

## Montana, with Second-Highest Foster Care Rate in Country, Likely Delaying on Family First Act

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Montana Capitol Building

**Montana has the second highest rate of removal** to foster care in the country, behind only West Virginia. In fiscal 2017, according to recent federal statistics, 16.8 of every 1,000 children in the state were in foster care. The national average is 5.8.

Despite these dismal statistics, the state is planning to seek a delay in implementation of a federal law that would open funds to help serve more families without relying on foster care, according to a letter obtained by *Youth Services Insider*.

The letter, sent by the state's top health official to colleagues, suggests that the state will not be ready to comply with the Family First Prevention Services Act (FFPSA) by the October 2019 deadline.

The Montana Department of Public Health and Human Services (DPHHS) "is focused on ensuring a successful statewide implementation and has, like the majority of states, decided not to rush into implementation," said the agency's director, Sheila Hogan, in her letter. "DPHHS will work closely with community stakeholders and providers as we anticipate implementation by October 2021 or earlier."

The [Family First Act](#) offers a federal match on spending for substance abuse, mental health and parenting services to help parents at imminent risk of losing their kids to foster care. This option will become part of Title IV-E, the entitlement that currently includes payments for foster care and for adoption and guardianship subsidies.

# 5.8 of every 1,000 U.S. children were in foster care in 2017

Rate of children (per thousand) 17 and younger in each state who were in foster care on the last day of FY2017



In Montana, 16.8 of every 1,000 children was in foster care during fiscal 2017, according to federal data. That is second only to West Virginia. Image [courtesy of Child Trends](#).

The law also limits IV-E funds for placements of kids into group homes and institutions, settings known as congregate care, to two weeks. States are permitted to seek a delay until October 2021 on meeting the congregate care limitations, but must forgo the new front-end services in the meantime.

Hogan noted in her letter that the congregate care limitations “will take time to successfully implement.” It will also take time to help some providers get accredited as “qualified residential treatment providers,” a more clinical class of congregate care that will be permitted to receive federal funds beyond two weeks.

Hogan, who did not return an email from *Youth Services Insider*, noted in her letter that the Montana Healthcare Foundation had funded the agency to set up some Family First Act stakeholder groups, in collaboration with the University of Montana’s Center for Children and Families and Workforce Development.

Unlike West Virginia and other states where the opioid epidemic is a main driver of foster care increases, Montana continues to struggle with abuse and neglect cases [involving meth use in the home](#). Even as many states saw their foster care totals drop in the previous decade, Montana’s numbers were on the rise.

The number of youth in Montana foster care jumped from 1,600 in 2008 to 3,853 in 2017, according to federal data. The total had risen to 3,922 by April of 2018, according to data provided by the state for our [Who Cares?](#) project.

“The destruction to families is incredible,” said Lake County judge James Manley, in a 2017 interview with *The Chronicle of Social Change*. “It breaks your heart to see families torn apart by addiction.”

From the numbers, it is easy to see why DPHHS might want to delay any law that cut back on funds for group settings. The number of Montana foster youth in congregate care went up almost 50 percent between 2012 and 2016. Meanwhile, the amount of non-relative foster homes available is down from 884 to 647.

But one advocacy group in the state said the state is really not doing enough to keep families together, and that is the only way it will ever get a grip on the use of foster care.

“Montana has been facing a foster home shortage for several years now due to the skyrocketing numbers of children in care,” said Kelly Santiago, a board member for the [Montana Child Protection Alliance](#) (MCPA), in an email to YSI. “The prevention services and strengthened reunification support provided through FFSPA are designed to keep more youth in their homes, thereby opening up foster home placements for children who truly need it.”

Santiago said that while the number of kids in congregate care is up, the actual number of providers in need of new accreditation “is a relatively small number.” She also said she expects that some of the youth in Montana group care would fall under the other Family First exceptions: pregnant/parenting girls, youth at risk of sex trafficking victimization, and those remaining in care after age 18.



Kelly Santiago, board member for the Montana Child Protection Alliance.

Meanwhile, Santiago said, the MCPA “has been contacted by hundreds of families across the state whose children have been wrongfully removed or whose rights have been violated.” She also pointed to [a 2017 report by the Office of the Child and Family Ombudsman](#), which showed a nearly 50 percent uptick in calls to the office from 2016.

Seventy-one percent of those contacts were from parents and relatives, according to the report. The most prevalent reasons for contact were concern about lack of referrals for services to complete reunification plans, and complaints about limited family visitation opportunities.

“If FFSPA is not implemented until 2021 and children continue to be removed at the same rate, the shortage of foster homes will continue,” said Santiago. “It is a chicken and egg dilemma.”