



MINUTES

Jolene's Law Task Force

Senator Deb Soholt, Chair
Senator Alan Solano, Vice Chair

Third Meeting
2015 Interim
August 18, 2015

Legislative Conference Room 412
State Capitol Building
Pierre, South Dakota

Tuesday, August 18th, 2015

The second meeting of the Jolene's Law Task Force for the 2015 interim was called to order by Senator Deb Soholt at 10:15 a.m. (CDT) in Legislative Conference Room 412 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senator Deb Soholt, Chair; Senators Alan Solano and Jenna Hagggar, Representatives Peggy Gibson and Tona Rozum; Public Members Christine Bisek, Cameron Corey, Daniele Dosch, Ann Larsen, Jolene Loetscher, Hollie Strand, Virgena Wieseler, Colleen Winter, Wendy Kloepfner, and Tatewin Means. Members Excused: Angela Lisburg,

Legislative Research Council staff members present included Roxanne Hammond, Legislative Attorney, and Jason Simmons, Senior Fiscal Analyst; and Public Members Cynthia Tobin and Krista Heeren Graber, the South Dakota Network Against Family Violence and Sexual Assault staff.

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 PEGGY GIBSON MOVED, SECONDED BY SENATOR JENNA HAGGAR, THAT THE MINUTES OF JUNE 1, 2015, TASK FORCE MEETING BE APPROVED. The motion prevailed by a voice vote.

Remarks from the Chair

Senator Deb Soholt welcomed the committee to their third meeting of 2015 and summarized the last meeting of June 1, 2015. It was shared that after multiple conversations with child sexual abuse stakeholders, the idea of hosting a statewide conference will be put on hold. It is important to keep the focus on developing sustainable infrastructure that will change child sexual abuse in South Dakota for the positive. Once structure is in place, a conference will be appropriate in timing. Senator Soholt provided comments about the prevention of child sexual abuse on a national level citing some recent national news events. National organizations are

partnering with TLC to release a documentary addressing the issue of child sexual abuse. The film will air commercial-free on Sunday August 30th at 10 p.m. ET/9 p.m. CT and will address child sexual abuse stories. One of the stories will be about Erin Merryn. Ms. Merryn has been encouraging state governments to address child sexual abuse.

National Partnership to End Violence across the Lifespan (NPEIV)

The National Plan to End Violence across the Lifespan has been utilized as a template for priority development in South Dakota. The NPEIV national Think Tank meeting is being held in San Diego on August 22, 2015 followed by the International Summit & Training on Violence, Abuse & Trauma conference August 23-26. Senator Solano, Representative Gibson, Dr. Nancy Free, and Dr. Michael Lawler (USD) will be attending the Summit and Training. The attendees will bring forward information from the conference to present at the next meeting which is September 28th.

Statistics/Benchmarks Work Group Report

Senator Alan Solano (Chair), Cameron Corey, Dr. Nancy Free, Wendy Kloepfner, Angela Lisburg, Tatewin Means, Casey Murschel, Virgena Wieseler,

Senator Alan Solano summarized the importance of data from all agencies. A database will be developed to define each agency's indicators to formulate a master list narrowing the priority information. The end product will not be 100% capture of child sexual abuse incidence, but will offer a baseline. A policy recommendation is needed to create a uniform system, which will be considered at a future meeting. DCI uses the NIBRS system and it is very comprehensive. The system uses an identification number to ID victims instead of their name. The baseline data would have identification similar to NIBRS that would capture the initials of the victim, date of birth, and distinguish whether the victim is male or female. The statistics would be compiled when children have been at school and a Task Force decision was made to use February, March and April 2015. Baseline data will facilitate future outcome measurement to determine if the Task Force strategies resulted in positive impact. There may be higher reports because of increased education for professionals thus more reporting. The Tribal jurisdictions have barriers due to limited technology. Alan Solano described the process of collection data by starting to receive agencies data as they collect it, the task force members will determine collectively how to convert into one format.

