

08:42:06 From Tom Billteen - MT Court Improvement Program to Everyone:

Welcome All! Once again just a reminder to mute your microphone unless you are in a breakout or are speaking and video on if you are able to.

08:44:52 From Ashley Willcott to Everyone:

Thank you to Judge Gustafson, Marti and Nikki for inviting me today. I value interactive discussions so please ask questions, make comments and provide pushback as we talk about concurrent planning. This is a 'hot topic' nationwide! Ashley

08:45:53 From Eleanor Maloney to Everyone:

Could we get these charts and data emailed out to participants?

08:46:22 From Julie Burk to Everyone:

All presentation material will be posted on CIP's website.

08:50:55 From Tom Billteen - MT Court Improvement Program to Everyone:

<https://courts.mt.gov/CIP/> Link to Moving the Dial Material

09:02:42 From Kelli Sather-Missoula to Everyone:

The statistics we saw were for 12 months and the concurrent planning discussion seems to focus on 12 mos. First Q: Why 12 months and not 15 months? Second Q: Why this timeline (other than Fed laws) when we all know the statistics and problems with drug tx and mental health tx (specifically trauma related mental health issues) can take longer than this?

09:08:41 From Kelli Sather-Missoula to Everyone:

I was talking about trauma of parents and how long it takes to treat it so they can get their kids back.

09:12:05 From Dariya Mowry to Everyone:

I think its important to remember that in these cases we are not asking for the parent to be cured, we are looking for enough progress for them to be able to safely parent their children while some of them will require years of follow up treatment.

09:19:44 From Gail Bourguignon to Everyone:

I think an important aspect of concurrent planning is identifying potential options, preferably family, who are not only able and willing to be a permanent option for placement, but who are willing to be educated about the parent's particular challenges and who demonstrate commitment to supporting the parent. They can be a safe place as needed throughout the process, and be there if needed, but only be identified if they are someone that is supportive of the parent.

09:21:58 From Laura Moser to Everyone:

I would LOVE to see providers doing in-home chemical dependency services for families in our communities. Transportation can be a real barrier in our area due to distances and lack of public transport resources. Dept. staff will drive parents to appointments due to these issues but that is not always reality sadly.

09:25:56 From Ingrid Gustafson to Everyone:

We have developed a fair amount of chemical dependency evaluation and treatment and mental health services online. If you reach out to CIP we can help facilitate access to this when transportation or distance to treatment is a barrier.

09:34:10 From Michele Tillotson to Everyone:

THANK YOU so much!!

09:35:00 From Tom Billteen - MT Court Improvement Program to Everyone:

Break until 9:50 am

09:47:48 From Tom Billteen - MT Court Improvement Program to Everyone:

We will be resuming in 3 minutes.

10:16:02 From Amy Eddy to Everyone:

(1) Discussion of CFS's new concurrent planning procedure which took effect May 1, 2021. This requires the Permanency Plan Team to meet every 90 days to discuss concurrent planning. This team is built coming out of the FEM;

(2) Make sure there is a FEM referral coming out of the PHC to speed up the process;

(3) Discussion of Seneca letters going out, seeing who responds, and perhaps sending out more periodic letters;

(4) Difficulty in getting the timing of an ICPC correct so that it is done when you need it and has not expired;

(5) Making sure CASA is included early and consistently in any decision making;

(6) Need to talk about all possibilities for the child, not just the parents' preference, and discussion

of basis of the parents' preference; and

(7) Judge Eddy has added concurrent planning to her order outlining the status of the matter after the EPS hearing.

10:20:23 From Allie Harrison to Everyone:

Regarding barriers to concurrent planning: CFS sometimes feel pressured to put all their efforts into reunification, instead of fostering concurrent planning options. Some attorneys object to concurrent plans. Family relationships aren't always easy - there may be family conflict. Family members may not support reunification or support the parents. Positive steps forward: Need to ask parent who their support person might be, and get that person involved. It changes things with the level of trust and transparency. Respite is also a piece that is missed. If we have a kinship or trusted arrangement, the respite care language is less threatening.

