



# MINUTES

## Jolene's Law Task Force

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**Senator Deb Soholt, Chair**

**Senator Alan Solano, Vice Chair**

**First Meeting**

**Room 413**

**2015 Interim**

**State Capitol Building**

**April 21, 2015**

**Pierre, South Dakota**

### **Tuesday, April 21, 2015**

The first meeting of the Jolene's Law Task Force for the 2015 interim was called to order by Senator Deb Soholt at 10:00 a.m. (CDT) in Legislative Conference Room 413 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Christine Bisek, Cam Corey, Dr. Nancy Free (via skype), Representative Peggy Gibson, Senator Jenna Hagggar, Ann Larsen, Angel Lisburg, Jolene Loetscher, Senator Deb Soholt, Senator Alan Solano, Hollie Strand, Virgena Wieseler, Colleen Winter and Tatewin Means. Members Excused: Daniele Dosch

Legislative Research Council staff members present: Amanda Reiss, Senior Legislative Attorney; Roxanne Hammond, Legislative Attorney; Jason Simmons, Senior Fiscal Analyst; and Cynthia Bautista, The Network's Project Specialist.

*NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting can be found on the Department of Health website at <http://doh.sd.gov/news/JolenesTaskForce.aspx>. This meeting was webcast live. The archived web cast is available at the DOH website.*

### **Approval of Minutes**

**REPRESENTATIVE JENNA HAGGAR MOVED, SECONDED BY REPRESENTATIVE PEGGY GIBSON, THAT THE MINUTES OF THE DECEMBER 1, 2015, TASK FORCE MEETING BE APPROVED. The motion prevailed on a voice vote.**

### **Opening Remarks and Introductions**

**Senator Deb Soholt** welcomed everyone to the first meeting in the second year of Jolene's Law Task Force. She summarized the process of SB71 – Jolene's continuation – through the 2015 Legislative Session and subsequent large public response and overwhelming support that the work continue. By Executive Order of Governor Dugaard, Jolene's Law Task Force is now funded through the Department of Health.

Task Force member and staff changes for 2015:

- a. **Wendy Kloepfner** has been added as a new member to the task force. She is the States Attorney for Hughes County, also having served in Butte County, Mead, Sturgis, and Pierre.
- b. The South Dakota Network Against Family Violence and Sexual Assault (The Network) will provide structural support for Jolene's Law Task Force. **Cynthia Bautista**, a Project Specialist, is the representative for The Network and lead for that support.

Senator Soholt recognized a member of the audience, **Mary Beth Holzwarth**, who has been a key citizen leader with Jolene's Law since inception. Her children experienced sexual abuse from a family member, and she has been a tireless advocate for change. Her courage and commitment are extraordinary.

Senator Soholt explained the change from LRC providing support to the task force to the Department of Health. The South Dakota Network against Family Violence and Sexual Assault will be helping with infrastructure needs of the task force through funds from DOH. Task force membership is an executive appointment by the Governor, so all members need to complete the formal paperwork requested. An additional member of the House of Representatives will be added to the task force.

Minutes and agendas will be on a link under the Boards & Commission website: <http://boardsandcommissions.sd.gov/>. Click "J" or type in "Jolene's Law Task Force". The first year of Jolene's Law Task Force will be under the Legislative Research Council website.

Ms. Cynthia Bautista, The South Dakota Network against Family Violence and Sexual Assault, explained the process of how to fill out an expense voucher.

Senator Soholt summarized the conversations that transpired with SB 70 & 71 in the 2015 Session. The process of SB 71 – task force continuation – not being successful in legislative approval, opened up a public conversation about children's sexual abuse. The media exposure has been helpful to the work. There was much dialogue about SB 70 and changes to accountability for mandatory reporters.

Task Force members commented on the support and work outside of the committee. Senator Soholt recognized **Casey Murschel** who is the executive director of the child advocacy centers. Senator Soholt explained that LRC will still help with research, statute, and funding investigation.

### **Statistics/Benchmarks Working Group Report**

**Senator Alan Solano** is the leader of the Statistics/Benchmarks Working Group Report. He reported that it is difficult to develop a baseline of data due to the wide variety of systems being used by the different entities such as child assessment centers, child protection services, law enforcement, etc. The entities may collect the same information but they do not always ask the same questions. The task force needs to gain a better understanding of the data that is out there including what is the same and what is different. He suggested doing a time specific study

where each entity reports a new sexual abuse report to a central area. A follow up could then be completed after that. He stated that it would look at existing systems and what can be pulled together that is reliable and that the time specific study would capture other data and exclude duplicates. A baseline needs to be develop to determine if the issue is improving.

