

Glasgow couple sue Child Protective Services, accusing them of deceiving court

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Kolstads said workers disregarded their strong religious beliefs **[Emphases added]**

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(Photo illustration by Getty Images.)

The family of the teenager [who was taken](#) by the Montana Department of Public Health and Human Services' Child Protective Service has sued in federal court, alleging several civil rights violations when the social workers placed the teen in a psychiatric facility in Wyoming, **barring the parents from communicating with the child.**

Todd and Krista Kolstad of Glasgow have filed suit in Billings against DPHHS social workers Cyndi Baillargeon and Crystal Whitmore for taking their child **without due process and a warrant and interfering with their religious freedoms.**

The Montana DPHHS was not immediately available for comment when the suit was filed late Monday afternoon.

Kolstad's child, who is identified as "H.K." throughout the court documents, said he [she] identifies as transgender and wanted to transition to a male. However,

because of the Kolstads' strong religious beliefs, they objected and refused to let their child transition, believing it was a sin.

When their 14-year-old became suicidal, H.K., was taken to a hospital for in-patient psychiatric care, waiting for a more permanent bed in a psychiatric hospital. However, because of the Kolstads' understanding of Montana law, they did not want their child to be placed out of state for fear **that medical professionals elsewhere would allow the transitioning process to begin**. They believed that Montana law barred medical support to youth who want to transition, an issue that is still being litigated in courts.

However, the federal lawsuit says that the DPHHS, through Baillargeon and Whitmore, denied the Kolstads' due process rights, and that the workers lied to the court. They also claim that state workers abused the law by **not having a judge sign off on a warrant** removing the child from their custody.

Meanwhile, the state contends that it had the right to remove the child because of imminent harm and immediate danger. H.K. had originally been admitted to the hospital after claiming to have consumed an overdose of ibuprofen and toilet bowl cleaner. H.K.'s hospital tests results **showed neither were ingested**. The State of Montana said it was concerned with the risk of suicide.

Court documents filed Monday also allege that the Kolstads had been supportive of finding a hospital bed for H.K., in Montana, and believed the teen would be taken to Billings Clinic. However, they said with little notice, **the state switched plans, sending H.K., to a psychiatric treatment center in Casper and then forbade contact**. The Kolstads also maintain that both the in-patient Wyoming hospital and the **youth group home in Billings** allowed their child to be addressed by a male name, allowed male clothing and toiletries as well as provided chest binders — all things to which they objected.

The teen's birth mother now lives in Canada, where H.K. resides.

Attorney Matthew Monforton, who represents the Kolstads, argues in court filings that the child was **"not in any danger of serious bodily harm when CPS seized her."** Moreover, **according to the doctor's** notes in the court documents, H.K. was "not an active threat" of suicide or harm when moved to Wyoming.

However, the lawsuit argued that CPS workers **falsely testified in an affidavit that the teenager faced “an imminent risk of physical harm.”** Monforton said that Child Protective Services was also silent about the Kolstads’ deeply held religious beliefs.

“This omission was material because, **under Montana law**, a finding of child neglect cannot occur ‘for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child,’” the court documents said.

The Kolstads also claimed in the court filing that **they were told by Child Protective Services** that they would not regain custody “of their daughter unless they accepted her transgenderism.”

According to documents filed as part of the case, the state described its concerns for the physical health of H.K.:

“The cause, as far as is possible to ascertain, are allegations of physical neglect — the youth was suicidal and needed acute psychiatric care and the birthfather and stepmother refused to sign paperwork for the youth to receive the care that was recommended by the medical professionals.”

At the conclusion of the court case, though, Valley County District Court Judge **Yvonne Laird was sharply critical** of the Kolstads’ handling of the case, and questioned whether they truly had the best intentions for H.K.

“Unfortunately, during the pendency of this matter, the youth’s father and stepmother chose to focus on the youth’s struggle with gender identification rather than addressing the issues in the family home and **ensuring a safe and supportive environment for the youth’s suicidal ideation**,” [this is Progressive-speak for all things LGBTQ] the judge wrote.

The documents filed by Monforton said that statement, which the court relied on to make a determination, didn’t tell the full story: That the Kolstads were **supportive of some psychiatric care, but objected to transitioning** because of their religious beliefs.

He argued that federal law demands parental consent for medical procedures that are essential. Furthermore, he said that federal law only provides a narrow

exception **for seizing children without a warrant**, and the burden wasn't met in the Kolstads' case.

“Seizing a child without a warrant is excusable only when officials have reasonable cause to believe that the child is likely to experience serious bodily harm in the time that would be required to obtain a warrant,” the complaint said.

According to the case filing, at the time, H.K., was being held on 24-hour, one-on-one observation, making it unlikely it was a warrantless situation.

“(CPS) knew that H.K. was no facing an imminent substantial risk of serious harm when they seized her on Aug. 22,” the filing said. “Defendants’ deceit of the state court made the court’s proceedings against the Kolstads a sham from start to finish.”