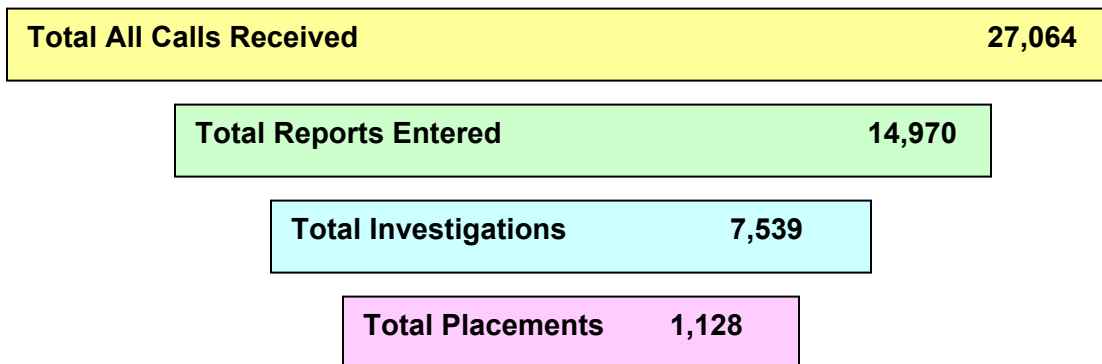
Foster Care Program: The Child and Family Services Division is mandated by both state and federal laws to provide protective services to children who are abused, neglected, or abandoned. This includes receiving and investigating reports of child abuse and neglect and helping families to stay together or reunite, and finding placements in foster or kinship homes.



**Child and Family Services Division
Foster Care - Average Monthly Caseload
FY 2003 Through FY 2011**



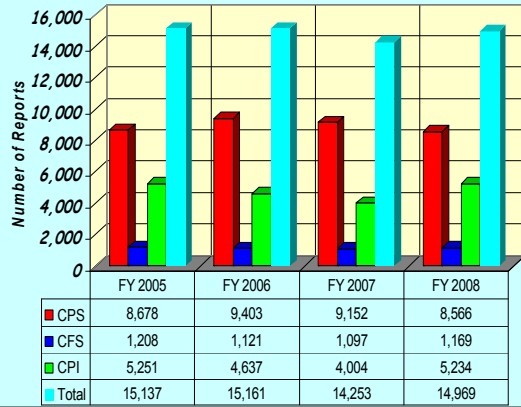
Centralized Intake FY 2008



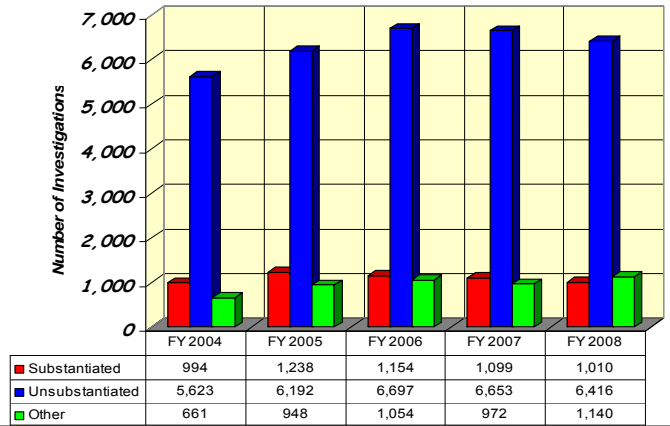
11,062 Children involved in Investigations

2,666 Additional Info/New Incidents Added to Reports

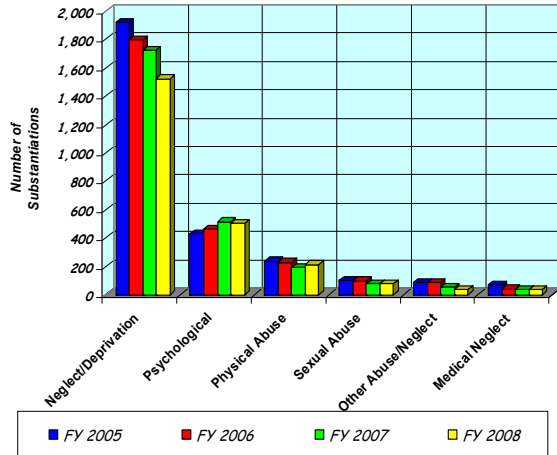
**Child and Family Services Division
Reports of Child Abuse and Neglect
FY 2005 Through FY 2008**



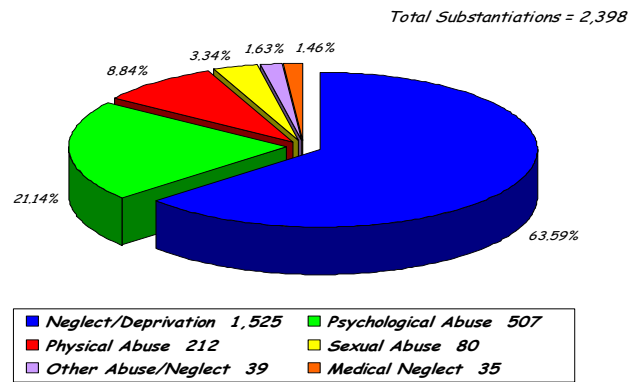
**Child and Family Services Division
Child Abuse and Neglect Investigations
FY 2004 Through FY 2008**



