

ACF

TITLE IV-E PROGRAM IMPROVEMENT PLAN [PIP]

State: Montana DPHHS/Child and Family Services Division [CFSD]
 ACF Contact: Eric Busch
 ACF Regional Office: Region VIII
 Date of Title IV-E Review: June 2003 [Primary Review]

May 2005

Area Needing Improvement	Goals	Action Steps	Method of Measuring Improvement	Action Steps' Dates of Achievement	Progress Report Delays/ Barriers/Comments
<p>Lack of consistency and compliance regarding ASFA & Title IV-E requirements between CFSD, District Court Judges, County Attorneys, Tribal Courts & staff, GALS and Child Protection Unit Attorneys Montana District Court Judges, County Attorneys, Tribal Courts & staff, GALS and Child Protections Unit Attorneys have all not yet been fully familiarized with the ASFA & all Title IV-E requirements resulting in the lack of statutory compliance and consistency. Since this is further impacted by turnover, CFSD will continue to inform and update on an ongoing basis</p>	<p>Correcting the <u>Areas Needing Improvement</u> as identified in the Title IV-E federal review, June 2003. [Statutory compliance regarding ASFA and Title IV-E requirements]</p>	<p><u>Strategic planning with:</u> CFSD, Court Assessment Program [AKA Court Improvement Program, CIP], Department of Justice, and Tribal Courts. CFSD METNET [interactive video] CLE for Montana District Court Judges, County Attorneys, Tribal Courts & staff, GALS and Child Protections Unit Attorneys: Title IV-E requirements & ASFA, Legislative changes affecting Child Abuse and Neglect, and Ethics of the Indian Child Welfare Act CFSD Legal Summit</p> <p>Supreme Court Chief Justice Karla Gray acknowledged the critical issue of courts meeting statutory time deadlines for hearings with CIP and addressed this issue during the 2003 Montana Legislative Session.</p>	<p>Completed</p> <p>To be Completed</p> <p>Completed</p>	<p>On going</p> <p>October 3, 2003</p> <p>June 2004</p> <p>Montana 2003 Legislative Session</p>	<p>CFSD Legal Summit: The Division Administrator met with the Supreme Court Justice and the Attorney General. After discussion it was determined that a summit would not be supported by the Judiciary therefore the Summit was cancelled. Working relationships with the courts was identified in the CFSR and stakeholder meetings as an area that needs to improve. The Division will continue to work on building positive relationships and will conduct training with the Judiciary and County Attorneys and will carry this theme over as a goal in the 2004-2009 Five-Year Child and Family Services Plan</p>

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<p>Lack of documentation of statutorily required hearings/court orders in case files</p>	<p>Court Improvement Project [CIP] Improve the compliance of court orders and hearing documentation</p>	<p>Montana Senator Mike Cooney's 2003 legislation ensures separate notice to court[s]& statutory hearings' deadlines.§41-3-422(2) (b) CIP: Exploration of the automation of court orders and hearing documents generated at the time of the court hearing 1. Obtain system capability information from JCMS manager 2. Obtain data on time/cost effectiveness from other states with automation in place 3. Present written report on feasibility to judges for discussion</p>	<p>Completed Gather data through case sampling and review by CIP as part of its grant reassessment</p>	<p>Montana 2003 Legislative Session 1. May 2004 2. July 2004 3. October, 2004</p>	<p>Data regarding the time frames in which court orders are generated is being gathered as part of the CIP reassessment. Problem areas will be identified. (1)System capability has been explored and queries are being written to obtain needed information. Caution was advised in that not all counties enter data that is relevant. A new district court automation program, being developed by the Supreme Court, was made possible by a special legislative allocation in April 2005. This project will not be full operation until July 2007. Therefore, the automated generation of court orders and hearing documents will not be possible until that time. (2) Was not completed because of lack of program under (2) (3)To be completed [CIP was not successful in securing a time slot on the Judges' Association Fall conference schedule. Information will be given to the Supreme Court Administrator for dissemination] Court Administrator did not disseminate. Will not be completed since automated project has changed.</p>