Virgena Wieseler informed that Child Protection Services can complete a 3 month look back period. **Dr. Nancy Free** suggested a graduate student to complete data. Krista Heeren-Graber, Executive Director of The South Dakota Network Against Family Violence and Sexual Assault testified that Kids Count compiles data current state data and may have the current infrastructure to work on this project for the task force.

Senator Sohlt concluded that a framework of data elements needs to be completed and potentially use the NIBRS system. Senator Alan Solano requested information if there are other states that use a single system to collect data at national conference that he is attending. Data needs to be comparable and consistent, along with ongoing data reconciliation with departments. An implementation timeline and process will be determined at the next task force meeting.

I. Improving Education and Training – Undergraduate and Graduate Reforms

Academic Child Maltreatment Center

Dr. Jay Perry, South Dakota Board of Regents and Dr. Michael Lawler (via audio conference), USD School of Health Sciences, joined the meeting.

Dr. Perry summarized the Board of Regents' discussion from a retreat August 10-12, 2015. The Board of Regents adopted the budget which included costs associated with The Academic Child Maltreatment Center. The Board of Regents is ready to move forward with the budgetary approval process with submission to the Governor and then Legislative endorsement in the 2016 Session.

Endorsement of USD Center of Child Maltreatment

WENDY KLOEPPNER MOVED, SECONDED BY REPRESENTATIVE GIBSON, THAT JOLENE'S LAW TASK FORCE TO FORMALLY ENDORSE THE USD CENTER OF CHILD MALTREATMENT AS PRESENTED. MEMBERS EXCUSED: ANGELA LISBURG. The motion prevailed by a unanimous roll call vote.

School Survey Report

Ms. Jolene Loetscher is collaborating with Dr. Michael Lawler and the research department of USD for data interpretation of the qualitative school survey data that was conducted by task force members in 2014. The Institutional Review Board (IRB) and USD Ethics board has approved to move forward with data evaluation. Dr. Michael Lawler shared that Dr. William Schweinle- Physician Assistant Studies, Dr. Ramu Sudhagoni- Public Health, and Dr. Amy Schweinle-Counseling and Psychology in Education are the approved researchers for the study.

Senator Alan Solano requests a retroactive analysis of the past three months and inquired of Dr. Michael Lawler if this is possible. Senator Solano described the variety of systems South Dakota agencies use. Common identifiers are not used and there is repetitive information. The data conversion and analysis needs to be ready by September 28th. Dr. Michael Lawler informed that an IRB application needs to be started and explained duration, however, will expedite. University of South Dakota supports cause and will analyze data. Senator Alan Solano will work with Dr. Michael Lawler to aggregate benchmarks statistics and present at next meeting.

Representative Tona Rozum inquired about how to track the perpetrator and their number of victims. Senator Alan Solano informed that the NIBRS system tracks the number of offenses an offender has had. **Mr. Cameron Corey** stated on national level, fingerprint cards are used to track offenders on a national database. The cards would remove arrest and tracking issues that NIBRS may encounter. Task force has been discussing the importance of discussing the young offender. This focus needs to be discussed in the future.

Youth Risk Behavior Survey

Senator Soholt explained the Youth Risk Behavior Survey is completed bi-annually with a randomized sample of high school students and would be reviewed by the task force. Questions were added pertaining to childhood sexual abuse to the Youth Risk Behavior Survey and

approved by Center of Disease Control. Unfortunately, due to small sample size, the data is not viable and the survey will be re-administered in November 2015.

II. Improving Medical Health, Mental Health & Spiritual Care Responses to Instances of Violence

No Hit Zones

Angela Lisburg

Senator Soholt summarized to the task force on behalf of Angela Lisburg. The "No Hit Zone" policy can assist agencies to teach staff to intervene with inappropriate responses to children's behavior. Angela Lisburg has developed a pilot at their agency and is developing training materials. "No Hit Zone" changes the culture of how children are treated by incorporating medical and mental health and spiritual strategies as recommended by Victor Vieth.