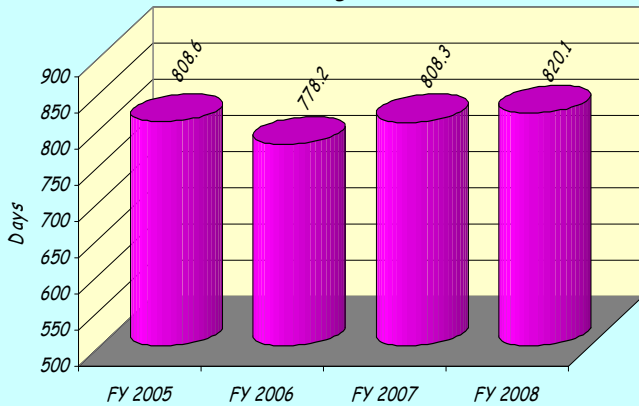
**Child and Family Services Division
Substantiations By Type
FY 2005 Through FY 2008**



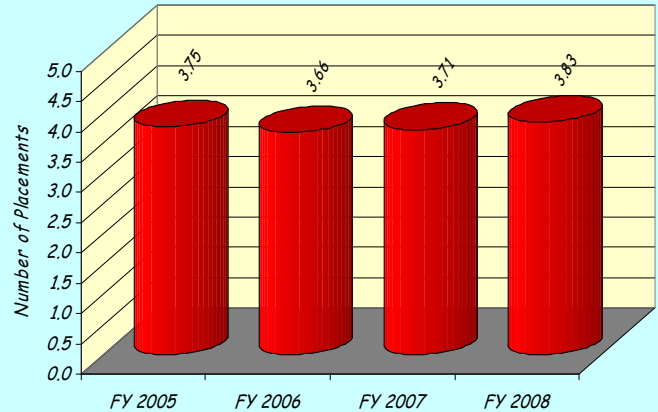
**Child and Family Services Division
Substantiations by Type
FY 2008**



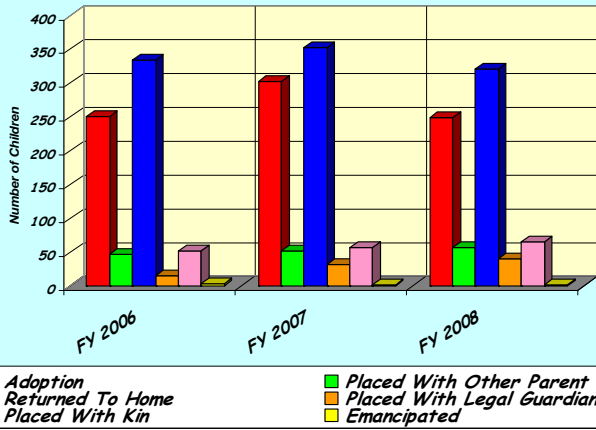
**Child and Family Services Division
Average Number of Days in Care
FY 2005 Through FY 2008**



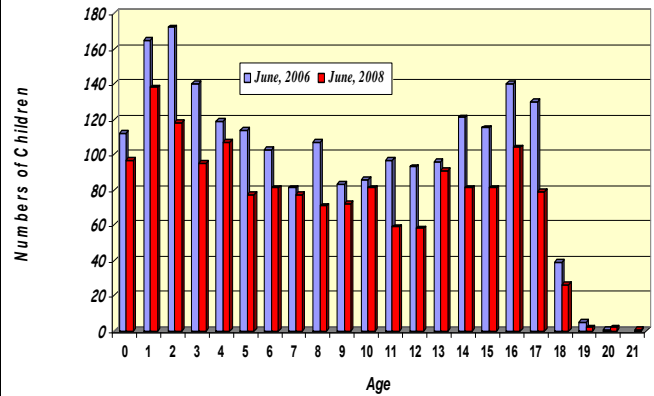
**Child and Family Services Division
Average Number of Placements
FY 2005 Through FY 2008**



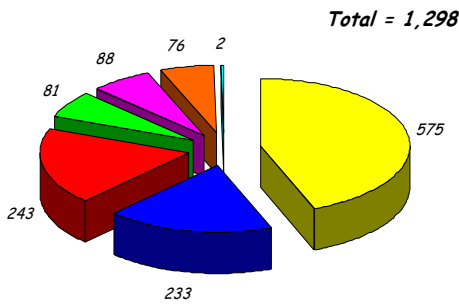
**Child and Family Services Division
Permanency Outcomes
FY 2006 Through FY 2008**



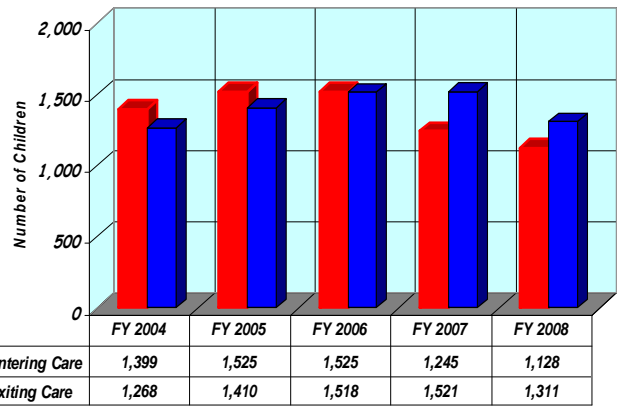
**Child and Family Services Division
Ages of Children - Foster Care
June, 2006 vs. June, 2008**



