

## HB1232 Indian Child Welfare Advisory Committee

July 18, 2024 Meeting

### Attendance

**Committee members:** Representative Tamara St. John (virtual), Mickey Divine, Sisseton Wahpeton Oyate (virtual), Senator Erin Tobin, Lydia Skunk Lower Brule Sioux Tribe, DSS Cabinet Secretary Matt Althoff

**Guest presenters/resources:** Chrissie Young, Center for the Prevention of Child Maltreatment (CPCM), Jeremy Lippert (DSS), Alex Mayer (DSS), Pamela Bennett (DSS), , Ashley Schlichenmayer-Okroi (DSS, notetaker), Tracy Mercer (DSS, virtual), Emily Richardt (DSS, virtual)

**Public:** Makenzie Huber (media), Austin Goss (media)

### Minutes

The inaugural meeting of the HB1232 advisory committee was called to order by Secretary Althoff who provided a summary of the committee's purpose. House Bill 1232 established this advisory committee, setting forth its scope of work, designing how it was to be composed, and directing that it be conducted within the Department of Social Services. Specifically, the bill envisions that the committee would facilitate communication, collaboration, and cooperation between the tribes, the department, and other subject matter experts; promote the exchange of ideas and innovative solutions related to Indian child welfare; expand partnerships with applicable stakeholders; and assist the department in formulating policies and procedures relating to Indian child welfare.

Since the bill was signed two representatives from the Legislature were appointed (St. John and Tobin) by the Speaker of the House and the Senate President Pro Temp.

On April 24, 2024, formal notice was provided to tribes via an introductory letter mailed to the respective chairs of the 9 tribal councils. DSS received two responses from tribal councils.

Presentation was given by Chrissie Young, Director of the CPCM. Young was asked to provide an overview of child maltreatment, the area around which the agency she oversees focuses its work: A summary of the information provided follows:

- Discussed the Continuous Quality Improvement process

- Described the types of child maltreatment known to exist: definition is from the Center for Disease Control and Prevention (CDC)
- Explained Risks and Protective Factors related to child maltreatment.
- Culture: maintaining connections is important and can help with prevention and protective factors
- Adult Childhood Experiences: many risk factor are also ACEs
- Public Health Priority- Prevention is possible
- CDC Framework
- Types of Prevention
  - CPCM spends more time on primary prevention
  - Cultural connections are a good strategy, including Native Americans both on and off reservation lands.
- Wrap-up
  - Pay attention to risk and protective factors; there are effects on families even if doesn't rise to the level of CPS involvement.

A subsequent presentation was given by Pamela Bennett, Division Director for Child Protection Services and Alex Mayer, Chief of Child & Family Services for DSS. A summary of the information they provided follows

- CPS as an agency is a piece of the child welfare system
  - A wide array of stakeholders are listed and are involved in the child welfare system.
  - Agency partners versus community partners
    - Division of Behavioral Health, Department of Health, Maternal Health are agency partners.
    - Community partner agencies are known as community partners.
- In SD Law Enforcement has the authority to take custody of children
  - Any time there is removal, law enforcement is involved.
- Children are all either under jurisdiction of state or tribal court
- Training and cultural diversity/ICWA is provided by Joe Ashley to new CPS staff.
  - The Oglala Sioux Tribe recently had staff from their CPS participate in Permanency and Wellbeing training provided by CPS
- Reports of Abuse and Neglect-

- After five pm/weekend/holiday law enforcement responds and they can reach CPS on-call staff who are able to respond 24 hours a day
  - What's my liability? – in reporting, good faith reporting carries no liability, maybe a second call or maybe one of five people who report, but may have details other callers didn't.
  - Liability is more likely if someone does not report an allegation.
- What happens when calling-
  - Info on reporting party is confidential, only released if court ordered, which is rare.
- A frequent call received is what legal age is legal to leave a child alone?
  - No legal age; based on many factors
- Real call volume close to 20,000 per year
  - A data flaw is that of one referral, if multiple calls are received on one issue, five callers – only one is screened in, four are captured as screened out
  - 18% screen in rate
  - Also, calls on an open case is screened out
- Present danger
  - Multiple danger threats can occur at the same time.
  - Impending danger
    - Case planning
    - Continue with practice model in SD
    - Continue focus on protective capacities
  - Assess to identify what a family does well and to help build on those
    - Use individualized and cultural responsive services
    - Best people to develop plan is the family
  - Common misunderstanding
    - Case planning in SD is not compliance based
    - It's on demonstrating behaviors to show changes towards being a safe parent.
- Diligent search
  - Best for families to be together but when no possible, diligent search begins
  - “We have family we're born into and family we develop through life”
  - ICWA director and tribes are essential partners in identifying relationships