10:23:20 From Ingrid Gustafson to Everyone:

primary barriers: 1) not wanting parents to feel like cards are stacked against them at the outset and 2) delays with placement licensing. Discussed how helpful it is for the judge to bring it up to help educate parents regarding federal law and expectations and to help them understand why their attorney and CPS are raising these discussions.

10:23:24 From Gabby Weber to Everyone:

I'm more than comfortable to mention that in pre-hearing conferences!

10:24:21 From Dan Wilson to Everyone:

In the second Flathead County team, the County Attorney believes that 'concurrent planning' is a term that ought to be replaced with the term 'contingency planning' to more accurately reflect what the law is seeking to accomplish and as a more accurate descriptor of this necessary process. Both CFS and the County Attorney believe that the change in implementing 'concurrent planning' should come about with the CPS discussing with parents a backup plan at the time of removal, discussion among all of the participants with the parents at the prehearing conference of this topic, and all participants discussing with the parents at Family Engagement Meetings the need to have a 'backup plan' in the event that things don't go well with the primary plan of reunification. They believe this would also serve to encourage parents to overcome their understandable desire to avoid involving others - including close family members and acquaintances - in their troubles and in their case.

10:26:34 From Kasodie West to Everyone:

Maren and I are more than happy to bring it up as facilitators. We also discussed that as the defense attorneys it is helpful for us to bring it up with our clients as an advocate and doing so in a family planning way, such as a will.

10:26:48 From Ashley Harada to Everyone:

Concurrent Planning discussion: We recognize it can be difficult for parents to feel inspired if there is a back up plan for them when/if they fail. We also want to start ICPCs earlier but we realize that is a lot of work for the department and a lot of extra follow up. We currently use quite a bit of concurrent planning but we don't necessarily use the term "concurrent planning" while we're working on cases. We would like the PHC coordinators to start asking: "if something happened to you today, what would you do with the kids or where would you want the kids to go?"

10:27:39 From Kasodie West to Everyone:

Judge Harada, I will add that to my PHC facilitator questions. I agree!

10:27:49 From Jessica Fehr to Everyone:

Our group decided that we need to work on the statute that allows for provisional approval of licensing guardians so that not only does it allow funding upon provisional approval but also that the time counts towards the 6 month requirement prior to finalization of approval of guardianship. Hate that any of that time is wasted.

10:29:58 From Tim Radle to Everyone:

I think sometimes missed in concurrent planning is the synergy's that can be built through the process, bringing in the broader family and where relevant the tribe, brings additional support resources to the parents and children. Long before these individuals are possible placements for the children if the parents are unable to address safety concerns, they can be temporary placements, connections to culture, someone to provide an outing, a emergency resource, a part of a safety plan, and a respite possibility now and in the future. We all need people, and this is a good process to identify those people who are not professionals in our system.

10:32:08 From Chris Hahn to Everyone:

Good representation of our discussion Judge Fehr.

10:32:10 From Laura Moser to Everyone:

I always ask the kids. They are great resources for information about concurrent planning!

10:32:31 From Tom Billteen - MT Court Improvement Program to Everyone:

Judge Rieger Team

- Laura – attempt to start conversation as early in the process as possible.
- Techniques and approach are very important to getting the information and support you need to

develop a continuum of care in the process

- Thoughts on concurrent planning using the 15 to 22 month timeline
 - o Pros and cons – from the child's perspective
 - o For sure want an operational plan before 12 months
- Family Engagement option a good place to start conversation of concurrent planning
- Question from CASA on how an exhaustive search of family options out of state is conducted.
 - o Eric mentioned conducting a SENACA search
 - o Laura - Close relative registry (supported through the Child Abuse Hotline) Child Support

Enforcement Division, Tribal Services.

- Using better language when working with families on concurrent planning
- Appreciate Judge Wolcott's statement that this is all players in the cases responsibility
- Worthwhile to review the current definition in statute

Barriers

- More Family Engagement Meet

10:41:58 From Nikki Grossberg to Everyone:

Recently, we have developed a more comprehensive procedure which is on our website.