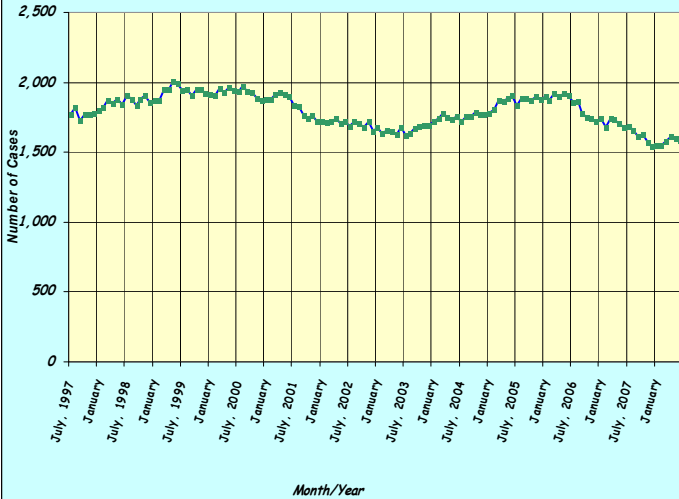
**Child and Family Services Division
Children Exiting the System
FY 2008**



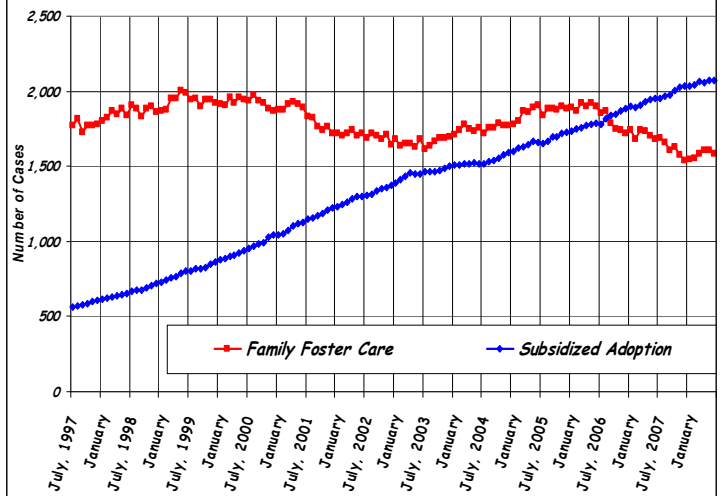
**Children Entering & Exiting Care
FY 2004 Through FY 2008**



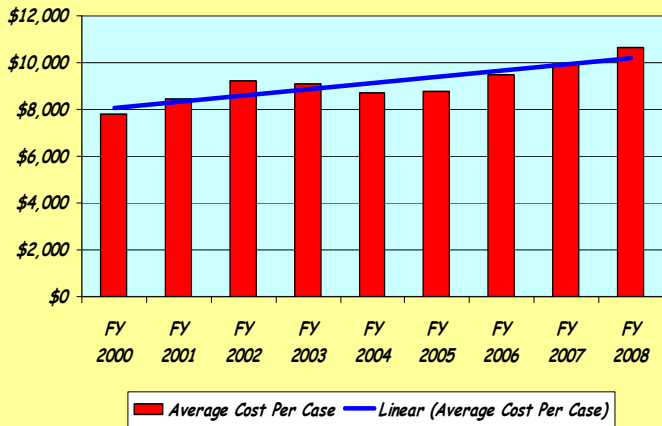
**Child and Family Services Division
Total Paid Foster Care Placements
FY 1998 Through FY 2008**



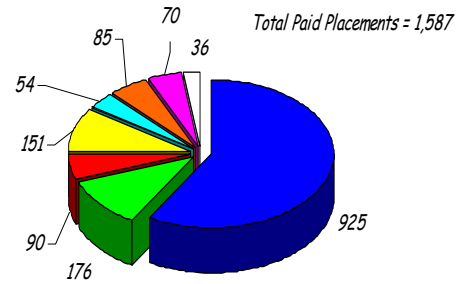
**Child and Family Services Division
Foster Care & Subsidized Adoption - Caseload by Month
FY 1998 Through FY 2008**



**Child and Family Services Division
Foster Care - Average Cost Per Case
FY 2000 - FY 2008**

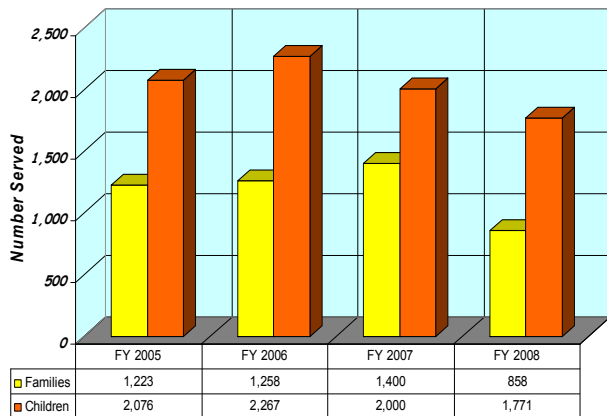


**Child and Family Services Division
Paid Placements
June 30, 2008**



- Family Foster Care 58.3%
- Kinship Care 11.1%
- Therapeutic Foster Care 5.7%
- Therapeutic Group Care 9.5%
- Out-Of-State 3.4%
- Specialized Foster Care 5.4%
- Shelter Care 4.4%
- Foster Care Group Home 2.3%

