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Legislative
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MINUTES
Jolene's Law Task Force

Senator Deb Soholt, Chair
Senator Alan Solano, Vice Chair

Fourth Meeting
2014 Interim
November 17, 2014

Room LCR 1 & 2
State Capitol Building
Pierre, South Dakota

Monday, November 17, 2014

The fourth meeting of the Jolene's Law Task Force for the 2014 Interim was called to order by Senator Deb Soholt at 10:00 a.m. (CDT) in Legislative Conference Rooms 1 & 2 of the State Capitol, Pierre, South Dakota.

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

Legislative Research Council staff members present included Amanda Reiss, Senior Legislative Attorney; Roxanne Hammond, Legislative Attorney; Jason Simmons, Senior Fiscal Analyst; and Cindy Tryon, Senior Legislative Secretary.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council office and some can be found on the Legislative Research Council website at <http://legis.sd.gov/Interim/CommitteeDocuments.aspx?Session=2014>. This meeting was web cast live. The archived web cast is available at the LRC website at <http://legis.sd.gov>.

Approval of Minutes

A MOTION WAS MADE BY REPRESENTATIVE PEGGY GIBSON, SECONDED BY SENATOR ALAN SOLANO, THAT THE OCTOBER 14, 2014, MINUTES BE APPROVED. The motion prevailed on a voice vote.

Opening Remarks and Introductions

Senator Deb Soholt welcomed the members both on the phone and in person. Senator Soholt asked Dr. Nancy Free to introduce today's speaker, Mr. Victor Vieth.

Dr. Nancy Free said that Mr. Vieth started in the area of child protection as a young prosecutor over 25 years ago. Dr. Free explained that in addition to being the Director and Founder of the Gunderson National Child Protection Training Center, Mr. Vieth travels the country helping to set up programs and educational systems that will help move toward the goal of ending all child abuse.

Victor Vieth, Gunderson National Child Protection Training Center

Mr. Victor Vieth, Senior Director and Founder, Gunderson National Child Protection Training Center, Gunderson Health System, gave a PowerPoint presentation, *"An Awesome Opportunity: A National Plan to End Child Abuse" (Document #1)*.

Mr. Vieth shared that he profoundly believes in the work this task force is doing, knowing that this work can reach the lives of so many children in South Dakota as well as across the nation. He has been part of the child protection system for 26 years and has travelled all over the country training over 15,000 frontline workers.

Mr. Vieth wrote a paper titled, "Unto the Third Generation: A Call to End Child Abuse in the United States within 120 Years". The key components to that plan are: forensic interview training at the local level; undergraduate reforms; graduate reforms; experiential training; prevention from the ground up; medical partner; and moral compass (faith partners).

Mr. Vieth stated that it isn't programs that change lives, it's people. The quality of care depends on the quality of the front line people; the quality of their training. And right now they are not well trained.

The majority of child abuse cases are never reported. There is nothing unique about the Penn State case (Jerry Sandusky, convicted child molester); as that is the national norm. The more egregious the abuse, the less likely a report is to come into the system.

The reasons people do not report suspected abuse are: insufficient evidence; lack of certainty; belief the report will cause additional harm; need to maintain good relationship with patients, clients, parents; ambiguity in some reporting laws; ignorance of the law; fear of retaliation; and fear reporter's name will be revealed. This information is the same in two different reports done twenty years apart. Additional studies are not needed. Action steps and results are.

There is a clear correlation between proper reporting and training of mandatory reporters. We don't need more research; we need more and better training.

Undergraduate and graduate programs provide very little education on child abuse, domestic violence or elder abuse and those that do have only 1-4 hours of training. That fact is consistent over 40 years of research.

As a result of this very limited training, there are only 250 doctors in our country who are rigorously trained in child abuse and neglect; so with few trained doctors misdiagnosis is common. Also, 50% of the judges surveyed said they have had no training in child abuse cases. The cost of poor training results in kids continuing to be abused and children continuing to die from abuse and/or neglect.

Most trafficked children were originally abused in the home. One study finds that 91% of exploited/trafficked children in the United States were abused in their homes and 77% had some type of involvement with Child Protective Services. To address the issue of child trafficking, we have to address child abuse.

"Child Advocacy Studies (CAST)

If you want a career working with or for children, a minor in Child Advocacy Studies (CAST) may be a valuable asset for your future. Minors in CAST work in a variety of fields including social services, healthcare, education and criminal justice.

The Child Advocacy Studies program seeks to provide professionals working with children a common knowledge base for responding to child maltreatment through an interdisciplinary curriculum focused on field experience, ethical practice and cultural sensitivity.