**Ms. Virgena Wieseler** stated Child Protection Services (CPS) collects initially and inquired what law enforcement's questions looked like to determine if CPS and law enforcement match. Within the criminal justice system, is the sheriff and law enforcement survey similar? There would be difficulty inquiring each county. CPS data is based on the state fiscal year. The fiscal year runs from July 1<sup>st</sup>-June 30<sup>th</sup>. CPS will sometimes lose sexual abuse cases due to lack of evidence.

**Mr. Cameron Corey** answered that the sixteen law enforcement offices in South Dakota report similarly. Tribal agencies also need to be included.

Ms. Wendy Kloeppner reported that the Federal Government asks State Attorney's to complete similar surveys regarding the cases within their offices. There is an issue with the timing in reporting. Every agency runs on a different year.

**Ms. Hollie Strand** stated that regional justice centers would be a central location to collect data, where CPS, law enforcement, etc are located in the same place. When a call comes to one central place, one place responds.

Senator Soholt asked what would the interim step be between now and regional justice centers. The justice centers could take 5 plus years to develop. Senator Solano stated that there needs to be a good handle on the numbers, so they know if justice centers are worthwhile. There is a need for baseline numbers and to look at data elements and time frame. A unique identifier could be assigned to avoid duplicates.

Mr. Cameron Corey stated that CPS and law enforcement could be identified as the two main entities to collect data as well as tribal entities.

Ms. Hollie Strand states at times they receive a physical abuse allegation and there needs to be a mechanism to report back to Child Protection Services when there has been a disclosure of sexual abuse.

**Ms. Tatewin Means** shared that the most efficient way to do data collection in tribal areas are to utilize BIA, FBI and the US Attorney's office. Sexual abuse cases are automatically referred to these three agencies. She stated that depending on age breakdowns of cases, the BIA can responsible for a certain age bracket and then the FBI handles the rest.

**Ms. Jolene Loetscher** shared that she would like to see a timeline from reporting to prosecution. Ms. Wendy Kloeppner responded that it varies. Depending on the evidence, it affects the length of the case.

Senator Soholt stated that there appears to be disconnect of data between Child Assessment Centers to Department of Social Services. Senator Solano will lead a subgroup including Tatewin Mean, Virgena Wieseler, Wendy Kloeppner, Casey Murschel, Cameron Corey, Dr. Nancy Free and Angela Lisberg to bring forward a proposal on child sexual abuse data so that

incidence in South Dakota can be understood, credible and defensible as an antecedent for statue changes.

### **National Partnership to End Violence across the Lifespan.**

Senator Soholt passed out the best practices document regarding the National Partnership to End Violence across the Lifespan which closely matches tenets for the task force. There is a Think Tank on August 22 before the 20<sup>th</sup> International Summit & Training on Violence, Abuse & Trauma Conference in San Diego from August 23-26<sup>th</sup>. Senator Soholt would like to send members of the task force if possible, and hopefully be able to participate in the Think Tank if open to new membership. **Colleen Winter** stated that Department of Health may possibly have funds to send a couple of people. Senator Soholt is interested in attending as well as Rep. Peggy Gibson, Senator Solano and Senator Jenna Haggar.

#### **I. Improving Education and Training-Undergraduate and Graduate Reforms**

Senator Soholt stated that the task force was going to look at improving the education and training of undergraduates and graduates. Key stakeholders are the state's largest universities which are South Dakota State University (SDSU) and University of South Dakota (USD), with all higher education needing to be included overall.

**Dr. Michael Lawler**, Dean & Professor, USD School of Health Sciences, **Dr. Jack Warner** and **Dr. Jay Perry** from the SD Board of Regents, were introduced. **Dr. Jill Thorngren**, Dean of SDSU Education & Human Sciences from SDSU spoke to the task force via phone.

Dr. Lawler has 30 years of experience in field of child maltreatment. He presented five priorities that can be used to implement professional education in the health and human services fields. He discussed the dual roles that many professionals may have such as gathering evidence and supporting the health and well-being of children and families who have experienced abuse. He discussed the child advocacy centers and Sexual Assault Response Teams. He shared the framework of professional education from microsystems to mesosystems to macrosystems.

