

MISMANAGEMENT ALLEGED THROUGHOUT MONTANA'S CHILD AND FAMILY SERVICES

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Montana's Child and Family Services Division is tasked with safeguarding the wellbeing of some of the society's most vulnerable citizens, but in recent months the agency has been criticized by sources who claim longstanding mismanagement has fostered a broken system.

Nearly 20 sources with knowledge of Northwestern Division VI of Child and Family Services in Kalispell and other offices in Montana say over the years employees have had to maneuver a system that consistently fails to uphold its purpose, namely keeping children safe and families strong. They claim those suffering the most are children, who are sometimes unnecessarily taken from their homes and families by Child and Family Services. Many sources interviewed chose to remain anonymous, and to protect their identities, the Daily Inter Lake will not divulge names of those who currently work with Child and Family Services.

"When a child is removed from their parents they lose everything — their home, trust, their belongings and sometimes their school and friends," said Pat Sylvia, a now-retired former supervisor with the Kalispell office who held her position for more than a decade.

Melanie Sherman, a former caseworker at the Kalispell office, and others allege most issues in the system boil down to one overarching problem: poor management. Sherman and others claim some Child and Family Service workers holding management positions have abused their leadership roles by demanding workers remove children from their homes without enough cause. Sherman, who quit in November 2018, said employees should consider removal very carefully, given the act can impose unnecessary trauma to children who, if they are removed, often end up in the state's foster-care system.

There are almost 4,000 children in Montana's foster system, a number that has tripled over the last decade. However, state officials say the rate of children entering the system has slowed over the past year.

"We always consider what will be least restrictive and least intrusive to the child, but employees are constantly being asked to violate that," Sherman alleged. "If any of us try to stand up to management's decisions on how to handle a report or investigation, we are retaliated against."

Several sources pointed to a “culture of bullying,” with managers using “fear tactics” to control employees and families who question their authority.

The Daily Inter Lake made multiple attempts to contact local Child and Family Services managers, leadership at the state level and the Governor’s Office, but all questions regarding allegations were filtered through Montana Department of Health and Human Services spokesman Jon Ebelt via email.

Sheila Hogan, director of the state department, offered a written statement commending the “hundreds of CPS workers who perform this difficult work every day” and “work in tandem” with others in the community, from judges to law enforcement.

“We understand this [Inter Lake] article may contain various allegations made by former CFSD (Child and Family Service Division) employees no longer with the department. It is our obligation to ensure that children are safe, and we take this responsibility very seriously,” Hogan said in her statement.

One source described employee departures in Kalispell over the last two to three years as a “mass exodus,” leading to a significant loss of experienced staff members. Sources further allege substandard training models for new staff, and high turnover rates that have resulted in caseloads that far exceed normal expectations for workers.

Sherman worked at the Kalispell office for more than three years. In the last year or so of her time there, she claims as least a dozen people quit their jobs. At the time she left in November, Sherman estimates about half of the 16 positions at the Kalispell office were unfilled.

The state Department of Health and Human Services is currently advertising for 12 child-protection specialists, four of which are listed for the Kalispell office.

One former employee in Butte said 14 people quit in the span of her last few years on the job, prior to herself departing the job. Another source claimed six workers decided to walk out together from Child and Family Services in Billings on the same day because of management issues. Ebelt said, however, that the turnover rate for CPS employees has improved slightly in recent years.

The Child and Welfare League of America recommend caseloads between 12 and 15 children per worker at one time.

But Sherman said it wasn’t uncommon for her and her Kalispell colleagues to be handling three times that many cases at any given time. Another source with knowledge from the Butte agency said her workload was always double what it should have been. Ebelt recently said the Billings staff averaged caseloads of 60 children per caseworker.

According to Sylvia, those left behind to handle the growing caseloads after others leave often are the ones lacking experience.

When the state receives reports of alleged child abuse or neglect, staff assign them a priority level and refer the cases to one of the state's 29 field offices where they are expected to be handled in a timely manner. Some reports require contact be made immediately with the child, others are given multiple days.

Child protective specialists must also, within 60 days of receipt of the report, produce a written assessment to explain their determination.

"That assessment does an excellent job of determining cases and you most times end up with a very complete picture of how safe or not safe these kids are," said Matt Lowy, founder of Lowy Law PLLC in Missoula and a family-law specialist. "The problem is that it's incredibly time-consuming."

Sources admitted to missing deadlines for assessments under the drag of hefty caseloads. Some believe their deadlines became more unobtainable after the state adopted a safety-based model in 2012 known as the SAMS model. Instead of evaluating individual instances of abuse and neglect, the new model evaluates any potential threats to a child's safety as well — a process that begets much more in-depth assessments.

"It [the SAMS model] was intended to standardize investigation," Lowy said. "Instead of looking at incidents, they were starting to look at family functioning."

In 2015, a few years after the model was adopted, the Montana Legislative Audit curated a review of child abuse and neglect investigations. The report praised the SAMS model, but said it's still a work in progress. A subsequent report in 2017 reiterated the same findings.

