



SouthDakota

MINUTES

Jolene's Law Task Force

Senator Deb Soholt, Chair
Senator Alan Solano, Vice Chair

Fourth Meeting
2015 Interim
September 28th, 2015

Legislative Conference Room 1
State Capitol Building
Pierre, South Dakota

Monday, September 28th, 2015

The fourth 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 1 of the State Capitol, Pierre, South Dakota.

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

Legislative Research Council staff members present: Roxanne Hammond, 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 THE AUGUST 18TH, 2015, TASK FORCE MEETING BE APPROVED. The motion prevailed on a voice vote.

Opening Remarks and Introductions

Senator Deb Soholt welcomed the members to the fourth meeting in the second year of Jolene's Law Task Force. The final two meetings will be October 26th and November 17th. Senator Soholt introduced Bill Colson, CEO; Muriel Nelson, Community Services Director; Tanya Fritz, CAC Assistant Program Director and Mary Stadick Smith, Department of Education Deputy Secretary, attending this meeting in place of Ann Larsen.

National Partnership to End Violence Across the Lifespan (NPEIV)
Senator Alan Solano, Representative Peggy Gibson, Dr. Nancy Free

Senator Alan Solano, Dr. Nancy Free and Dr. Michael Lawler (USD) attended the 20th annual Summit & Training on Violence, Abuse, and Trauma across the Lifespan, August 23-26, 2015 in San Diego, California. Along with Representative Peggy Gibson they also attended the Think Tank on August 22nd, 2015. Representative Gibson is now part of the NPEIV public awareness committee, corroborating with worldwide professionals to end violence. In this capacity she will help inform prevention strategic initiatives in SD.

Senator Solano is now part of the NPEIV public policy committee, and will assist in linking SD with emerging national policies. Activities that are emerging within that group: 1) funding collaboration with Robert Wood Johnson Foundation as focused on understanding the root causes of violence and strategies to help build stronger families; 2) dialogue about the child sexual abuse culture that is now framed as a Culture of Violence and needs to be a Culture of Health; and 3) overall increasing community resiliency. Senator Solano reviewed findings of the 19th year of the Adverse Childhood Events (ACE) Study where if a child receives an ACE score of 6 or higher, it equates to having a reduced life expectancy of 20 years.

Statistics and Benchmark Working Group

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

Senator Solano reported that the group is collaborating with Dr. Michael Lawler (USD) on statistical analysis of incidence of child sexual abuse in SD. He described the IRB process approval and working with Department of Social Services to gather data. Virgena Wieseler described gathering over 700 reports of child sexual abuse and the time intensity of data entry – two hours of staff time for eleven cases. Senator Solano described Predictive Analysis or Probabilistic Matching methodology that allows data from different sources to be matched by probability that they are related. In contrast, Deterministic Matching uses unique identifiers to connect data from different sources. If systems do not have unique identifiers (e.g. children in South Dakota) across data sources, then probabilistic matching can assist. A data analysis proposal will be brought to the next meeting.

III. Improving Criminal Justice & Child Protection Responses

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

Ms. Casey Murschel summarized progress and described the recommendations from the sub-committee. The Children's Justice Committee is producing an online training video for the mandatory reporting system. She discussed the topic of how to resolve child sexual abuse quickly. There is a difference between civil and criminal cases. There is a delay to resolve criminal child abuse cases. There is a need to understand the magnitude of the problem by using data. Enhancing local and tribal law enforcement training is recommended to improve the collection of evidence. Child Advocacy Center (CAC) and Child Protection Services (CPS) already complete poly-victimization training. Poly-victimization training is encouraged with law enforcement. Committee recommended employers develop a written plan within their organizations to reduce vicarious trauma.

The sub-committee recommends development of regional multidisciplinary teams (MDT's). The MDT approach has trained professionals (e.g. CPS, LE, Prosecutors, Mental Health, and Medical) work together to address child sexual abuse and is used as a resource for community. The CAC Model uses best practice when responding to child sexual abuse in South Dakota. The sub-committee recommends implementation or requirement to develop MDT's in South Dakota. Legislation recommendations focus on aspects such as practicality and language of implementation of regional MDT's. A pilot project is encouraged as opposed to mandating MDT's statewide. The concept is consistent with justice centers.

To develop the long term vision of benchmark MDT's response for the state, the Improving Criminal Justice & Child Protection Responses sub-committee will develop a draft roadmap for consideration at the next meeting to include:

- How regional MDT's would work and be sustained.
- Possible MDT locations
- Needed CAC satellite areas
- Development of potential pilot location for a CAC.
- Collaboration with LRC staff to determine best practice CAC statutes in the nation.
- How to arbitrate best response for front line responders if team not available to respond within two hours.
- Collaboration with Ms. Means, and Ms. Dosch on potential for enhancement on tribal response.
- Determining response for acute versus historic crisis intervention.

Senator Soholt discussed grants that may potentially fund the work.