Dr. Thorngren, discussed the resonance of the social ecology theory and that child abuse is currently covered across many courses for education, counseling and human development. She stated that the more training professional development faculty have, the better they can train future professionals. Dr. Thorngren stated that they can always do better to address these issues.

Dr. Warner shared that this has become a priority for the Board of Regents. The task force has helped shine a light on this issue. The Board of Regents are trying to figure out the logistics of creating such a curriculum. The need is obvious but the demand needs to be assessed. He recommended bringing in a prominent speaker and then break out into groups that focus on specific areas of content. The Board of Regents would be happy to work with the task force to cosponsor the conference.

Dr. Jay Perry handles academic programming and has worked with every campus. He is part of the development of new majors and new minors.

Ms. Hollie Strand asked Dr. Lawler if the Family Justice Centers are something that could work hand in hand with this issue. Dr. Lawler responded that the family justice centers are good models for this and the outcomes are better for children. He stated that one issue with the model for South Dakota is geography. From an evidence perspective, it definitely works. Alaska has tied this issue to its healthy systems to help bridge systems.

Senator Soholt stated that the focus is how students can come out of school better educated on this issue and mandatory reporting competencies. The focus needs to be on what does that curriculum look like, how can it be embedded, should it be a minor. If a professional saw a suspected case of child sexual abuse, what would they do? What does competency look like?

Dr. Warner stated that further discussion needs to occur to answer questions regarding what a professional should know with issues of child maltreatment. Such questions would involve, "where that would be found in the curriculum? Where would the expertise come from? If it's a major or minor, would the information come from there?" Dr. Warner stated that the two large universities can be the pilot programs, and with success, then can be disseminated to smaller institutions.

Dr. Lawler concurs on Dr. Warner's statement and inquires how long individuals are/were in training. Dr. Lawler would be interested in what are the unique issues for competencies for this topic on a local and national level. First responders need training.

Dr. Nancy Free stated that general competencies have been identified and can be tweaked for South Dakota. She stated that addressing child maltreatment needs to be addressed culturally and across disciplines.

Dr. Thorngren suggested there should be shared language and shared outcomes. There should be respect for each responder's expertise and that the disciplines work together. She stated that a conference would be a good idea for everyone needing on-going professional development. The community needs to be educated and the

Ms. Hollie Strand stated that ethical standards should be a part of that along with CEU's. She suggested that one way to access those already in the field is those who need CEU's.

Representative Peggy Gibson stated that she is on the interim rules committee and they just passed an ethics adoption for the medical field, so that may be an option for this task force regarding ethics.

Mr. Cameron Corey asked how the task force can help improve the education system. A suggestion would be to co-sponsor a conference. Dr. Lawler suggested that program accreditation and guidelines are outlined by competencies and identification of base knowledge. One way to do this is co-sponsor a conference, and develop a SD plan of action. The South

Dakota Network against Family Violence and Sexual Assault has funding and may be able to be the leader in developing the conference.

There was discussion on looking at standards and the need for some group to go forward with the undergraduate and graduate changes to decide where is the best fit. There needs to be an infrastructure for goals 5-10 years down the road.

Dr. Warner stated that there is expertise at universities. He recommended bringing in a prominent researcher to advance the work. He stated that the position could be designed to encompass the scope of the work and be a state resource. He stated that this person would be able to leverage grant funds and research. This would need the endorsement of the task force. Senator Solano asked if this position would identify and spell out the competencies or would that need to be established before. Dr. Warner stated that the position could review and add to the competencies. Dr. Lawler stated that the task force should provide leadership in competency development.

Ms. Tatewin Means suggested collaborating with the tech schools and tribal schools as well.

**Ms. Jolene Loetscher** asked if there is a time line for recruitment, and Dr. Warner replied that it depends on the approval process. The best fit would be to get it into the Governor's budget. Senator Solano asked if this would be an on-going position, and Dr. Warner stated that it would be an embedded position so would be longer than 1-2 years. The Board of Regents will put together a proposal and send it to Senator Soholt to send to the rest of the committee. Dr. Lawler stated that he knows of several candidates who would be very interested in this type of position. With the support of the state, many candidates would be interested.

Ms. Jolene Loetscher asks what the Board of Regent's timeline to recruit.

Dr. Warner stated the process could begin soon if budget is approved. USD budget requests 2 weeks and comes forward in August. Convince regents that task force approves and the bill is endorsed by governor.