10:42:31 From Julie Burk to Everyone:

Nikki, can you provide the website address or link?

10:44:08 From Tim Radle to Everyone:

<https://dphhs.mt.gov/CFSD/cfsdmanual>

10:44:35 From Nikki Grossberg to Everyone:

Thanks Tim! You bet me to it.

10:44:47 From Nikki Grossberg to Everyone:

beat

10:48:26 From Pamela Poon, PHC Facilitator, Gallatin to Everyone:

I have mediated several DN cases after the PHC that I facilitated. Generally, guardianship issues.

10:51:29 From Pamela Poon, PHC Facilitator, Gallatin to Everyone:

If mediation will be an option, identifying mediators in advance who are willing to accept the rates paid by the program should be a priority. Each district court should have a list, and the list should include whether the mediator will work for a discounted fee or sliding scale.

10:52:13 From Kelli Sather-Missoula to Everyone:

What program pays for mediation?

10:52:50 From Pamela Poon, PHC Facilitator, Gallatin to Everyone:

I believe those funds came from CIP. I cleared this with Julie Burk when it happened.

10:53:28 From Julie Burk to Everyone:

CIP doesn't have funds to pay for mediators.

10:54:58 From Chris Hahn to Everyone:

PHC's fill a mediation-like role, but the addition of real mediations could be helpful in many of these cases.

10:55:56 From Eleanor Maloney to Everyone:

For ICPC, there are specific exceptions, e.g. the non-offending parent. You don't always need an ICPC, perhaps limiting to only those who don't have an exception would streamline the process by removing a lot of unneeded requests from the backlog.

10:56:07 From Michele Tillotson to Everyone:

What does PHC stand for?

10:56:29 From Pamela Poon, PHC Facilitator, Gallatin to Everyone:

Pre-hearing conference

10:56:35 From Laura Moser to Everyone:

ICPC border agreements would be helpful in our area due to our close proximity to several states. We have done something similar in Montana with daycare payments to licensed daycare in ND (6 miles across the border) for one of our kinship placements in MT through the Best Beginnings Scholarship. It was very

helpful.

10:56:55 From Erin Burke to Everyone:

I've been told by CFS that additional barriers to starting the ICPC earlier are that some states will not issue one if reunification is still being pursued, and also that the ICPC will expire if it is not effectuated in a certain period of time.

10:57:06 From Ingrid Gustafson to Everyone:

We have used PHC (prehearing conference) facilitators at times to conduct mediations but unfortunately CIP doesn't have funds to do this consistently. Some jurisdictions have been able to get attorneys practicing in this area to serve as mediators for cases they are not in - as part of their pro bono work.

10:57:07 From Michele Tillotson to Everyone:

Thank you so much. We don't deal with those much here, so I wasn't familiar with it.

10:58:13 From Heather Sather to Everyone:

Also - in Yellowstone County, the Standing Masters have agreed to serve as mediators when asked by judges, and sometimes the judges will serve as mediators in each other's cases. Judge Fehr has mediated a Judge Souza case for us, for example.

10:58:25 From Tim Radle to Everyone:

6 months after approval of ICPC placement needs to be made, which does not prevent a new request being made if beyond that timeline.

10:59:09 From Dariya Mowry to Everyone:

But ICPC will have to be re-done if placement was not made in 6 months, which causes more delays.

10:59:11 From Kelli Sather-Missoula to Everyone:

What about states that won't issue one if reunification is still being pursued?

10:59:23 From Tim Radle to Everyone:

ICPC's help in multitude of ways beyond placement, providing a contact with resources in the state for the parent there, it can be very helpful for their success

11:00:19 From Chris Hahn to Everyone:

In other states, what programs might pay for mediations?

11:01:29 From Cindy Basnett to Everyone:

I'm wondering about the conversation happening at the permanent plan hearing. It seems like a check box to tic off for federal funding.