III. Improving Criminal Justice & Child Protection Responses to Instances of Violence

Angela Lisburg & Casey Murschel (Co-Chairs)
Cameron Corey, Wendy Kloepfner, Hollie Strand, Virgena Wieseler

Ms. Casey Murschel reported to the task force as a co-chair of the group. Ms. Casey Murschel reviewed the NPEIV's recommendations for Priority Three.

Under recommendation one, the committee agreed training needs to be required for mandatory reporters. There needs to be mandates and statutes.

The committee suggested a "Two+Ten" plan to be developed. According to the NPEIV, the "Two+Ten" Plan encourages a goal of a minimum of two hours of an in-person training for each year for mandated reporters. It suggests that training be supplemented with an additional ten hours of training that mandated reporters can access 24/7 online but must complete every three years. Currently, South Dakota's mandated reporters are not required to have training on this topic. The committee understands the barriers individuals face and recognize the training may need to be completed differently. Other states have implemented statutes to require mandatory training. Mandatory training oversight is provided by the state's Department of Social Services. Employers are then responsible to ensure that their employees receive training utilizing state licensing or certification boards to oversee.

Ms. Murschel provided information on compassion fatigue. The NPEIV requires each professional agency to have a written plan to address vicarious trauma for their professionals; the committee supports this recommendation. The committee is suggesting that the court establish rules to handle corroborating evidence administratively instead of statutorily.

Response Possibilities in South Dakota Mandated Reporter Training Resource Guides

Ms. Roxanne Hammond, LRC Attorney

Ms. Roxanne Hammond researched recent legislation and laws in other states as it applies to mandatory training and reporting. With the assistance of the National Conference of State Legislatures, she presented a summary document highlighting other states in the nation with statutes on this topic. Options within South Dakota law could be to:

- Add more professional or positions to the mandatory reporter list (attorneys, camp counselors etc.).
- Require training for all mandatory reporters, or for educators, or certain professions.
- Training overseen by DSS, or UJS, or licensing entities for each profession, or a separate committee created by the legislature.
- Training required for licensure or employment.
- Online instruction (create a re-useable platform), in-person classes, Continuing Legal Education (State Bar Convention each year).
- Two hours in six month, two hours every five years, one or two hours per year.
- Require mandatory reporters to sign a statement acknowledging they are a mandatory reporter.

In-Person classes would cause strains in rural characteristics of South Dakota. Online instruction is the most feasible for mandatory reporting training. Arkansas has one of the best online training platforms. Arkansas began an interim study between 2005 and 2007 and came across similar issues to Jolene's law Task Force. In Arkansas, The Children's Justice Act Grant assisted to fund the platform. Arkansas requires two hours of training in the first six months or one or two hours in a year. Training hours vary after the one year. Mandatory reporters are required to sign a statement agreeing to be a reporter. The task force would need to decide who would develop the training curriculum.

Ms. Roxanne Hammond walked the committee through the Arkansas Mandatory Reporting Training platform. **Ms. Hollie Strand** asked Ms. Hammond to research more interactive platforms such as videos. Ms. Strand described lack of accountability issues for some platforms. North Dakota and Alabama have videos and can be considered another option for South Dakota. Senator Alan Solano inquired if there was a post-assessment. The Arkansas platform had a pre-assessment and post-assessment. Mandatory reporting training cannot be achieved without options of how to fulfill the requirement.

Ms. Jolene Loetscher stated that a couple of states attempted to make everyone a mandatory reporter and failed.

Ms. Strand suggested that a beginning might be to start with one profession for mandatory reporting training and expand from there. Teachers are the highest reporters as a profession.