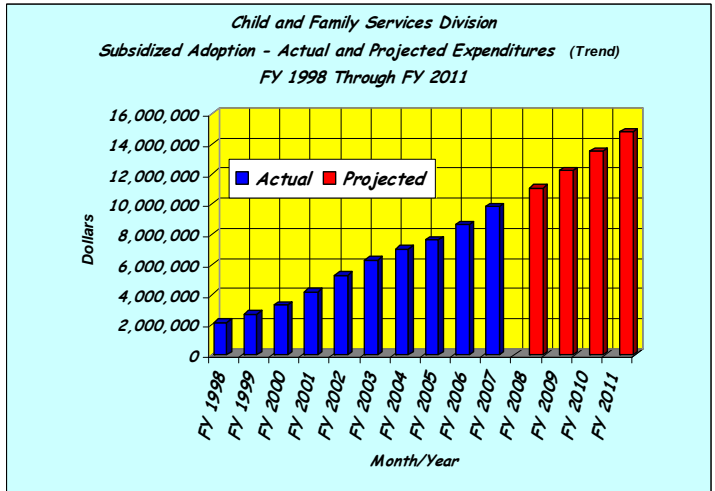
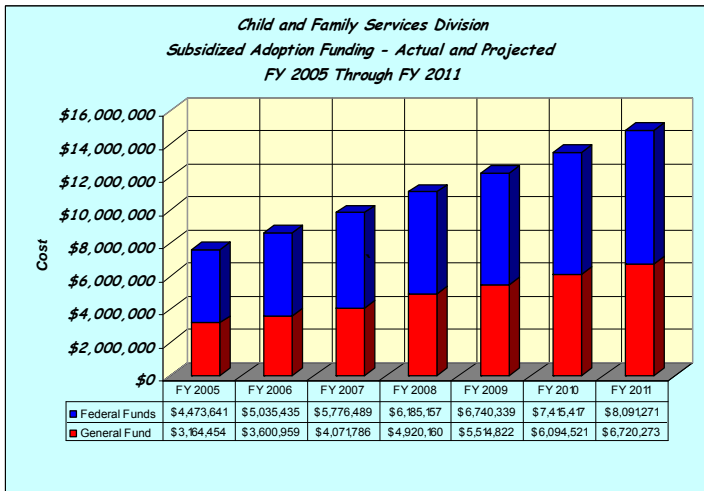
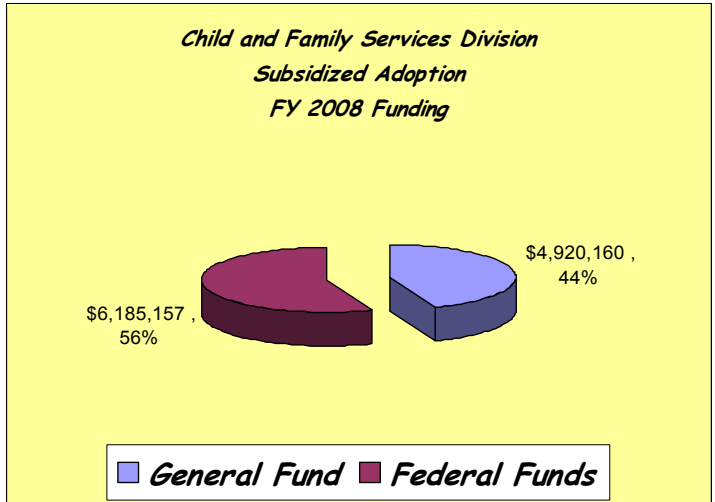
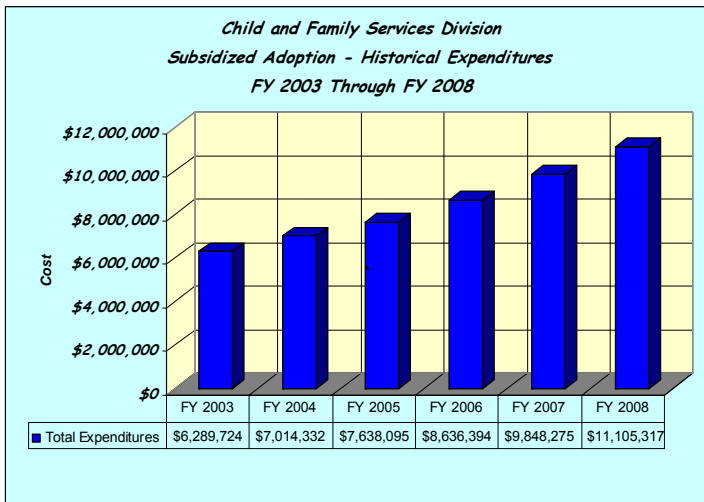
**Child and Family Services Division
In-Home Services and Family Reunification Services
FY 2005 Through FY 2008**