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<p>Court orders and/or hearings aren't timely</p> <p>Temporary Investigative Orders [TIA] preceding removal of a child/ren by significant amounts of time are not acceptable as <u>removal orders</u>, even though they contain 'contrary to the welfare' & 'best interests' language</p> <p>Court orders are outdated or do not contain statutorily required findings [clear & appropriate documentation regarding the judges' judicial findings in removal orders & permanency hearings orders]</p>	<p>CIP cont. Increase the number of cases in which hearings were held and orders were signed within the statutorily mandated time frames</p> <p><u>Initial Removal Orders</u> will be obtained for all children at time of removal from home and placement into care</p> <p>In cases where the only remaining permanency option is <u>long-term foster care</u>, court orders will document the judicial findings as to the compelling reasons the other permanency options are not in a child's best interests [Reference: §41-3-445(6)(d)(v)(C) MCA]</p>	<p>CIP cont: (1)Provide training to Judges, Juvenile Probation Officers, County Attorneys, Public Defenders, Judicial assistants, Calendar Managers and Clerks of Court regarding ASFA time lines for hearings</p> <p>(2)Provide training to Judges, County Attorneys, Juvenile Probation Officers, and Public Defenders regarding the importance of removal orders</p> <p>(3)Identify process to standardize the language in court orders to contain adequate findings when applicable Provide training to Judges, County Attorneys, Juvenile Probation Officers, and Public Defenders that for the court to determine that long-term custody [if child is in a planned permanent living arrangement] is in the child's best interest, specific statutory requirements must be met [Reference: §41-3-445 MCA]</p> <p>CFSD Supervisors working with Foster Care Review Committees will evaluate the permanency goal of <u>long-term foster care</u> [for any child under review] within the preferred hierarchy of ASFA permanency options</p>	<p>(1)Ad hoc report from the new Quality Assurance tracking system on CAPS capturing data on timely hearings</p> <p>(2)Ad hoc report from CAPS capturing data regarding the issuance of a new removal order</p> <p>(3)Review the CIP reassessment case sampling for standardized language.</p> <p style="text-align: center;">↓</p> <p style="text-align: center;">↓</p> <p>CFSD Supervisors and Foster Care Review Committees evaluation results incorporated into FCRC 427 Part B at time of child's review</p>	<p>December 2004</p> <p>December 2004</p> <p>December 2004</p> <p>Initiated in CFSR PIP October 2004</p>	<p>(1)CIP Coordinator addressed the Montana Clerks of Court Association in June 2004 and relayed the importance of annual permanency hearings and asked for their help in calendaring them timely.</p> <p>CIP sponsored speakers from the ABA Center for Children & the Law at both 2004 & 2005 annual Prevent Child Abuse and Neglect Conferences. Speakers trained on ASFA, ICWA, substantive and procedural law.</p> <p>(2)CIP Coordinator will request ad hoc report from CFSD. Because of confidentiality laws, the CIP coordinator is unable to obtain and ad hoc report.</p> <p>(3) Currently being completed. Case reviews being conducted for the CIP reassessment will identify areas where training is needed regarding orders and standardized language pertaining to permanency options.</p> <p>Completed and on-going</p>

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<p>Juvenile justice cases do not appear to be in compliance with Title IV-E requirements</p>	<p>CIP cont: Increase the District Court Judges' understanding of Title IV-E statutory requirements, which will decrease the fiscal impact of ineligibility to the State</p> <p>Increase the Juvenile Probation Officers' understanding of Title IV-E statutory requirements</p> <p>CFSD: Any juvenile corrections youth determined to be ineligible for Title IV-E will not be claimed</p> <p>Title IV-E will not be claimed for periods of <u>ineligibility</u> identified for any juvenile corrections youth</p>	<p>CIP cont: Provide Title IV-E training at the Montana District Court Judges' annual conference</p> <p>Provide Title IV-E training at the Montana Juvenile Probation Association meeting</p> <p>CFSD State office Title IV-E Unit determines all IV-E eligible children</p>	<p>Completed</p> <p>Case sampling and review through CAPS and JCMS databases reports, dependent on available resources</p> <p>Decrease number of fiscal errors by no longer claiming incorrectly determined Title IV-E eligible juvenile corrections youth</p> <p>Increase in number of correctly determined Title IV-E eligible juvenile corrections youth</p>	<p>May 2003</p> <p>April 2004</p> <p>November 2003</p>	<p>The CFS Division Administrator presented at the Montana Judges' Association Spring 2005 Conference on the importance of Permanency Plan Hearings.</p> <p>Completed in 05/04. IV-E Unit Supervisor did training at the spring JPO Conference.</p> <p>The State Office Title IV-E Unit processes all juvenile corrections IV-E initial applications and redeterminations. The Unit controls the Title IV-E fiscal portion, as well.</p>