11:02:19 From Ashley Willcott to Everyone:

Great question re mediation. CIP has provided funding in one state. Some counties pay for it (out of the court budget).

11:02:33 From Michele Tillotson to Everyone:

I have several cases where placement has been in place for several months, however, they have received no financial assistance due to them not having their license. We need more provisional licensing so that placements aren't required to carry the entire financial load prior to licensing.

11:03:24 From Julie Burk to Everyone:

CIP does not have funding to pay for mediators.

11:04:25 From Ashley Willcott to Everyone:

Permanency plan hearing is the perfect opportunity to have a conversation about not only the prognosis of reunification, but the on-going diligent search and best contingency (concurrent) plan.

11:04:28 From Kelli Sather-Missoula to Everyone:

In response to Tim -- I have had cases where MT wanted an ICPC done (in addition to placement) to help the parent have a connection in the other State and help to get services set up. However, the other State wouldn't approve the ICPC because the parent wasn't engaging in services (at least they thought that) and the parent was caught in a Catch-22. The parent needed the local help to engage in services, but couldn't get the local help because they weren't engaged in services (according to the other State).

11:06:00 From Ashley Willcott to Everyone:

Eleanor, great suggestions to streamline ICPC. Good point that there are specific exceptions.

11:08:34 From Laura Moser to Everyone:

In our area I refer kinship placements to get licensed at time of initial placement and it is taking a very long time (sometimes 6 months or more) to get kinship licensed due to staffing shortages. We only have one licensing worker in our district who works long hours to license families and the Dept. also contracts with someone that is retired to help on kinship home studies/licenses. In our area we get creative about paying for some supports for our kinship families while they wait for licensing to be completed.

11:10:12 From Ashley Willcott to Everyone:

Like this idea: "Concurrent Planning discussion: We recognize it can be difficult for parents to feel inspired if there is a back up plan for them when/if they fail. We also want to start ICPCs earlier but we realize that is a lot of work for the department and a lot of extra follow up. We currently use quite a bit of concurrent planning but we don't necessarily use the term "concurrent planning" while we're working on cases. We would like the PHC coordinators to start asking: "if something happened to you today, what would you do with the kids or where would you want the kids to go?"

11:10:21 From Jessica Fehr to Everyone:

I am happy to do DN mediations for other districts via Zoom if there are any particularly sticky ones that need a try at mediation.

11:10:22 From Laura Moser to Everyone:

I have had other states refuse to finalize adoptions from out of state ICPC placements and God Bless our Judge in our county who has helped us think outside the box to accomplish those adoptions. Luckily it is not more than two states I have had this come up in.

11:11:06 From Ashley Harada to Everyone:

I'm also happy to volunteer to do DN mediations for other districts via Zoom.

11:11:11 From Ashley Willcott to Everyone:

There is also a law firm here who does mediations as pro bono work, to Judge Gustafson's point.

11:11:50 From Eleanor Maloney to Everyone:

I'd also be happy to help mediate cases outside my coverage area.

11:12:18 From Chris Hahn to Everyone:

I imagine some of us PHC facilitators could also help with mediations.

11:13:44 From Erin Burke to Everyone:

Would it be possible to organize a system for connecting mediation volunteers and requests?

11:42:32 From Julie Burk to Everyone:

Attorneys, if you would like CLE credit, which has been approved for 3.25 hours, please email me your state bar number and the number of hours (assuming you didn't participate in the whole training this morning), by next Wednesday, July 21. I will submit all of your names & bar numbers in one email to the state CLE commission. Thank you.