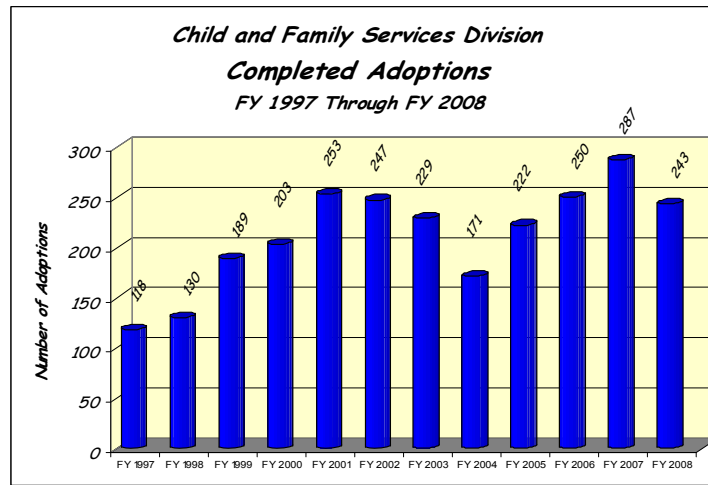
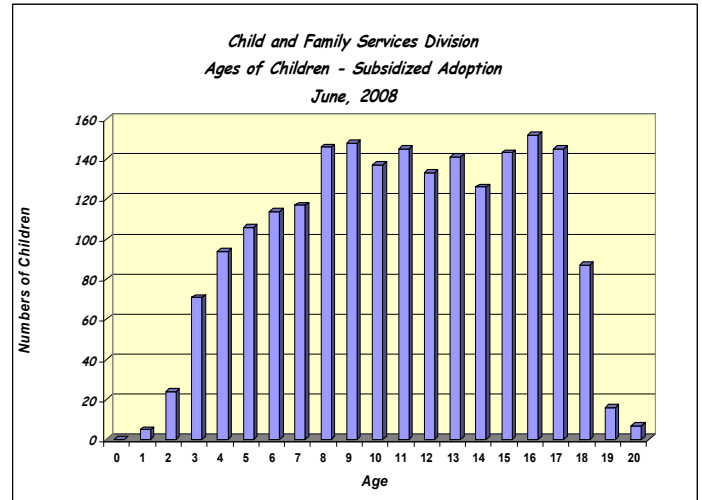
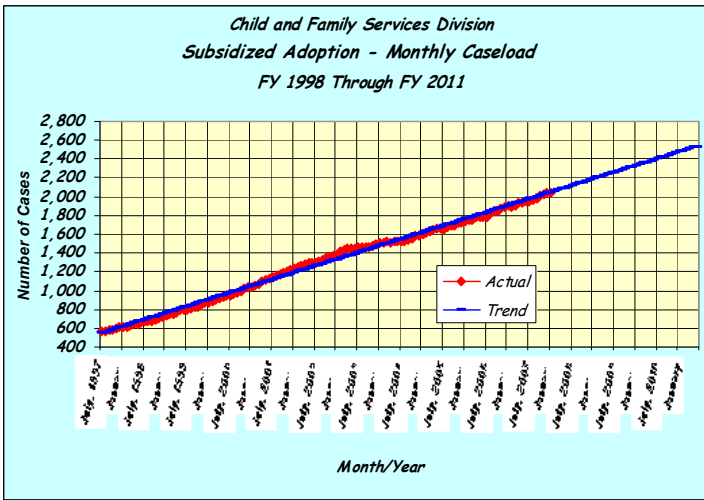


ATTACHMENT B

WHAT THE SUBSIDIZED ADOPTION PROGRAM DOES

Subsidized Adoption Program: Children who are available for adoption through the Child and Family Services Division of the Montana Department of Public Health and Human Services have been removed from their own families because of abuse, neglect or abandonment and cannot safely remain at home. The rights of their parents have been terminated making the children available for adoption. Subsidies may be negotiated to help maintain the permanency of the adoption. The amount of the subsidy is based on the needs of the child and may not exceed \$10.00/month less than the cost of foster care.





Attachment C

Expanded Justifications

PL 30020: Annualization of Tribal General Fund (LFD Page B-72)

In FY 2008, Child and Family Services Division renegotiated contracts with tribal entities. Many of these contracts were not signed until January, 2008, making some of the contracted dollars go unused. This request adds \$227,000 of general fund and \$987,000 of federal funds for each year of the 2011 biennium.

Expanded Justification:

1. Why is this proposal needed? The Child and Family Services Division renegotiated new Title IV-E foster care contracts with the tribes for FY 2008. Many of these contracts were not signed until January, 2008 making some of the contracted dollars unusable. This request adds \$227,000 of general fund and \$987,000 of federal funds for each year of the 2011 biennium. Because of the length of time it took to renegotiate the contracts and because of implementation issues with the new contract provisions, expenditures for the tribal contracts were significantly lower in FY 2008 than in prior years. These funds will allow CFSD to maintain the historical funding levels for tribal IV-E contracts.
2. What are the goals of the proposal? The primary goal is to maintain historical funding levels for the IV-E tribal contacts.
3. How will progress be measured? Progress will be measured by the reimbursements made to tribes via the IV-E contracts.
4. When will key activities to the proposal be completed? Funds would be available for the tribes for both FY 2010 and FY 2011 and would be passed through to the tribes via negotiated contracts.
5. Who will do the work? CFSD will work with the tribes in establishing budgets that will allow the full amount of funds be passed through to the tribes.
6. How does the funding work? Title IV-E funds may currently only be passed through to the tribes for administrative costs (staff and operating expenses) related to performing allowable IV-E activities. CFSD also provides some general fund for the IV-E tribal contracts and the tribes themselves provide funding for the IV-E match as well as funding for non-IV-E activities. For foster care maintenance payments, CFSD pays both IV-E and general fund for IV-E eligible tribal children.
7. What are the challenges to implementing this proposal? N/A
8. What is the risk to the state if the proposal is not adopted? Because the FY 2008 actual expenditures (base budget) do not reflect historical funding levels, CFSD would have to reduce the amounts of both general fund and federal funds passed through to the tribes. There was never any intention to reduce funding for the tribal contacts.