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<p>Quality Assurance process is needed to flag cases to: --ensure consistency in timeliness of Permanency Plan Hearings</p> <p>Montana District Court Judges, County Attorneys, Tribal Courts & staff, GALs and Child Protections Unit Attorneys have all not yet been fully familiarized with the Permanency Hearing requirements resulting in the lack of statutory compliance and consistency [further impacted by turnover]</p>	<p>Develop an electronic management information [MI] reporting system for CFSD to measure performance data and related measures to improve program performance and compliance with Title IV-E & ASFA statutory requirements. CFSR PIP Item 27 Goal: Montana will develop a process that ensures each child in foster care under the supervision of the State has a permanency hearing in a qualified court no later than 12 months from the date the child entered care and no less frequently than 12 months thereafter.</p>	<p>Negotiate and finalize the work contract with the University of Kansas in the development of the MI electronic reporting system. <u>CAPS</u> [CFSD Management Information System] is in the process of developing and finalizing a report, which will track PH. Reports to be distributed. CAPS Report #5357—monthly report identifies all children in foster care who are 90 days away from PH due at 12 months [distributed to Regional Administrators/Supervisors] Establish baseline for timeliness of Permanency Hearings from the June 2003 IV-E audit. <u>CFSD</u> Administrator provided training on Permanency Plan Hearing requirements to District Court Judges and County Attorneys with the legal training on Montana Legislative changes. This <u>METNET</u> [interactive video] also provided for CLE for Montana District Court Judges, County Attorneys, Tribal Courts & staff, GALs and Child Protections Unit Attorneys Introduce legislation to allow FCRC to conduct permanency hearings effective upon Governor signing.</p>	<p>MI system analysis.</p> <p>Improve timeliness of PH</p> <p>Quarterly Supervisory Reviews of selected cases.</p> <p>Compute percentage of cases reviewed in June 2003, Title IV-E federal audit, meeting the statutory Permanency Plan Hearing timelines **72.5%**</p> <p>Statutory bill drafted</p>	<p>October 15, 2004</p> <p>Ongoing</p> <p>Ongoing</p> <p>Completed</p> <p>Completed October 2003</p> <p>July 2004</p> <p>2005 Legislative Session</p>	<p>The CFSD demo site [contract with U of K] is now up and running as of May 18, 2005. CFSD data is in the process of being loaded. A demonstration was provided to CFSD State Office staff early in May 2005.</p> <p>-CAPS Report #5357 has been completed and is in production -150 peer case reviews have been conducted and the results regarding Permanency Hearing compliance are in the process of being tabulated The Division has developed a “Permanency Staffing Worksheet” which includes reporting on the Permanency Hearing status. The PP Specialists use it statewide. -The CFS Division Administrator attended the statewide County Attorneys’ meeting on July 7, 2004. The purpose was to ask their assistance in getting CFSD cases to court in a timely manner, particularly Permanency Planning Hearings. The Child and Family Services State Advisory Council acting as the state’s Citizen Review Panel been made aware of the timeliness issues regarding Permanency Plan Hearings and supports the Division’s effort to improve compliance. cont.</p>

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<p>Eligibility determination is currently a bi-furcated system with determination done by a separate division that leads to issues regarding consistency, documentation, accuracy and timeliness</p>	<p>Improve Title IV-E eligibility determination consistency, documentation, accuracy and timeliness</p> <p>All children determined to be ineligible for Title IV-E, will not be claimed</p> <p>Title IV-E will not be claimed for children with periods of ineligibility</p>	<p>CFSD assumed Title IV-E determination function from Public Assistance Bureau for all new Title IV-E cases</p> <p>CFSD State office IV-E Unit will track all new IV-E eligible children</p> <p>CFSD State office IV-E Unit will electronically monitor all field activity to ensure IV-E funding is not utilized during ineligible periods</p>	<p>Increase in number of correctly determined Title IV-E eligible children</p> <p>Individual compliance files maintained at State office for all IV-E eligible children</p> <p>CAPS IV-E Module to increase IV-E functionality is currently in design</p>	<p>November 2003</p> <p>November 2003</p> <p>Tentative implementation date December 2004</p> <p>Implemented and ongoing</p>	<p>cont. By enacting SB 119, CFSD will expand and enhance its capability to conduct PH's within the mandated timelines. Giving Administrative Review Committees authority to conduct these hearings will greatly expand and increase the number of PH hearings, allow for more time to consider individual cases and more correct/timely findings. SB 119 passed. Administrative Review Committees are now in 2005 Montana Code Annotated.</p> <p>The State Office Title IV-E Unit now reviews all IV-E initial and redetermination requests. All CFSD, tribal, and juvenile corrections cases must be submitted to the Unit as well. CAPS IV-E Module design was completed in December 2004. The implementation date is scheduled for October 2005.</p> <p>The Unit has the electronic capability to stop the use of Title IV-E funds for non-compliant cases. CAPS Fiscal Bureau staff and the Title IV-E Unit Supervisor have developed an EXCEL spreadsheet and are tracking targeted Title IV-E case factors to ensure accuracy of IV-E claims.</p>