Senator Soholt stated that the task force needs to remember those who do on the job training such as the law enforcement academy, etc. How can the infrastructure be funded? Targets need to be set in professional education and talk with other schools about what is realistic. Dr. Lawler and Dr. Perry will put together a time table of goals.

Senator Soholt led further discussion of a possible conference. The Network has budgeted funding for this as well as DOH. The conference could be held in Spring 2016. A big name could be brought in as the key note speaker as well as bring in content experts for breakout groups. Other stake holders should be brought on board. There could be an invitation for proposals. Grant funding could be used to bring in the expertise. Senator Solano stated that CEUs are a must to attract people to want to attend. A design team for working on the details of the conference should be formed. The design team will include The Network, the Board of Regents, Hollie Strand, Virgena Wieseler, Cam Corey, Senator Solano and Angela Lisburg.

The design team needs a leader. Senator Soholt asked The Network to be the leader. The Board of Regents will assist and designate a representative as well as representatives from institutions. Board of Regents could meet June or after July 4<sup>th</sup>. Senator Soholt asked the team to bring a draft of ideas for the conference by the next meeting.

The focus of the conference will have discussion on intergenerational violence and emphasis on child sexual abuse. Prevention should be looked at, rather than how to respond after the abuse. Hollie suggested having tracks that professionals can take based on their positions.

Ms. Hollie Strand shared that there is a conference on child victims of crime in Wyoming that might be a good resource.

Mr. Cameron Corey stated that according to the document Senator Soholt handed out on page 25, Northern State University has a curriculum on child sexual abuse. The Board of Regents will reach out to them.

Senator Soholt explained that she has asked LRC to explore statute development of other states that surround SD regarding what they are doing.

## **II. Improving Medical Health, Mental health and Spiritual Care Responses to Instances of Violence**

Senator Deb Soholt transitioned the discussion into planning how to improve the medical health, mental health and spiritual care responses. She would like professionals to discuss screening for ACEs (Adverse Childhood Experiences Screening), no hit zones, the use of child abuse imagery as a public health issue, and recognizing male victims of violence.

The group should explore what type of intake questions and assessments in family medicine, specialty, and pediatrician's offices should be completed. Senator Soholt stated that Dr. Free would know the players to bring in regarding these questions.

### **1. Adverse Childhood Experiences Screening (ACEs)**

Ms. Angela Lisburg suggested mental health workers in regards to the ACEs study. ACEs were done on adults who are survivors of child maltreatment and referred to **Christine Bisek** for individuals.

Ms. Christine Bisek suggested community mental health centers and medical providers. Treatment models that could be used to create a statewide system to do the screening as part of an intake. Senator Soholt asked who the task force should bring in.

Ms. Angela Lisburg suggested the larger health systems that use a counseling system, who work with children who exhibit sexual abuse. It would be good to know what modalities are used by the larger health systems (ex: Trauma focused Cognitive Behavior Therapy), Medical world has different screening questions regarding domestic violence and intimate partner violence through Indian Health Services, Sanford and Avera. We need to see what the treatment

modalities are. May need to see psychologists and psychiatrists who handle this child abuse. Unsure of who the professionals are. May need to figure out who key players are.

Senator Solano suggested looking at the Council of Mental Health Systems, the Council of Substance Abuse, the Youth Care Provider Association, and IHS as services. Senator Solano will reach out to representatives.

Dr. Free and Senator Soholt will work together to reach out to medical landscape.

CAC and Children's Voice are in state foster care clinics. Some CAC's set up with the medical model can see foster care children. With that, CAC can complete the foster care child's intake or annual visit. Some children that visit are children that go in and out of the system. Other children are considered to be in therapeutic foster homes. These children receive more intensive therapy services regarding mental and medical needs. CAC doesn't see every foster care child but is able to see both. The foster care child guardian determines where they take foster child.

The medical world should be looked at and identify who should be at the table.

Ms. Tatewin Means stated that from a spiritual perspective, the Lakota culture (pertinent to all tribes in South Dakota) has communities that use grassroots approach to promote healing of child sexual abuse victims. They are called "Healing Camps." Eithlene Two Dogs has done a lot of work in this area. Ms. Means will reach out to Eithlene Two Dogs.

Ms. Virgena Wieseler suggested bringing Rick Tatewin due to his presentation work on healing camps to their agency.

Ms. Tatewin Means will reach out to Rick Tatewin.