NP 30005: Therapeutic Group Home Fund Switch (LFD Page B-73)

The Child and Family Services Division is requesting \$1,000,000 in general fund for the 2011 biennium. Medicaid is changing its reimbursement policy such that Medicaid will now only reimburse for the therapeutic portion of care. Expenses associated with room and board will no longer be reimbursable. As a result, this will shift additional general fund costs to Child and Family Services Division.

Expanded Justification:

1. Why is this proposal needed? The Child and Family Services Division (CFSD) is requesting \$1,000,000 in general fund (\$500,000 in general fund for each year of the 2011 biennium) for a required change in the Montana Medicaid program. The Montana Medicaid program is changing their reimbursement policy for Therapeutic Group Homes (TGHs) as a result of federal law changes and is expected to implement the changes on July 1, 2009. The Health Resources Division (HRD) of DPHHS required TGH providers to submit cost reports for FY 2008 and is currently analyzing the data and evaluating potential reimbursement methods. Both HRD and CFSD currently reimburse TGHs wherein HRD pays for the medical/treatment component (approximately 80% of the total daily rate) and CFSD pays for the room and board component (approximately 20% of the total daily rate).
2. What are the goals of the proposal? The goal is to correct noncompliance with federal Medicaid laws and to ensure that CFSD and HRD each pay their fair share for the costs of maintaining children in Therapeutic Group Homes. Federal law now requires states to reimburse TGHs using a fee-for-service reimbursement method. Montana Medicaid currently uses a bundled daily rate.
3. How will progress be measured? Both HRD and CFSD can report back to the legislature on the results of the audited cost reports of the TGH providers, establishment of new allocations between treatment and room and board components and the new rates and rate methodologies.
4. When will key activities to the proposal be completed? The current plan is to implement changes in TGH reimbursement by July 1, 2009.
5. Who will do the work? Both CFSD and HRD staff will need to modify their current reimbursement amounts and/or methodologies. HRD staff is currently analyzing the TGH cost reports.
6. How does the funding work? Currently, Medicaid pays the "treatment" component for children placed in a TGH and CFSD pays for the "room and board" component. Medicaid expenditures are made at the FMAP rate for children in foster care who are eligible for Medicaid. CFSD pays for children in foster care, some of which are eligible for IV-E funding at the FMAP rate and some who are not eligible for IV-E and whose room and board must be paid with 100% general fund.

Our experience with other states is that the room and board component typically varies from 40% to 60% of the daily rate. Increasing the portion paid by CFSD from 20% to 40% will result in a significant increase in general fund costs because many of the children placed in TGHs are funded with 100% general fund dollars. Any savings realized by HRD will be transferred to CFSD to help fund the increased costs for CFSD and this decision package already accounts for this transfer. CFSD is optimistic that the

CFSD share of TGH reimbursement will be no more than 40 - 45% of the daily reimbursement although that percentage could increase based on the analysis performed by HRD.

7. What are the challenges to implementing this proposal? Challenges include analyzing the cost reports of all TGH providers, establishing an allocation of costs between treatment (HRD) and room and board (CFSD) and setting new rates in both divisions.
8. What is the risk to the state if the proposal is not adopted? The primary risk to the state is that the Medicaid State Plan may be found out of compliance and the state may have to reimburse the federal government for funds spent which were not in compliance. This amount could exceed \$4 million per year. Another risk is that if the proposal is not adopted, CFSD will not have general fund sufficient to pay the new rates and programmatic reductions will be needed.

NP 30024: SSI Contracted Services for Transitional Kids (LFD Page B-74)

The Child and Family Services Division (CFSD) is requesting a reduction of \$122,734 general fund, an increase of \$27,316 in federal funds and \$200,000 in state special funds for the 2011 biennium. This request is for contracted services for an SSI transitional worker.

The Child and Family Services Division (CFSD) is requesting contracted services for SSI transitional kids. The contractor will make SSI applications on behalf of children who are in the custody of the state of Montana and who are considered to meet the SSI criteria. Typically, these children have either a physical or mental disability that entitles them to SSI. CFSD estimates that the four incumbent SSI Specialists generated more than \$400,000 of general fund savings in the Foster Care program in FY 2008. This request is for contracted services that will be used to primarily address issues for children aging out of foster care who have multidisciplinary needs.