SAFETY THRESHOLD FOR REMOVAL

"If the government intrudes into a family home, the purpose has to be for those who cannot protect themselves," Lowy said. "It has to be something so egregious that the parent hasn't done, doesn't know how to do correctly or they can just no longer provide for that child."

Sherman said Child Protective Services employees are trained to adhere to certain "thresholds" that dictate whether kids are removed from a house.

But the threshold sometimes is cloudy because every case is unique.

Those working the case look at many factors, including whether a "minimal standard of care" is being met by the guardian.

"Say a caseworker goes out on a call to a house and the mom is running a 104-degree temperature," Sylvia said. "She is managing to put some sort of food on the table for her kids, but she definitely isn't cleaning the whole house top to bottom. That meal she's providing is considered a minimal standard of care and the kids are not in danger."

Before a child is removed, a caseworker must reach out to management before proceeding. Regional administrators and supervisors ultimately give the final call on whether or not to remove a child. Sylvia said this is sometimes an issue of “assessing from the desk,” in which management makes a judgment call to remove a child despite having not “laid eyes” on the situation, or in some cases, having allegedly not reviewed reports from caseworkers.

“If the powers at the higher level don’t listen to those who are doing the hard work and have feet on the ground, the system does not work,” Sherman said.

Sources allege they have been asked multiple times to remove children when they believed it was unnecessary and removal would be traumatic for the child and would violate the “least intrusive, least restrictive” rule.

“Just before I resigned we were told to remove children if there was a question of safety, then continue the investigation,” Sylvia said. “I believe we were told to remove children unnecessarily and we broke up families needlessly rather than make a plan to keep families together safely.”

Sylvia, Sherman and other sources allege managers use intimidation when employees and families push against management’s calls to remove children from homes without substantial evidence to do so. Sherman said she doesn’t think the intentions are necessarily “malicious,” but she claims management would rather remove children and place them into the foster care system than deal with any potential repercussions that may occur should they not remove them.

“A CULTURE OF BULLYING”

To understand the full scope of alleged abuse of power, Sherman, Sylvia and others say one needs to look beyond Kalispell.

They noted how former administrators, or those who oversee staff at one of the state’s six regional levels, have been promoted to the state level despite once being in charge of a struggling area.

“We are asking different results from the same administrators,” said Matt Furlong, vice president of Montana Child Protection Alliance, an organization that provides support to families whose children have been removed from a home. “We have a culture of bullying that is happening at the top and trickling on down.”

For example, Furlong said, one employee who was recently named a division administrator for Child and Family Services in 2018 was a longtime regional administrator who oversaw the Great Falls office that has been the focus of past abuse of power allegations. Yet the former regional administrator for that office now holds one of the highest jobs in the state division.

Anne Gowen, who worked in Montana as a child and welfare worker and supervisor for nearly three decades, claims during her time at the Polson office in Lake County, the

regional administrator “forbade workers to speak to one another” and intimidated employees, yet that administrator now works at the state department in Helena.

Gowen said her experiences as a supervisor in Polson parallel those described in Kalispell.

Sometimes employees are placed on administrative leave without a clear reason as to why. Even though managers aren’t required to explain their personnel decisions to the staff, the abrupt departures of staff members negatively affects the work environment, sources said.

Kalispell’s Regional Administrator Scott Warnell was placed on [administrative leave](#) in early November. The state has declined to comment on why Warnell, who became regional administrator in 2016, was placed on leave or whether he will return to his position. The Inter Lake tried repeatedly to contact Warnell, but got no response.

According to Sherman, the current acting regional administrator in the Kalispell office has asked workers not to collaborate with one another on cases, a request that has caused staff morale to decline.

LAPSE IN RESOURCES

Furlong believes the state needs to step up to provide guidance for families whose children have been removed from the home.

He and others claim the department often fails to offer the tools or resources necessary to help struggling parents — something that works against the division’s goal of reunification.

Child and Family Services often doesn’t clearly relay the steps parents need to take in order to get their children back, which can include required counseling sessions, therapy and more, he said. Parents who reach out to the Montana Protection Alliance sometimes have a history of drug or alcohol abuse and the stress of losing their child makes them more susceptible to a relapse. About one quarter of children in the state’s foster care system are there because their parents abused methamphetamine, state statistics show.

A report from the Montana Legislative Audit found that “former management did not always stress the need to identify the conditions of return that a parent must meet in order for a child to safely return to their custody, which creates a delay in children returning home and consequently increases the number of children in foster care.”

Sources allege Child and Family Services, which has itself experienced bouts of decline in resources in past years, often does not provide resources for parents to better themselves.

The process of getting a child back with their parents can be laborious, Lowy pointed out. Parents are often expected by the department to make changes that require a complete shift in lifestyle.

“Those parents are the ones who do the heavy lifting,” Lowy said, adding the state’s foster system should encourage timely reunification and resources.

“Give every chance to the family to be successful and be together,” Lowy said. “We want to be able to tell the child as they grow up and get older that we did everything we could.”