11:43:39 From Tom Billteen - MT Court Improvement Program to Everyone:

Judge Rieger – breakout 2

- How often are concurrent planning discussions occurring, and do the parents understand why they are occurring?
 - o Family support teams being used to do this upfront with in-home plans but traditionally starts at time of removal
 - o Having CASA's involved in FST's earlier is tricky because not appointed until time of removal. Helpful to get notes or some documentation of what's been discussed at FST. When involved it was very helpful. CASA role is very unique and can be a huge asset in "contingency planning" Participating on CPT and especially Permanency Plan Meeting.
 - o Parent's understanding of concurrent planning reason really varies based on parents ability to process and level of suspiciousness. This is where resourcing and involving service providers (therapists, case managers,) can help alleviate and support.
- Can you identify two steps that you could take in your region to start using concurrent planning in DN cases?
 - o Keeping all the players engaged throughout the proc

11:43:50 From Brooke Baracker-Taylor to Everyone:

Ashley, would you mind talking about the Fostering Connections Act as it relates to the diligent search and concurrent planning?

11:45:09 From Eleanor Maloney to Everyone:

41-3-445(8) IIRC

11:45:59 From Julie Burk to Everyone:

Everyone, Judge Willcott's Power Point and the Department's data slides will be posted on CIP's website at www.cip.mt.gov soon. Please be patient as it will take a few days or more. Also note that the cip.mt.gov link is not presently working, but a ticket has been submitted to ITSD. You can access it by googling the Montana Judicial Branch, clicking on "Programs & Services" and then seeing Court Improvement Program.

11:49:26 From Kelli Sather-Missoula to Everyone:

From Missoula's group: Parent's attorneys may bring up concurrent planning with their clients prior to the PHC. We could ask for a list of family members to invite to the FEM. Structure the PHC to be more accommodating and protect confidential matters. For example, talk about effectuating placement and an understanding the child's needs first, while not talking about sensitive matters in the presence of other family members.

11:50:03 From Jennifer Hoerauf to Everyone:

WE discussed that we can talk about opening this discussion at pre-hearing conferences but also request have OPD and department outlining to parents who the Department is required to contact (Seneca search) through statute. often parents are upset that we are contacting specific family member and not understanding the legal requirements. Secondly to get children involved , the court providing guidance asking Casa, child attorney or GAL be for inquiring on safe adults in their life. the concurrent plan is a in the best interest of a child and should be a shared responsibility

11:51:39 From Jessica Fehr to Everyone:

Mediation Update: Dr. Hahn is going to reach out to the State organization of mediators to see if there is interest in training on DN cases and potentially a state wide list of trained mediators willing to do pro bono mediations. If there is interest the thought is to tap the PHC coordinators and judges in Yellowstone County to put together a CLE/Training for the mediators on the law, goals and options in DN cases so we can expand the availability of mediations in contested DNs statewide. We will keep Julie B. and John G. posted. Thanks everyone.

11:58:27 From Ashley Harada to Everyone:

I'm also happy to volunteer with training, Dr. Hahn.

12:00:27 From Michele Tillotson to Everyone:

Do we use the same ZOOM link for tomorrow's session?

12:00:44 From Tom Billteen - MT Court Improvement Program to Everyone:

Want to take a quick minute to Thank Kevin Cook with the MT Office of Court Administrator's IT Department for his technical work on the Zoom Platform,

12:00:59 From Julie Burk to Everyone:

There is no session tomorrow.

12:01:01 From Michele Tillotson to Everyone:

Thank you for sharing your experience and information Miss Willcott! I learned a lot today.

12:01:06 From Allie Harrison to Everyone:

Thank you, CIP and Judge Willcott!

12:01:24 From Cook, Kevin to Everyone:

Thank You, Happy to help.

12:01:52 From Gabby Weber to Everyone:

Thank you Judge Willcott! Fascinating presentation and so wonderful to hear from you.

12:02:07 From Eleanor Maloney to Everyone:

Justice Gustafson and Judge Fehr: I would be happy to help with mediation training or DN training

12:02:18 From Michele Tillotson to Everyone:

I'm glad that I asked Julie Burk. I would have been trying to log in tomorrow too.

12:03:03 From Cherie LeBlanc-Dyba to Everyone:

Such a great session, looking forward to more

12:03:17 From Steve Caro to Everyone:

Great job today!

12:03:34 From Eleanor Maloney to Everyone:

Thanks everyone