Of approximately 1,600 children in foster care, 340 (1 in 5 children or 21%) are currently receiving SSI or SSB benefits. These funds are collected by the state of Montana and are applied toward the cost of foster care. When children age out of foster care they must undergo an "Age 18 Redetermination" based on adult SSI eligibility criteria. We believe that children receiving benefits when they age out of foster care have a better chance of passing an Age 18 Redetermination. Also, when children age out of foster care the state of Montana no longer has custody or responsibility for a child however these contracted funds will be used in part to assist those children who volunteer to have the state assist them in submitting the appropriate paperwork for an Age 18 Redetermination.

Expanded Justification:

1. Why is this proposal needed? The Child and Family Services Division (CFSD) is requesting \$(122,734) in general funds, \$27,316 in federal funds and \$200,000 in state special funds for the 2011 biennium. This request is for contracted services for an SSI Specialist/Transitional Worker. The contractor will make SSI applications on behalf of children who are in the custody of the state of Montana and who are considered to meet the SSI criteria. Typically, these children have either a physical or mental disability that entitles them to SSI. CFSD estimates that the four incumbent SSI Specialists generated more than \$400,000 of general fund savings in the Foster Care program in FY 2008.
2. What are the goals of the proposal? There are two primary goals. The first goal is to provide SSI Specialist services to children aging out of foster care who have

multidisciplinary needs. This is a service that is not currently provided by CFSD. When children age out of foster care they must undergo an "Age 18 Redetermination" based on adult SSI eligibility criteria. The Division believes that children receiving benefits when they age out of foster care have a better chance of being approved for an Age 18 Redetermination. When children age out of foster care the state of Montana no longer has custody or responsibility for a child; however, these contracted funds will be used in part to assist those children who volunteer to have the state assist them in submitting the appropriate paperwork for an Age 18 Redetermination.

The second goal is to maximize the amount of SSI/SSB funds collected by the state for children currently in foster care and by applying these funds towards the cost of providing foster care. The current number of SSI Specialists (4) is not adequate to complete and submit SSI applications for all of the children in foster care who potentially qualify for SSI/SSB as an adult.

3. How will progress be measured? Progress can be measured by determining the number of SSI/SSB applications made that resulted in additional funding and by counting the number of children transitioning into adulthood who were provided Age 18 Redetermination services.
4. When will key activities to the proposal be completed? The contractor will be hired by October 1, 2009 and will have been fully trained by June 30, 2010.
5. Who will do the work? Funds under this proposal will be used to hire a contractor.
6. How does the funding work? The services will be funded 73.88% general fund and 26.12% federal funds and generate an estimated \$100,000 in third party revenue (SSI/SSB) for the 2011 biennium. Of approximately 1,600 children in foster care, 340 (1 in 5 children or 21%) are currently receiving SSI or SSB benefits. These funds are collected by the state of Montana and are applied toward the cost of foster care, reimbursing both state general funds and federal funds in the same proportions that the original foster care payments were made.
7. What are the challenges to implementing this proposal? One of the biggest challenges will be in finding or training a person with substantial knowledge of the SSI application processes for both children and adults because the criteria used by the Social Security Administration is different for each category.
8. What is the risk to the state if the proposal is not adopted? One of the risks is that some children with multidisciplinary needs may age out of foster care and have very few, if any, services available to them. Another risk is that the state will lose federal SSI/SSB funds that could be available for children who meet the SSI criteria.

Attachment D

Statutory Requirements:

Child and Family Services authority to provide services is derived from Montana Code Annotated. Mont. Code Ann. Title 41, chapter 3, contains the authority for providing child protective services, Title 42 contains the authority for adoption services, Title 52, chapter 1 contains the authority for general children's services, and Title 52, chapter 2 contains the authority for the provision of child welfare services and youth residential services.

Major Federal Laws Include:

Indian Child Welfare Act	1978
Children's Justice and Assistance Act	1986
Multi-Ethnic Placement Act	1995
Child Abuse Prevention and Treatment Act, as Amended	1996
Adoption and Safe Families Act Amendments	1997
Foster Care Independence Act	1999
Promoting Safe and Stable Families Amendments	2001
Child and Family Services Improvement Act	2006
Adam Walsh Child Protection and Safety Act	2006
Safe and Timely Interstate Placement of Foster Children Act	2006
Fostering Connections to Success and Increasing Adoptions Act	2008

Attachment E

Child Protective Services Continuum

Report → Investigation → Determination of child's safety →

- No further involvement with the family
- Referral to community resources (no subsequent child protection specialist involvement)
- In-home services (child can safely remain in home)
- Foster care (child cannot safely remain in home)

If child placed in foster care → Evidence of reasonable efforts to prevent removal (active efforts if ICWA); reasonable efforts to reunite family are required.

If reunification is not possible → Reasonable efforts to place the child in a permanent placement are required.

Permanency Options →

- Reunification with parent from whom removed
- Placement with non-custodial parent
- Adoption
- Guardianship
- Placement with a fit and willing relative
- Planned Permanent Living Arrangement

Child Protective Services Process

- Suspected child abuse, neglect or abandonment is reported to Centralized Intake (866) 820-5437.
- Centralized Intake determines the appropriate response utilizing objective criteria based on statutory authority and definitions.
- CPS reports are referred to a child protection specialist for investigation: response required within 24 hours for emergent reports.
- Child protection specialist investigates, assesses the child's safety, and takes appropriate action.
- Child protection specialist may remove the child from the home if the specialist determines the child is in immediate or apparent danger.
- If the child is removed from the home, the child protection specialist must submit an affidavit to the county attorney within two working days of the removal (excluding weekends and holidays).