Child Abuse & Neglect Statute

Roxanne Hammond, LRC Attorney

Ms. Roxanne Hammond reviewed the "Child Abuse and Neglect Statute" document. Ms. Hammond articulated the history of the statute which includes all the changes that have been made since 1901. She highlighted significant changes in the legislature such as the addition of sexual abuse statutes in 1984. Ms. Hammond recommended concentrating on the response effort regardless of whether the perpetrator is within the family or outside of the family. Ms. Hammond compared the South Dakota legislation with the Nebraska legislation. Nebraska legislation recognizes child abuse as defined by actions done to the child instead of who perpetrated the crime. South Dakota's legislation focuses on "parent/guardian/custodian" committing the abuse. CAC's, MDT's, and DSS collaborate on all cases under the Nebraska law. Information sharing between response teams can be developed by LRC to be put into a statute.

LRC will research statutes that will use victim-centered language. LRC may use Nebraska as a model for the statute but will research other statutes that use similar language within and outside of the family unit. Department of Social Services will only be involved in cases that within the family unit.

Improving Public Awareness, Public Policy and Research

Representative Gibson, Colleen Winter, Virgena Wieseler, Ann Larsen, Nancy Free,
Jolene Loetscher, Tatewin Means

Children's Home Society reached out to Jolene's Law Task Force to discuss their prevention initiative. Mr. Bill Colson, CEO; Ms. Tanya Fritz, CAC Assistant Program Director; and, Ms. Muriel Nelson, Community Services Director distributed the "Children's Home Society: Prevention Initiative".

Ms. Muriel Nelson, Community Services Director, described the intervention strategies to respond to the need of behaviorally challenged children. Ms. Nelson described the multi-faceted approach in preventing child abuse through communication education, professional training, intercession with at-risk families and public awareness campaigns.

Ms. Tanya Fritz reflected the need of MDT establishment in the state by the committee and added that Children's Home Society can provide trainings to professionals, complete community trainings, community assessments, and educators.

Senator Soholt described how sustainability could look in terms of public activation piece. She summarized what the overlapping work is in South Dakota and lead agencies may need to be determined. The prevention workgroup will collaborate together discuss.

Improving Medical & Mental Health, and Spiritual Care Responses

Ms. Ethleen Iron Cloud Two Dogs presented over conference line and shared document called "Wakanyeja Ta Nagi Ki Yuonihanpi (Honoring the Spirit of the Child)". She provides healing camps for children in Porcupine, South Dakota that uses a spiritual, cultural approach for children to prevent or respond to children who have experienced abuse. The Four Stages of Life were described. In 2015, 53 children with siblings and family members attended the healing camp.

Senator Solano questioned how services for the family are identified. Ms. Iron Cloud Two Dogs offers services to child and siblings. Parents and grandparents may have experienced trauma and will explore origin of such. Capacity does need to increase to provide services.

Mr. Cam Corey inquired about culturally appropriate services for Lakota and Nakota services on the Eastern side of South Dakota. Ms. Iron Cloud suggested for workers to go through a one-day overview of Lakota mental health intervention, processes and response. From there, create a path to have children to get health. Ms. Iron Cloud Two Dogs can provide training

Ms. Means suggested task force members to initiate discussion respectfully and reach out to spiritual leaders within tribal communities. Spiritual and mental health interventions need to be cohesive.

South Dakota School Survey

Ms. Jolene Loetscher has been collaborating with Dr. Michael Lawler in the analysis of the South Dakota School Survey that describes school characteristics, reporting and training. Dr. Amy Schweinle joined via conference call to discuss preliminary analysis findings. The full report will be presented at the next meeting and assist in developing a statewide plan for the K-12 education community.

Current Mandatory Reporters

Senator Sohlt requested task force members to refer to "Recent Legislation and Law on Mandatory Reporting Education and Training" and read under section "Options for South Dakota Law." The responsibilities for mandatory reporters may be unclear especially in terms of child sexual abuse.

Ms. Roxanne Hammond aided the conversation in adding what options mandatory reporters had. Arkansas had a mandatory training portal platform that would benefit professionals. The task force deliberated on different aspects of mandatory reporting such as current reporting policy and procedures professionals complete to uphold mandatory reporting training and how it might look moving forward. The task force also discussed some South Dakota professionals that are not statutory mandatory reporters.

The task force members discussed logistical items of who would resolve the technical issues such as who will maintain accountability on mandatory reporting training, renewal, and separate professional renewal requirements.

Mr. Cam Corey inquired how professionals on tribal land receive continuing education for certification. Currently, there is nothing enforcing training.

Ms. Angela Lisburg asked to look at the language and responsibility of church professionals.

The mandatory reporting deliberation will be ongoing to resolve public awareness, renewal and accountability for a myriad of professionals on tribal and non-tribal land. Ms. Hammond will explore current South Dakota statutes and determine how to clean up and find out the genesis of the healing practitioner.

Public Testimony

Georgina Schaff from Lemmon, South Dakota represents Dakota Reform Sex Offender Laws Family Solutions gave public testimony about the agency's purpose and function and recommended a sex behavior treatment pilot project to assist offenders and their families. Ms. Shaw thanked the committee members for their work.

Future Meetings

The next meeting of the Jolene's Law Task Force will be October 26th, 2015 in Legislative Conference Room 1 of the State Capitol in Pierre.

Adjourn

DANIELE DOSCH MOVED, SECONDED BY SENATOR JENNA HAGGAR THAT THE JOLENE'S LAW TASK FORCE BE ADJOURNED. The motion prevailed unanimously on a voice vote.

Meeting adjourned at 4:25 p.m.

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