- LSS and Sicangu assist in locating, and other contractors too
- Efforts are meant to be exhaustive in efforts
- Removal can be traumatic and finding someone known to the child can reduce that trauma moving forward
- Typically, 85% of kids in CPS custody are in family-like settings.
- Family time
  - More face time they can have with one another know more positive outcomes ongoing
  - Visitation agencies: contract within the state and in FY24 under 4,000 visits with parents and children occurred. These sites can also help with transportation.
- Active efforts
  - Through active efforts, CPS is reporting to the judge and attorneys are also reporting.
  - BIA active effort guidelines are available.
    - Located on the DSS website, CPS tab has a link or can search online
    - These guidelines include all items in CPS practice model, PCA, notification of tribes (CPS courtesy notification and attorneys are required by law).
  - Culturally appropriate services can help keep families together and all efforts to keep brothers and sisters together through culturally relevant case planning.
- Reunification
  - FY24 66% of children were reunified within first year
  - If children have to be away from parents, it's important for that time to be as limited as possible.
  - "Ultimately, a decision on a permanency outcome is made by a judge"
- Independent Living Services
  - Offered over the age of 14 and required over age 16. Helps with transitioning to adulthood from foster care; open to both state and tribal CPS programs.
  - Continue to be a resource after the children do leave foster care
  - IL conference: 113 youth attended and Secretary Althoff and Governor Noem were able to spend some time too.
- Courts
  - SD CPS provides services always under state or tribal court jurisdiction judges always make the decisions
- Current CPS initiatives

- Internal
  - Several years ago states began implementing family first prevention plans
  - Looking at a fundamental shift; to date reactionary, ongoing prevention/upstream approaches
- Kinship Navigator-
  - Give families a person to talk to
  - Many have not had a child in home/not for years and this is targeted at a provider to connect them to these services
    - Medical
    - Education
    - Therapy
  - Pam: Available to children in custody but also to kinship families caring for children without state or tribal CPS involvement
- ICWA workgroup and the work the state does with ICWA workgroup; appreciation shared for the ongoing work
- Young Voices
- Court Improvement: led by UJS
- Stronger Families Together
- Child welfare data DSS page and CPS <https://dss.sd.gov/keyresources/statistics.aspx#CPS>

The Chair permitted time for questions/comments from all attendees. Summaries of topics raised during the open forum include:

- CPCM: if I'm receiving in home treatment, is my child at risk of being removed?  
Mickey- Based on experience, no promises but an answer can be that it's always better to seek treatment than not. We need to applaud the mother for coming into the office. There are resources where mothers and children can both be involved in services and SWO makes referrals to these programs. Two facilities in state are structured so children can come with.
- Tobin: has a lot to learn, but as a medical provider, parents can be scared to come in for care, which impacts the stigma.

The Chair invited suggestions for topics to cover in future meetings. The following suggestion was offered:

- Would like to hear from tribes on barriers that could be addressed CPS and jurisdictions in the court and what this actually looks like in the day to day.

In conclusion, Sec. Althoff in his capacity as chair expressed the following as goals for the meeting and this advisory body.

- Learn something today, accomplished.
- As it relates to tribal representatives, there are gaps and barriers between abilities to connect but we know we want to do more and open lines of feedback
- Publicly reported a law enforcement release of DSS involvement
- If people have ideas, share those with Matt
  - Children in an endangered situation don't care what anybody's politics are.
  - Communication is encouraged – a two-way street
  - Had an opportunity to visit with different tribes
    - Deep dive into a couple of tribes, impressed with the work the state has done and in finding relatives
  - A great deal of work has gone into this
  - Always room to improve

The meeting was adjourned with the consensus of the board at approximately 11:50 am.