



SouthDakota

Legislative  
Research  
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MINUTES  
Jolene's Law Task Force

Senator Deb Soholt, Chair  
Senator Alan Solano, Vice Chair

Fifth Meeting  
2014 Interim  
December 1, 2014

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

Monday, December 1, 2014

The fifth 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 Room 413 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senator Deb Soholt, Chair; Representatives Peggy Gibson and Jenna Hagggar; Public Members Christine Bisek, Cam Corey, Dr. Nancy Free, Ann Larsen, Angela Lisburg, Jolene Loetscher, TateWin Means, Hollie Strand, Virgena Wieseler, and Colleen Winter. Members excused were: Senator Alan Solano, Vice-Chair, and Danielle Dosch.

Legislative Research Council staff members present included Amanda Reiss, Senior Legislative Attorney; Roxanne Hammond, Legislative Attorney; Jason Simmons, Senior Fiscal Analyst; and Rena Ortbahn, 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**

**REPRESENTATIVE JENNA HAGGAR MOVED, SECONDED BY REPRESENTATIVE PEGGY GIBSON, THAT THE MINUTES OF THE NOVEMBER 17, 2014, TASK FORCE MEETING BE APPROVED. The motion prevailed on a voice vote.**

**Senator Deb Soholt** welcomed the task force to their fifth and final meeting of 2014. She said the reports to be presented today are not yet final. She requested the subgroups to wrap up their reports this week so that the final report can be sent out to task force members prior to Christmas week. The task force can then make comments before the final report is sent to the Legislature.

**Statistics/Benchmarks Working Group Report**

(Senator Alan Solano (leader), Virgena Wieseler, TateWin Means)

**Ms. Virgena Wieseler** presented a report summarizing the child abuse and neglect data collected by the following agencies: Child Protection Services Division, Department of Social Services; South

Dakota Unified Judicial System, South Dakota Department of Health, the Child Advocacy Centers, and the Division of Criminal Investigation (**Document #1**).

Ms. Wieseler said the work group found that most child sexual abuse is underreported. Each agency uses its own data system. A comparison and analysis of the data collected between the agencies is difficult or nearly impossible in that the data systems are not standardized and use a mix of discrete and non-discrete data elements. Presently, the same case may be reported in multiple data systems. Since each agency has different reporting requirements, it may be unrealistic to expect the development of a single data base, or for agencies to make significant modifications to their existing data systems.

The work group recommends the mapping of the various data fields in each system, with the goal of ensuring that data comparisons between systems are "apples to apples". The work group also recommends the conducting of a time-specific study of child sexual abuse in South Dakota, with entities sharing information into a central depository, to establish a baseline for the number of child sexual abuse cases the state. This number would provide a baseline for further analysis of the prevalence and specific types of sexual abuse in South Dakota and for developing strategies to reduce abuse.

Ms. Wieseler concluded that much work still needs to be done, and that the information from the tribes needs to be added to the final report.

**Ms. TateWin Means** explained that communications between the Tribal Nations is difficult. There is a need for a central depository of data on sexual abuse within the Tribes. It would need to include all the Tribal Nations in South Dakota to get an accurate picture of what is going on. As requested by Senator Sohlt, she will provide the information on Tribal data to add to the Statistics/Benchmarks Workgroup report, along with a short summary of the problem and recommendations.

The task force discussed data needs. Ms. Holly Strand expressed concerns about how the case first gets entered into the system. Ms. Angela Lisburg said that if a child suddenly discloses sexual abuse on the back end of another investigation, it needs to be included in the count. Dr. Nancy Free said including children, who have problems with sexual behaviors but are too young to prosecute, in the data count - could lead to tools for earlier intervention.

Senator Sohlt believes there has to be a way of measuring and understanding the depth of the child sexual abuse problem in South Dakota.

#### **Child Advocacy Centers Working Group**

Ms. Angela Lisburg (leader), Ms. Christine Bisek, Mr. Cam Corey, Representative Jenna Haggar, and Ms. Hollie Strand

**Ms. Angela Lisburg** said this subgroup has not met since the last November 17, 2014 Task Force meeting. South Dakota is fortunate to have five Child Advocacy Centers, all working towards having a proper response to child sexual abuse. She said consistent financial backing for those centers is needed.

**Ms. Hollie Strand** provided further information on the operation of Project Harmony and the Nebraska Child Advocacy Centers.

Senator Sohlt suggested this group's summary report include recommendations on how to get the expertise of the child advocacy centers into South Dakota's rural areas. She also suggested as a long term goal, exploring the concept of family justice centers.

**Ms. Virgena Wieseler** said referrals to child advocacy centers must come from child protection and law enforcement; that a parent can't just call upon a child advocacy center for help. Parents need this information.