Through their training in Child Advocacy Studies, students will become better equipped to advocate for children.

The Child Advocacy Studies curriculum focuses on experiential, interdisciplinary, ethical and culturally sensitive content that provides professionals working with children a common knowledge base for responding to child maltreatment.” (From the Winona State University website - <http://www.winona.edu/cast/>)

Establishing a CAST curriculum is part of reforming undergraduate and graduate training and is becoming known internationally. There are some requirements for developing a CAST curriculum but universities are encouraged to explore and be creative when setting the curriculum. Core competencies have been incorporated and must be covered. Mr. Vieth said that he would like to have at least two schools in every state offering CAST curriculum within the next five years.

There is nothing that will have more impact on the care of our abused children than reforming graduate and undergraduate training.

Mr. Vieth showed photographs of the training facilities at Winona State University, NorthWest Arkansas Community College, and Alliant University in California (*pages 14-16 of the PowerPoint presentation*).

Adverse Childhood Experience (ACE) research began in 1998. It includes the study of a large group of people (over 17,000) from all walks of life that are given a list of ten adverse childhood experiences and receive one point for each category that applies to them. The score of one or more ACE increases the risk of many diseases, physical and emotional disturbances and psychiatric disorders.

The ACE score also increases the likelihood of at risk behaviors such as smoking, drinking, drug use, and promiscuity. Individuals with ACE score 6 and higher had a lifespan almost two decades shorter than seen in those with an ACE score of 0.

It has been proven that screening for ACE scores reduces hospital stays and emergency room visits. The goal is to have every medical and mental health professional routinely screen for ACES within five years and that every medical facility have a “No Hit Zone” within ten years.

Currently, about 25 pediatric hospitals have No Hit Zones. A No Hit Zone includes public messaging that violence in any manner will not be tolerated. They offer information that explains why violence is not acceptable helping to shift culture to coach offenders as well as protect the victims. Employees who receive the No Hit Zone training have a tendency to take a closer look at their own lives as well.

The role of spiritual care is also vital in treating victims of abuse. Thirty-four major studies involving 19,000 children who were victims of abuse showed that every child had a spiritual trauma of some type. These children need help in processing that trauma.

Criminal justice with respect to child protection also needs reform. The collection of evidence is so important. There should be at least 15 pieces of corroborating evidence that is collected properly. And the viewpoint of evidence needs to be expanded to include physical, emotional, spiritual aspects. Cases should be completed within six months to prevent further damage to the child, but it is more likely that it may take up to three years.

Prevention also needs expanding. There needs to be a national shift away from cookie cutter models to prevention that is tailored to meet local needs. More training needs to be done. Prevention scouts are given the task of being on the lookout for better ideas on how to improve prevention.

The Center for Disease Control has some good guidelines for prevention of child abuse. For instance they have a pamphlet available titled "Preventing Child Sexual Abuse Within Youth-serving Organizations".

In Minnesota, every child in school is surveyed with the ACE Score questions. Parents can opt out but only about 2% choose to do so. This gives a good idea of how many children in Minnesota are being abused.

Mr. Vieth shared that any work done in child maltreatment needs to understand and include resiliency, and he strongly urged the task force to include the concept in the final report. How a victim handles the trauma is based on resiliency. Someone in that child's life may be giving them the right message that they need to hear to find that resiliency.

Mr. Vieth took questions from the task force members. When asked if he had any suggestions for specific legislation the task force should be considering, he said that to implement CAST into any school is expensive, needing fifteen to twenty thousand dollars just to get started. He suggested using the task force as a strong catalyst for that effort.

Mr. Vieth suggested that the task force develop 10 things that they are going to do and carve out a plan over so many years in which to accomplish those things. Implementing CAST should be a top priority. Incorporating ACE Score into the health care facilities should be the second priority. Then bring the schools up to a higher level including mandated reporter training. Working with schools means finding ways to motivate the resisters, and universities can be encouraged financially to implement CAST.

Working Group Reports

Statistics/Benchmarks Working Group

The Statistics/Benchmarks work group consists of Senator Solano (leader), Virgena Wieseler, TateWin Means, and Jason Simmons (LRC Staffer). **Senator Alan Solano** reported that this group is working on finding ways to better map the different reporting systems so as to be able to collect more accurate information and data.

Ms. TateWin Means added that she is working on gathering tribal information and data regarding child sexual abuse. She said that there is an apparent need to coordinate this information statewide.

