

SOUTH DAKOTA BOARD OF SOCIAL SERVICES

Meeting Minutes

Monday, May 18, 2015

10:15 am – 2:00 pm CT

Kneip Building, 1st Floor DSS Conference Room, Pierre

Call to Order and Declaration of Quorum: The meeting was called to order by Kaye Neller. Other members present were Hugh Grogan, Linda Wordeman and Richard Palmer. Members not present: Julia Dvorak and Steve Deming

Department staff present: Lynne Valenti, Cabinet Secretary, Brenda Tidball-Zeltinger, Deputy Secretary, Amy Iversen-Pollreisz, Deputy Secretary and Rachel Comes, Executive Assistant.

Others present: Jason Simmons, LRC

Adoption of Agenda: Hugh Grogan asked for motion to approve May 18, 2015 Board Meeting. Motion Carried.

Approval of Minutes from October 20, 2014 Board Meeting: Kaye Neller asked if there were any changes or additions. None were made. Neller asked for a motion to approve the meeting minutes. Motion approved.

2015 Legislative Session: Lynne Valenti provided the board with an overview of the 2015 legislative session. DSS had three agency bills. HB 1012 was consistent with the continued efforts of the Governor's red tape review with respect to removing statutory provisions that no longer reflect current practice. HB 1012 pertained to child welfare agencies. SB 37 An Act to adopt the 2008 Uniform Interstate Family Support Act, to repeal the 1996 Uniform Interstate Family Support Act, and to revise certain provisions relating thereto, was introduced to reflect new federal law. Lynne explained that the Uniform Interstate Compact was already in place and this bill adopts procedural changes and brings us into compliance with the new law. Neither bill received opposition. The Board of Social Work Examiners introduced HB 1013 to make revisions to the social worker undergraduate equivalency licensure. The board did include a grandfather clause and the bill passed.

Lynne mentioned other bills that DSS tracked. SB 168 established an Elder Abuse Task Force that will meet this summer and early fall to study the prevalence and impact of elder abuse in South Dakota and to make recommendations to the Legislature on policies and legislation to address the issue. DSS will participate in this task force. SB 71 would have continued the Jolene's Law Task Force from last year and expand the membership. Although it did not pass, the Governor chose to keep the task force. The task force did introduce SB 70 on mandatory abuse and neglect reporting. The bill allows the reporter to still be a supervisor, but the mandatory reporter who witnessed the disclosure or evidence of child abuse or neglect must be available to answer questions when the initial report is made. SB 82 made changes to the domestic violence laws to clean up some cross references, but nothing of substance. There was also legislation on Juvenile Justice Reform.

Brenda Tidball-Zeltinger explained key provisions of the DSS SFY16 budget which includes changes to provider rates. The Governor's recommended budget included a two percent increase. The end result did not treat all providers the same. Those that are less reliant on state funds received a one percent increase and those that are more reliant on Medicaid funding a two and a half percent increase, creating a tiered model. This approach has also been in previous budgets. Trends are currently showing a decrease in the numbers served through our programs such as Medicaid. Nursing homes and child care subsidy had reductions in our budget as we have had fewer people applying for those services. In regards to expansion we had substantive increases in juvenile justice and substance abuse for those who receive substance abuse half-way house services. The area of Juvenile Justice received a \$3 million dollar increase. Medicaid had an increase in the health homes program receiving general funds to replace the temporary enhanced federal match rate to continue the program. DSS also received some dollars for adoption/placement and subsidy rates to support permanency for kids. There was one time funding for community based providers of \$4.7 million targeted at direct care staff with community based providers to be used for retention and recruitment bonuses. Communication was sent to all the impacted providers at the end of April in regards to the amount they would be receiving for these recruitment and retention efforts and advising on how to report back to us on how they allocated the funds and if it worked. Hugh Grogan asked how this was done. Brenda explained the distribution was based on a caseload utilization projection formula to apply approximately a one and a half percent increase keeping the rate uniform. DSS did survey agencies so we can compare vacancies, turnover rates, etc. We always continue to evaluate. These changes will take effect July 1.

ICWA Lawsuit Update: Lynne provided the board an update indicating that DSS is currently one of the defendants in a federal lawsuit, as is UJS and the Pennington County States Attorney in regards to procedural requirement of the Indian Child Welfare Act. These allegations were filed by ACLU and Lakota People's Law Project. The class action lawsuit states that defendants are in violation of ICWA provisions with respect to hearings not being held within 48 hours of child being taken into custody. Lynne explained that DSS does not have the authority to remove children without law enforcement or legal proceedings/court order. DSS does get custody and helps place children after we put together a care and protection plan and make recommendations. The plaintiff moved for summary judgement with respect to certain claims and the federal court granted partial summary judgement. At this time parties are reviewing the decision, but the case continues.

Criminal Justice Initiative (CJI) Update: Amy Iversen-Pollreis explained that the CJI workgroup was implemented to reduce the number of nonviolent offenders and the overcrowding in the prison population. Through a Request for Proposal process, providers were selected to provide cognitive behavioral treatment for substance abuse issues and Moral Reconciliation Therapy to address criminal thinking patterns. 2015 will be the first full year of implementation. DSS budget for treatment services was based on an estimate of 500 people receiving services and so far we have had over 800 referrals. A rural pilot program is also being implemented using technology to deliver substance abuse treatment using a technology called Zoom (similar to skype, but secure) to interface with the group. The services provided through the CJI are

evidenced based, and a Quality Assurance piece has been implemented to ensure fidelity. This will also help us determine program effectiveness. In addition to the new services, we worked with the Unified Judicial System and the Department of Corrections to implement a standardized assessment tool and process.

Juvenile Justice Initiative: Amy informed the board that the Juvenile Justice Reinvestment Initiative (JJRI) provides services and supports to keep youth out of the justice system when possible and to receive needed treatment in the community. DSS, in conjunction with the Unified Judicial System and the Department of Corrections, is putting together a stakeholder group to discuss the needs of the population and potential services that could be developed to meet those needs. The community services that are developed will be evidenced-based, and similar to adult initiative, a Request for Proposal process will be utilized to select providers. Laws that will go into effect this July will change who DOC can take into custody. They will only take kids into custody who are determined to be a physical harm to themselves and the community. There were also limits with exceptions to the amount of time kids can spend in residential treatment facilities. There will be court requirements similar to how the adult program works.

Featured Division: Child Support - Gail Stoltenburg, Division Director provided the board with an overview of the Division of Child Support, including information on the people they serve and the services provided.

Weatherization Program State Plan: Carrie Johnson, Director of Division of Economic Assistance and David Gall, Energy Assistance Program Administrator provided the board with an overview of the Weatherization program including funding, eligibility requirements, household characteristics, and health and safety measures. The state plan was also reviewed with board members by section.

Young Voices Presentation: Three young women from Young Voices, South Dakota's Youth Advocacy Group presented an overview of their program which is a youth-led statewide group that helps other youth become independent adults who can successfully educate others about child welfare and take an active role in making life better for themselves and others in state care. They also shared their personal journey and how Young Voices has helped them.

Additional Agenda Items: None presented

Establish Next Meeting Date: The next board meeting is scheduled for Monday, October 19, 2015 at 10:00 am – 1:00 pm CST at the Department of Social Services in Pierre

Meeting Adjourned