**Dr. Nancy Free** believes there is a need to demystify the process so parents aren't afraid to call. She said that early family support is critical to the stopping of child sexual abuse and that geography shouldn't determine the services available.

Ms. Strand said that due to past difficulties with duplicate interviews, child advocacy centers now only take referrals from law enforcement or child protection. She said if the parent isn't willing to call the law, it is difficult.

Ms. Lisburg explained that the five child advocacy centers in South Dakota handle medical exams and forensic interviews differently. Some centers are medically-based; others do the forensic interviews and refer the medical exam to others. Some centers do forensic interviews and some do not. Some don't want to go forward with the medical exam unless law enforcement and/or child protection is involved.

Dr. Free said a system needs to be developed to address problems before it reaches law enforcement and child protection.

Senator Soholt added that this issue is incredibly complicated. She said as a precursor to anything else the task force does, there is a need to know what we currently have and how people navigate the current system.

Ms. Strand pointed out that there is a dilemma with who takes the lead and who watches the interviews. She said that even referrals can be a grey area with some placing the responsibility with DCI, others with the county or city, some with child protection. She said in western South Dakota everyone knows how a child sexual abuse call is to be responded to.

Ms. Means suggested possibly a flow chart check list could be developed and then provided to all areas in South Dakota.

**Mr. Cameron Corey** talked about the narcotics and internet crimes task forces in South Dakota. He also commented that if people are provided with a check list on how to handle a child sexual abuse referral, they may mistakenly think they are trained, and begin doing interviews instead of referring them to the child advocacy centers.

#### **Professional Education Working Group**

Ms. Hollie Strand (leader), Ms. Virgena Wieseler, Ms. Angela Lisburg, Ms. Christine Bisek, and Dr. Nancy Free

**Ms. Hollie Strand** shared that outside of child protection or law enforcement, training regarding sexual abuse is non-existent. The task force is creating awareness that there is a need for basic training and some colleges are coming around. This work group has goals of basic college courses, and perhaps electives for counselors continuing training. She said resiliency is a problem; that there is a high turnover of staff in child abuse and neglect area.

Senator Soholt is assuming that this task force's work will continue on in 2015 by looking at a curriculum model and mandatory reporting. She shared that the Board of Regents and USD is interested in in Child Advocacies Studies (CAST) curriculums, as discussed at the last task force

meeting. This would provide future opportunities for students in all fields to take the same basic child advocacies curriculum.

Senator Soholt added that the task force also needs to look at offering training at the professional level. Ms. Strand suggested ongoing, hands-on training - such as is done by the Project Harmony program in Nebraska.

Mr. Cory said often law enforcement is trained alone without other disciplines. He said hopefully a minor would bring other professional organizations into the training.

**Representative Peggy Gibson** remarked that there is forty years of research available to the task force; there is not a need to reinvent the wheel; just to get going.

**Ms. Jolene Loetscher** shared that journalism is an area that should be added to the list of those needing basic training. Reporters are often thrown into the field without underlying training.

Ms. Wieseler said the task force needs to be mindful that degree areas other than social workers need basic training also. She added that few newly hired social workers actually have a social work degree. Senator Soholt agreed that all majors need to be looked at.

**Ms. Ann Larsen** shared that whenever the department of education puts on training dealing with counselors or people within special education, they are happy to come to training and like the CEU's they get. She said a key is to make the training optional, offering tools they can take back to their schools. She said that the school counselors would be happy to work with the task force. She said some places don't have the tools and don't know what they don't know.

Ms. Strand stressed to avoid a program that provides the information but doesn't teach what to do with the information. Senator Soholt agreed. She said if we unleashed everything, we wouldn't have the capacity to manage it.

#### **Public Education Working Group**

Dr. Nancy Free (leader), Ms. Colleen Winter, Mr. Cam Corey, Ms. Jolene Loetscher, Representative Peggy Gibson, Ms. Ann Larsen, and Senator Deb Soholt

**Dr. Nancy Free** said improving public awareness of child sexual abuse is one of the most important steps the task force can accomplish; that increased public awareness will provide an easier path to all intervention.

Dr. Free thinks tool kits having core content specific to different targets could be incredibly useful. For instance, she said adults are responsible for the safety of children; therefore they must be educated. Adult tool kits could help to further child sexual abuse awareness and understanding, recognition and identification, and the appropriate responses.

She believes there is a need for developmentally appropriate child sexual abuse prevention campaigns that reach from infancy to young adulthood. The campaigns should be culturally diverse as well as culturally inclusive. They should include internet safety and public service announcements. Schools and other youth arenas could be targeted.