Child Advocacy Centers Working Group

The Child Advocacy Centers work group consists of Ms. Angela Lisburg (leader), Ms. Christine Bisek, Mr. Cam Corey, Representative Jenna Haggar, and Ms. Hollie Strand. **Ms. Angela Lisburg** reported that this work group is looking at ways the task force can make a difference for the Child Advocacy Centers. The group looked at what is being done successfully in other states.

Missouri CACs have satellite clinics. The satellite clinics serve about 20% of the victims and the home base serves about 80%. The funding comes primarily through grants and private donations.

Senator Solano said that he is intrigued by the satellite clinic concept. He asked that the task force take a look at dividing the state in a way that shows what areas are two hours from the different CACs in the state. By doing so, it will be easier to see just what areas are not currently within close proximity to a CAC.

Project Harmony is a Child Advocacy Center located in Omaha that allows for constant communication and collaboration amongst all the different agencies involved in victim care.

The concept of the family justice center model was created in San Diego about ten years ago. These centers coordinate victim services under one roof, including criminal justice professionals. Which on-site professional members are included depends on the area where the center is located. Each center can be different depending on the community's needs. There are about one hundred centers in the country. There are no such centers located in South Dakota.

Ms. Hollie Strand said that a family justice center is the model template in the country and would be a way to serve all the children in this state. This center can take an entire family and address all the issues in one location.

Professional Education Working Group

The Professional Education work group consists of Ms. Hollie Strand (leader), Ms. Virgena Wieseler, Ms. Angela Lisburg, Ms. Christine Bisek, and Dr. Nancy Free. Ms. Strand reported that there is no regular training for professionals regarding child sexual abuse. Professionals cannot be expected to learn how to work with child sexual abuse victims and their families just by hearing lectures. The work group discussed how to best reach the different professions regarding adding training in this area to the core training.

Senator Solano said that a good way to incentivize professionals to receive additional training is to offer CEUs. Dr. Free agreed that it is much easier to get people to attend training if CEUs are offered.

Ms. Strand pointed out that professionals already have so much training that is required; that there may be resistance to attend optional training, even if CEUs are offered.

Public Education Working Group

The Public Education work group consists of Dr. Nancy Free (leader), Ms. Colleen Winter, Mr. Cam Corey, Ms. Jolene Loetscher, Representative Peggy Gibson, Ms. Ann Larsen, and Senator Deb Sohlt. Dr. Free reported that this group is still working on their assigned topic and need to have more conversations before giving their report. Senator Sohlt said that the No More Hit Zone could be a major part of the public education report.

Results of the South Dakota School Survey

At the October task force meeting, the members were asked to contact schools and ask them several questions regarding what the school does to respond to reports of child sexual abuse. The responses to those contacts were sent to Ms. Amanda Reiss at LRC for compilation. **Ms. Amanda Reiss, Senior Legislative Attorney**, distributed a document that included the responses task force members had submitted prior to this meeting (**Document #2**).

Dr. Free commented that she was surprised at how many contacts wanted to talk about this and there was no resistance to answering the questions. Senator Solano said that there are significant differences in the answers from large schools than those from small schools. The task force needs to be mindful that the different sized schools will have different needs.

Ms. Means said that she was alarmed by the low number of referrals in the tribal schools compared to the large number of cases on the reservations. Ms. Means said that this shows a disconnect between the schools and Child Protective Services.

Senator Soholt asked the members to continue making the contacts but to have all of the responses to Ms. Reiss by the morning of Tuesday, November 25.

Committee Discussion

Senator Soholt said that she will start to frame-up the final report that will go to the full legislature in January. The task force will work on the report at the December 1 meeting.

Ms. Reiss distributed a draft piece of legislation for the task force members' consideration. The title of the bill is "An Act to require that mandatory child abuse reporter be present and available to answer questions when the report required by SDCL 26-8A-8 is made to authorities." (**Document #3**)

Senator Soholt said that she also intends to draft legislation that will continue this task force for another year and will put an emergency clause on that bill so the task force can continue their meetings as soon as session is done. **Mr. Cam Corey** said that it would be good to add a prosecutor to the make-up of this task force.

Senator Solano suggested that the task force develop the list of 10 that Mr. Vieth had suggested. This would be the 10 things the task force would most like to accomplish along with a timeline. This list of 10 could be powerful in helping people see the vision of this task force.

Future Meetings

The next meeting of the Jolene's Law Task Force will be Monday, December 1, in room 413 of the State Capitol in Pierre.

Adjourn

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

The Committee adjourned at 3:15 p.m.