## **2. "No Hit Zones"**

Ms. Angela Lisburg stated that they are working on educating staff about the "No Hit Zone" at Avera St. Mary's. They are looking at policy and how to provide more support to families. What should that look like? How to implement it? It gives employees and support to families. Will look at IHS, Sanford and any other health systems. Angela will bring elements and making recommendations for organization.

## **3. Treat Child Abuse Imagery as Public Health Issue**

Senator Soholt transitions to understanding child abuse as a public health issue. How does this start to imbed in public health landscape? Public campaign work.

Colleen Winter stated that they are looking at the well-being of children in the state and referred to the PRAMS (Pregnancy Risk Assessment Monitoring System) survey which is a random sample of pregnant women and is funded by CDC. Added ACEs component to survey. The survey may have public health implication. She may be able to bring preliminary data.

## **B4. Create better partnerships between faith communities and abuse experts**

Senator Soholt. Dr. Free may help with contacting will key players (ex: neurologists) to discuss assessment questions and how to be sensitive to adults who have experienced abuse. How to screen and how to be respond sensitively.

Senator Soholt will reach out to faith communities. She is aware of a group in Sioux Falls and will ask them if there is a statewide group or 2-3 players associated with larger groups. Senator Solano suggested the statewide pastoral association. Senator Solano is unaware who leads up. Jolene Loetscher suggested the hospital chaplains group.

### **III. Improving Criminal Justice and Child Protection Responses to Instances of Violence**

Senator Soholt. Number 3 is looking at the criminal justice system including CPS and child assessment centers. Gaps need to be looked at and identify what is missing. Cam Corey, Hollie Strand, Wendy Kloeppner, Virginia Wieseler along with Casey Murschel will look at where South Dakota is at with the benchmarks. What can be achieved? Who should be involved? What fits for South Dakota? Discussion on bridge trauma therapists who work on-site with the children for two hours in the moment.

Ms. Hollie Strand stated that Bridge Trauma therapists work with children for a couple of hours but it was shown to reduced trauma overall at triage center in Omaha. CAC created building. CPS has intake. Law enforcement has SVU. Hollie Strand has annual report and highlights gaps in services.

Senator Soholt would like to know how Justice Centers got to where they are. What are components? Do they have outcomes reports? Senator Soholt asked Hollie to bring information on family justice centers such as history and funding and how it improves the overall justice system.

Senator Alan Solano inquires if these systems lie outside of Omaha or in larger cities.

Ms. Hollie Strand believed so. They are called Project Harmony. Cameron Corey is aware of Project Harmony. Oklahoma has a justice center.

Senator Deb Soholt asked Cameron Corey to gather information regarding Children's Justice Centers. History and funding information of Children's Justice Centers will be provided at the next meeting.

Ms. Tatewin Means suggested reaching out to law schools and judges regarding on-going training. Other suggested groups included the State Bar, Trial Lawyers, Veterans Council, Association of Chiefs of Police, Defense Lawyers, etc.

Senator Soholt discussed that Dr. Lawler will reach out to Dean of Law. She also suggested developing a plan to reach out to lawyers, judges for anything ongoing. Ms. Wendy Kloeppner and Ms. Daniele Dosch could talk to judges.

Representative Peggy Gibson added the Judiciary realm needs to be contacted. Representative Peggy Gibson stated plan will need to be developed first before any contact with judiciary.

Rep. Peggy Gibson asked how child assessment centers differ from justice centers. Hollie Strand explained that child assessment centers may have or not have the medial assistance. Justice Center has all services. For example, Rapid City assessment center does not have mental health services so need to refer out. There are no case manager specifically for children at WAVI (local domestic violence shelter). Child assessment centers are isolated and refer things out.

Senator Soholt may want to explore how to expand CAC's to create regional hubs due to possible constraints Justice Centers may have due to the size of South Dakota.

### **Public Testimony**

No public testimony.

### **Future Meetings**

Next meetings: June 1<sup>st</sup>, August 18<sup>th</sup>, September 28<sup>th</sup>, October 20<sup>th</sup>, November.

The next meetings will be looking at sustainable infrastructure.

### **Adjourn**

**REPRESENTATIVE PEGGY GIBSON MOVED, SECONDED BY REPRESENTATIVE JENNA HAGGAR THAT THE JOLENE'S LAW TASK FORCE BE ADJOURNED. The motion prevailed unanimously on a voice vote.**

Meeting adjourned at 3:30pm.