Ms. Tatewin Means stated there are no ramifications on tribal jurisdictions if school offices do not report to tribal. The state law may not fit the tribal jurisdictions.

Representative Gibson inquired about requiring attorneys to go through mandatory training. Ms. Wendy Kloepfner stated attorneys who work with kids are mandatory reporters.

Danielle Dosch stated some church groups visit tribal reservations for missionary work. Church staff include clergy and volunteers. Church clergy are considered mandatory reporters. Faith based communities will be a topic for a future meeting.

Children's Justice Act Fiscal Report

Jason Simmons, LRC Senior Analyst

Mr. Jason Simmons, LRC Senior Analyst, described fiscal properties of The Children's Justice Act grant. Each state receives \$500,000 but based on a funding formula. Certain parameters, such as how the grant is awarded, are built into the law. The task force and/or advisory group would advise how to allocate the funds.

The Child Justice Act grant has assisted funding online training. Jason Simmons will work with Virgena Wieseler to direct efforts for mandatory reporting training. The Children's Justice Committee was given this project. Colleen Winter stated Department of Health would possibly have funding.

Senator Soholt summarized the group's intent and is interested at exploring mandatory reporting training methodologies. Mandatory training would need to be linked to statute, and funding would have to be secured. Moving forward, an appropriate and practical online training for South Dakota will be determined by the Children's Justice & CPS Committee which will be meeting August 27th, 2015.

IV. Improving the development and delivery of prevention initiatives

Angela Lisburg & Casey Murschel (Co-Chairs)
Cameron Corey, Wendy Kloepfner, Hollie Strand, Virgena Wieseler

Establishing and sustaining a multi-disciplinary team makes the commitment that every child victim will have access to highly trained team of professionals. Each Child Assessment Center is a child friendly center. Family Justice Centers coordinate services to victims of domestic violence and offers these services in one location.

Mr. Cameron Corey described a recent child sexual abuse case where it became clear that there is much work to do in developing a seamless system of response that includes time frames for investigation, immediate intervention that includes placement of children, seamless hand-off to support services and statewide policies that support this work. In this particular case it was only a personal relationship with Child's Voice that allowed things to happen – not a system of how it should transpire. The South Dakota Network against Family Violence and Sexual Assault is used as a model for statewide advocacy.

There was much discussion amongst Jolene's law Task Force members about possible child sexual abuse response structures, and enhancement of multidisciplinary response teams that should be developed in South Dakota. The Child Advocacy Centers (CACs) were also discussed and the possibility of further developing to support the entire state. Not all sexually abused children are referred to CACs. Roxanne Hammond, LRC attorney, was asked to explore other states statutes regarding CACs and Justice Centers.

Child Sexual Assault Examination Kits

Terry Friend, Director of Four Directions of Women's Health Clinic

Ms. Terry Friend, The Director of Four Directions Women's Health Clinic in Kyle, SD presented to the committee. She sees the effects of generational trauma and will often hear historical disclosures. Some hospital providers, emergency departments and rural clinics are unsure of what to do when assisting a child sexual abuse victim. There isn't sufficient training for the professionals to handle child sexual assault cases. The FBI asked Ms. Friend to consider completing forensic interviews with children. Ms. Friend explains the concept of Baltimore's Child Sexual Assault Kits. The Baltimore Child Sexual Assault kit has procedures and a DVD of how to complete a kit. The kit can be used as a chain of evidence. Medical professionals can work with state law to develop a protocol for recommendation with Department of Health. Dr. Nancy Free highly recommends the Child Sexual Assault Kits.

No public testimony.

SENATOR JENNA HAGGAR MOVED AND MOVED BY SENATOR ALAN SOLANO THAT THE MEETING BE ADJOURNED. The motion prevailed unanimously on a voice vote.

The Committee Adjourned at 3:15 p.m.

All committee agendas and minutes are available on the DOH website:
<http://doh.sd.gov/news/JolenesTaskForce.aspx>