Dr. Free thinks a "No Hit" campaign, as discussed in the November 17 meeting, would be an exciting area to explore; and she would like the task force to address the problems of sexual behavior prior to the age of prosecution.

Dr. Free said many campaigns target child safety and physical abuse. Very few specifically target child sexual abuse, but many campaigns address many components of child sexual abuse. She said national campaigns, including media campaigns, all have strengths and weaknesses. She advises to first look at those campaigns and then to build something specific for South Dakota.

Dr. Free suggested bringing in national expertise early along with possibly hiring a grad student working on a master's thesis. She said a person could spend a lifetime on the area; that we really need to pick and choose what we as South Dakotans want to focus on; and that the work is so intertwined.

Ms. Strand inserted that conversations about touching cannot be a once every two year discussion, that everyone needs to be involved. And, she added whose responsibility is it to have the discussion – schools, parents? Dr. Free said a cultural change would involve being as comfortable talking about sexual abuse to a child, as society is comfortable watching sexual activity on the television or screen.

**Representative Jenna Haggart** added that legislators also need to be educated on the issue so they can better relate it to their constituents.

Senator Soholt hopes the task force final report will be a document that can further the education and awareness of child sexual abuse.

**Ms. Colleen Winter** advised that when looking at the expense and best use of dollars – the task force really needs to prioritize where to start. She suggested tapping into the experts, such as the CDC, that have tested and put the pieces together, because it is expensive. She said the media world knows how to how target a population. From the media she has learned that to make a difference, a message has to be specific and repeated, repeated, repeated.

**Ms. Christine Bisek** said this as an opportunity to instill some hope in the public and to send a message that working together something that can be done.

Ms. Wieseler added that any campaign must to start where people are at; at first they must learn more about the topic before they actually jump in and do something. Senator Soholt agreed and said she has found it useful, when describing task force activities, to begin by saying the task force is working on a particular emphasis in child treatment.

### **School Survey Information**

Senator Soholt will work with Amanda Reiss, LRC Senior Legislative Attorney, to develop a school survey summary document to be included in the task force's final report.

Representative Gibson reported she has contacted all the schools in her district; they will be getting information back to her. She said the Holy Trinity Catholic schools program in her district uses a program called the circle of grace, from preschool through the 6<sup>th</sup> grade; that it is uncomfortable to watch, but opens up dialogue between parents and children. She too has found it good to start a conversation with child maltreatment and then get into the subject of child sexual abuse.

Representative Gibson said she has focused on Jolene's law, and has had people come up and say they were a victim, they had or have no idea what to do, that being a victim has impacted their life significantly, and they don't want this to happen to other people. She said people are so glad to have the discussion.

With small children, Representative Gibson explained, it is difficult because if the perpetrator is a trusted adult in their lives, where do they go? The educational component is definitely needed.

Ms. Strand said that parents need to be educated that just the limiting of time with the abuser isn't the only help, that mental health is part of child's recovery, and it may be a lifetime need.

Senator Soholt added that early intervention can lead to healing; and that mental health professionals should be targeted. She wants the report to include a strong mental health component, possibly within the child advocacy center recommendations.

Dr. Free thinks full disclosure would stress the existing support systems and possibly they would be unable to handle all the new cases.

### **Additional Comments**

Dr. Free said the final report should address short term and long term impacts and bring out that it is a lifelong impact for those affected. She explained that the abused are much more likely to interact with the criminal justice system and thinks that addressing the problem will eventually lead to fewer jails.

Ms. Loetscher suggested including within the final report the financial ramifications of child sexual abuse, including the long-term cost to society and to the individual's health.

Senator Soholt is thinking in terms of what it is, where does it come from, what does it cost, what are the health concerns, and how are they related to research. This information will set the stage for addressing the depth of child abuse and what happens to a person. This would lead into a summary of what the task force did and who it heard from. The report will conclude with reports from the work groups with recommendations and finally the continuation statute. In 2015 the task force needs to set short term and long term statewide bench marks, along with sorting out next year's activities and funding sources.

The report should put out a strong message that there are people who think we can eradicate, within a certain time, child sexual abuse. Precedents we put into place now will put that into motion.

### **Public Testimony**

Mary Beth Holzworth, Gettysburg, thanked the task force for the work that it is doing. She has gone from having personal experience with the problem to becoming aware of the problem for society at large, and by working with this task force she has taken a personal stand to not just let it happen. She appreciates being a part of the initial group and attending every task force meeting. She thinks the task force is spot on with everything she has dreamed could happen.

Senator Soholt thanked Ms. Holzworth, for not only testifying, but for her presence in the room at the task force meetings, a mom who stepped forward and advocated in a major way for her children.