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<p>Eligibility determination is currently a bi-furcated system with determination done by a separate division that leads to issues regarding consistency, documentation, accuracy and timeliness</p>		<p>CAPS quarterly adjustment to correct all IV-E fiscal errors [current and prior fiscal years]</p>	<p>CFSD Fiscal will report a decrease in IV-E fiscal errors Decrease number of fiscal errors by no longer claiming incorrectly determined Title IV-E eligible children</p>	<p>Implemented and ongoing</p>	<p>It was determined that the CAPS quarterly electronic/fiscal program adjustments were not accurate. Correction of this fiscal program problem is now in place and is on-going.</p>
<p>Licensing—there is a lack of policy on updating criminal background checks [should have another fingerprint check upon license renewal]</p>	<p>Establish and implement CFSD licensing policy requiring annual name based criminal records checks</p>	<p>Implement adopted policy requiring annual name based criminal checks for currently licensed foster parents</p> <p>FRS licensing supervisors shall receive a copy of the results of the most recent criminal records check as part of an application or reapplication packet</p> <p>Subsequent fingerprint based checks to be completed <u>only</u> if an applicant has not been licensed for more than a year or if the applicant has resided out-of-state for any period of time since being licensed as a foster parent in Montana.</p> <p>Family Resource Supervisors [FRS] licensing files monitoring</p>	<p>Reduce required licensing <u>file component</u> errors</p> <p>↓</p> <p>↓</p> <p>↓</p> <p>↓</p>	<p>Ongoing</p> <p>↓</p> <p>↓</p> <p>↓</p> <p>↓</p>	<p>CFSD policy has been developed and implemented requiring annual name based criminal records checks</p> <p>In process</p> <p>In process</p> <p>In process</p>

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<p>Licensing—there is a lack of policy on updating criminal background checks [should have another fingerprint check upon license renewal]</p> <p>File documentation and checklists could improve licensing and monitoring procedures</p>	<p>Establish and implement CFSD licensing policy requiring annual name based criminal records checks</p> <p>Licensing files will contain all of the information required by rule or policy</p>	<p>**CFSD Title IV-E Unit requires a copy of the current foster home license and a copy of the most recent results of criminal records for a foster family when an IV-E eligible child is placed with the family</p> <p>Prior to the time that IV-E funds are used to pay for foster care, the current license and result of criminal records checks must be received by the unit</p> <p>A checklist, which contains a list of all required components of a licensing file, will be developed and will become a required part of all licensing files</p> <p>FRS Supervisors licensing files monitoring</p>	<p>Reduce Title IV-E licensing errors</p> <p>The CFSD Licensing Checklist has been finalized</p>	<p>Ongoing</p> <p>↓</p> <p>↓</p> <p>↓</p> <p>↓</p>	<p>On July 14, 2004, the Division Administrator sent a detailed letter to all Regional field staff. The purposes of the letter were to inform and remind staff of the licensing requirements that must be met not only to ensure a child's placement safety but also to meet Title IV-E licensure requirements.</p> <p>The State Office Foster Care Program Officer and the FRS Supervisors are identifying the components and organization of licensing files.</p> <p>Checklist Finalized February 1, 2005</p> <p>Case reviews to monitor Licensing Files scheduled to start June 1, 2005</p>

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<p>The tribal councils sign tribal Title IV-E agreements but the tribal courts are not involved.</p> <p>Some tribes do not recognize ASFA</p>	<p>CFSD continues to establish procedures to improve communication and coordination between the Division, the seven Montana tribes and their respective tribal courts to increase consistency regarding Title IV-E statutory requirements</p> <p>All Title IV-E tribal contracts incorporate Title IV-E & ASFA requirements</p>	<p>CFSD and the Division Administrator will conduct ongoing ASFA and Title IV-E training at all reservation sites for Tribal Courts and staff [Court order requirements, Permanency Plan Hearings, Court Reviews]</p> <p style="text-align: center;">↓</p> <p style="text-align: center;">↓</p> <p>CFSD continues to work with all seven tribes regarding IV-E and AFSA compliance and how they relate to the tribal Title IV-E contracts</p> <p><u>All tribal contracts have been signed</u></p>	<p>Reduce Title IV-E and ASFA tribal case errors.</p> <p>Increase number of tribal cases meeting Title IV-E and ASFA requirements</p>	<p>October 27, 2003 & Ongoing</p> <p>Annual renewal of tribal contract addendums & modifications</p>	<p>During the last five years, each of the seven reservations have received Title IV-E training at least once a year and more often if the request including IV-E contract development, IV-E compliance and Permanency. Currently <u>all</u> tribal entities have requested and have been trained on the ASFA requirements. This year AFSA & Title IV-E trainings have been conducted in April 2004 and additional training is scheduled for August 2004. All tribes have received or will receive ASFA & Title IV-E trainings by July 2005. The training will be on-going as needed, as well. CFSD works daily with all seven tribes regarding IV-E and AFSA compliance and how they relate to the tribal Title IV-E contracts. CFSD continues to work with the tribes regarding ASFA and tribal codes. July 2004 all tribal contracts have been renewed.</p> <p>It is anticipated by July 2005, all tribal contracts will be renewed.</p>