- If the child is removed from the home, the child protection specialist must provide a copy of the affidavit to the parents within two working days, if possible.
- If the child is removed from the home, the county attorney must file a petition within 5 working days of the removal (excluding weekends and holidays).
- If the child is removed from the home and a petition filed, the first judicial hearing must be held within 20 days of filing the petition (with the exception of ICWA cases when the judicial hearing must be held within 10 days of the parent and tribe receiving notice of the filing).

Receipt of Reports

- Reports of suspected child maltreatment are called in to the Centralized Intake hotline.
- Upon receipt of a report, Centralized Intake assesses the information based on objective criteria derived from statutory definitions of child maltreatment to determine the required response.
- Certain mandatory reporters are required to report if, in their professional capacity, they know or have reasonable cause to suspect that a child is being maltreated.
- Mandatory reporters include, but are not limited to, school personnel, medical personnel, medical personnel involved in the delivery of a drug-affected infant, law enforcement personnel, and foster parents.
- The name of the reporter is confidential and may only be disclosed by court order.

Investigations and Determinations

- Reports assessed by Centralized Intake as requiring an investigation are sent to the field for investigation.
- If Centralized Intake assesses the report as an emergency, the child protection specialist must initiate the investigation immediately and no later than within 24 hours of receiving the report.
- If the report is not assessed as an emergency, the child protection specialist must initiate the investigation within 14 days.
- The child protection specialist must make a determination within 60 days of commencing an investigation.

- The child protection specialist must determine if the report is substantiated, unsubstantiated, or unfounded.
- The Division has a substantiation rate of approximately 15% (Standard for substantiation: Substantial risk of harm or actual harm; preponderance of evidence)
- If the child is removed from the home or the report of suspected child maltreatment is substantiated, the child maltreatment must meet the statutory definition of child abuse/neglect:
 - actual physical or psychological harm to a child;
 - substantial risk of physical or psychological harm to a child;
 - abandonment; or
 - exposing a child to the criminal distribution of dangerous drugs, the criminal production or manufacture of dangerous drugs, or the operation of an unlawful clandestine laboratory.
- Physical or psychological harm to a child means either actual harm or substantial risk of harm to a child by the acts or omissions of a person responsible for the child's welfare.
- Types of child maltreatment as defined in statute:
 - abandonment
 - physical abuse
 - physical neglect
 - psychological abuse or neglect
 - sexual abuse
 - sexual exploitation
 - withholding of medically indicated treatment
- If the report is substantiated or the child is removed from the home, the legal standard which must be met is preponderance of evidence of either actual harm or substantial risk of harm.

In-Home Services

- Provided when the child protection specialist has assessed risk of abuse, neglect or abandonment and has determined that the child may remain safely in the home.
- In-home services are provided primarily by contracted providers.
- In-home services include, but are not limited to:

- Home visiting
- Parenting classes
- Stress and anger management
- Budgeting
- Transportation
- Child care/respice

Foster Care

- A child is placed in foster care when the child protection specialist has determined that the child cannot remain safely in the home.
- A foster care provider must be licensed before a maintenance payment can be made on behalf of a child.
- Foster care is provided by foster families, child placing agencies, and out-of-home providers.
- Foster care is also provided by kincare providers (relatives, members of the child/family's tribe, godparents, or stepparents or by whomever a child, child's parents and family ascribe a family relationship and in which the child has had a significant emotional tie to the provider that existed prior to the agency's involvement with the child).
- Unpaid placement options include placement with the noncustodial parent and unpaid kincare placement.

Permanency

- Permanency options include: Reunification with the parent from whom the child was removed, placement with the non-custodial parent, placement with a relative, guardianship, planned permanent living arrangement, adoption.
- The most desirable permanency option is reunification of the child with the parent(s) from whom the child was removed; second is placement with the non-custodial parent.
- If a child cannot be safely reunified with his/her parents, the child protection specialist must make reasonable efforts to place the child in a permanent placement as quickly as possible.
- If a child has been in foster care 15 of the most recent 22 months, statute presumes that termination of parental rights is in the best interests of the child.
- If a child has been in foster care 15 of the most recent 22 months, the county

attorney must file a petition to terminate the parent-child legal relationship unless:

- the child is being cared for by a relative
 - the department has documented a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests
 - the department has not provided the services considered necessary for the safe return of the child to the home
- If the court terminates the parent-child legal relationship, the optimal permanency options available for the child are adoption or guardianship.
 - If the child protection specialist determines (and the court agrees) that the child cannot be returned home safely but termination of the parent-child legal relationship is not in the child's best interests, the permanency options available for that child are: Guardianship, placement with a relative, or long-term custody in a planned permanent living arrangement.
 - A permanency hearing must be held:
 - within 12 months after the first 60 days in care or within 12 months of the finding that the child was abused or neglected, whichever comes first; or
 - within 60 days of a determination that reasonable efforts to provide preservation/reunification services are not necessary (which includes, among other things, an adjudication based on abandonment); and
 - every 12 months thereafter until the child is in a permanent placement.
 - During the permanency hearing, the court must consult with the child in a age-appropriate manner regarding the proposed permanency plan for the child.