Senator Soholt applauded the courage of Ms. Jolene Loetscher as the face of the Jolene's Law statute, by taking an experience and transforming it into something that is much more positive. Ms. Loetscher's participation in the task force has brought an understanding and connection that child sexual abuse is not somewhere else, it is in South Dakota; and that people are living with it everywhere, every day.

Senator Soholt said the presence of Ms. Holzworth and Ms. Loetscher with the task force has made a difference and has helped to get the word out.

### Review of current statute

Senator Soholt reviewed draft #134, *An Act to extend the Jolene's Law Task Force for an additional year, revise the membership of the task force, and to declare an emergency*. This bill contains the old language of the current bill with a few changes (**Document #2**).

New language further defines sexual abuse of children as a health issue and sets the membership of the task force from fifteen to sixteen members with the addition of a state's attorney. After discussion, it was agreed that Section 2-6-31 (8) would read The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall appoint a State's Attorney experienced with prosecution and adjudication of child sexual abuse cases.

In response to Representative Haggar's concern, the task force agreed that it appears that current task force members can be carried forward to January 2016, even though some members have changed houses. Senator Soholt will further discuss the situation with the Speaker Pro Tempore and the Speaker of the House.

Senator Soholt then reviewed the Section 2-6-33 of the bill, bullets (1) through (6), thinking that the current recommendations and goals of the task force would apply to these bullets.

Senator Soholt then presented a document prepared by the National Partnership to End Interpersonal Violence entitled "An Awesome Opportunity: the National Plan to End Violence across the Lifespan" (**Document #3**). She said the task force will have to set some target goals and that the following topic areas listed in pages 2 through page 9 of the document are areas which the task force has been discussing:

1. *Improving Education and Training:* a) Undergraduate and Graduate level b) Improving training in the field;
2. *Improving Medical Health, Mental Health and Spiritual Care Responses to Instances of Violence:* a) Improving medical and mental health care b) Developing Effective Partnerships with Faith Communities;
3. *Improving Criminal Justice and Child Protection Responses to Instances of Violence:* a) Improving the Collection of Evidence b) From Crime Scene to Trial: Resolving Cases more Quickly c) Improving the Alternative or Appropriate Response System, and d) Improving the Mandated Reporting System e) Reducing Vicarious Trauma;
4. *Improving the Development and Delivery of Prevention Initiatives:* a) Expanding Prevention Initiatives b) Youth Serving Organizations; and
5. *Improving Public Awareness, Public Policy and Research;* a) Connecting research to the work of front line professionals b) Public awareness c) Public Policy.

The task force was in general agreement that the above goals and objectives encompass the direction the task force wants to take in the coming year. Senator Soholt pointed out that the complete document (150 pages) mirrors everything the task force has been talking about in the last four meetings. Understanding that the report has the language, theory, and has been fully researched; the task force agreed that they are comfortable moving forward with the above tenants. They believe those tenants can fit into the current language of Section 2-6-33 of the bill, bullets (1) through (6).

**REPRESENTATIVE PEGGY GIBSON MOVED, SECONDED BY REPRESENTATIVE JENNA HAGGAR, TO PASS DRAFT #134, WITH CHANGES THAT HAVE BEEN DISCUSSED TODAY. The motion prevailed with 12 AYES, 3 EXCUSED. Members voting AYE: Gibson,**

**Haggar, Bisek, Corey, Free, Larsen, Lisburg, Loetscher, Means, Strand, Wieseler, Sohlt. Members EXCUSED: Dosch, Winter, Solano.**

*Draft #101: An Act to require that mandatory child abuse reporter be present and available to answer questions when the report required by Section 26-8A-8 is made to authorities.*

There was discussion about requiring the mandatory reporter be present and available. The task force agreed that the following worded amendment would meet the requirements: "The mandatory reporter who witnessed the disclosure or evidence of abuse or neglect must be available to answer questions when the initial report is made pursuant to this section."

**REPRESENTATIVE PEGGY GIBSON MOVED, SECONDED BY REPRESENTATIVE JENNA HAGGAR, DO PASS DRAFT #101. The motion prevailed with 12 AYES, 3 EXCUSED. Members voting AYE: Gibson, Haggar, Bisek, Corey, Free, Larsen, Lisburg, Loetscher, Means, Strand, Wieseler, Sohlt. Members EXCUSED: Dosch, Winter, Solano.**

### **Wrap up**

Senator Sohlt asked that by next Monday, the subgroup leaders submit their summary reports in a short, concise format, with recommendations.

In the next two meetings Senator Sohlt wants the task force to set short and long term goals.

### **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 2:50 p.m.

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