



September 17, 2023

Via Email

Board of Directors
Intermountain Residential
500 S. Lamborn Street
Helena, MT

Re: Claims arising from termination of residential care

Dear Members of the Board:

Graybill Law Firm and Upper Seven Law represent a group of families and staff members impacted by Intermountain's decision to abruptly terminate residential care.

Intermountain Residential's young clients are severely challenged and vulnerable; their families are unlikely to find available, equivalent residential treatment options for them at short notice. Intermountain's plan to suddenly remove these children from its Helena facility would virtually guarantee that they will suffer irreversible setbacks in their recovery and face immediate harm.

Unless Intermountain commits to reasonably extend continuity of care for these children—whom it is contractually required to house, treat, and care for—we will sue to obtain an order for their immediate protection, to ensure their safety by restraining Intermountain's plan to precipitously and dangerously suspend operations and its care of these children. At a minimum, Intermountain must remain open and make its full services available until a safe and adequate discharge or transfer can be assured for each child. These children came to Intermountain after all other alternatives had been exhausted; the staff have, without qualification, saved lives. These children deserve more than sudden abandonment.

Our clients' rights to pursue this legal remedy arise from the fact that Intermountain's decision to suddenly halt operations violates Montana law. As a condition of its licensure through the Montana Department of Public Health and Human Services, Intermountain must create for each of its clients "a discharge plan, including planning for aftercare services, and estimated discharge date." Admin. R. Mont. 37.97.907(2)(k). For such plans, "[t]herapeutic group homes must document that the youth, parent/legal guardian, and placing agency participated in the development of the discharge plan and summary." Admin. R. Mont. 37.97.126(3). Further, Intermountain is required to respect certain "youth rights," including "consideration of the youth's opinions and recommendations when developing the youth's case plan with documentation of the youth's input." Admin. R. Mont. 37.97.159. Moreover, Intermountain contractually obligated itself to provide prudent, appropriate, and safe discharge/transfer services to its client families.

Regardless of ongoing disagreements between executive leaders and direct caregivers, Intermountain and its Board have legal and ethical responsibilities to the young people in their care. Ultimately, the Board is responsible for operations and for this decision. Intermountain can and must address management issues while ensuring continuity of care and the safety of children whose lives and wellbeing depend on its services.

We understand, based on conversations with client staff members, that barring additional resignations, Intermountain Residential has the staffing to maintain current operations through the end of November. This would allow for a more orderly transition than the current two-week timeframe. Further, it's our understanding that a one-cottage model is sustainable long into the future. We urge the Board to engage directly with Residential leadership on these issues, to develop a plan for orderly transition and continuity of care.

Make no mistake, Intermountain's decision to suspend operations is unsafe. Intermountain faces tort liability if it unnecessarily and abruptly terminates care for the children it accepted into its facility for care and treatment. As you know from your meeting with the parents, some of these children suffer from serious mental health conditions and have engaged in extremely harmful conduct to themselves and others. Such conduct is expected to continue if their treatment at Intermountain is abruptly terminated.

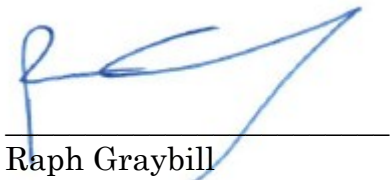
Affected children and their families will hold Intermountain and its principals fully responsible, in tort, for all damages that will inevitably result from the careless removal of treatment and residential care for these children.

We call on you to prevent Intermountain's abdication of the duties it has to the children in its care at Intermountain Residential. Otherwise, we will have no choice but to enforce our clients' legal rights against Intermountain. We will calendar 12:00 PM Tuesday for your reply to this letter, after which time we will seek judicial intervention to protect these children.

We recommend that you turn this letter over to your attorney and insurers immediately.

Sincerely,

GRAYBILL LAW FIRM, P.C.



Raph Graybill

UPPER SEVEN LAW



Constance Van Kley
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