

Minutes
Commonwealth of Virginia
VA Dept. of Social Services
State Board of Social Services
801 E. Main Street
Richmond, VA 23229

February 16-17, 2011

Members Present

Trudy Brisendine, Heidi Metcalf Little, Ray Johnson, Willie Greene, Michelle Larkin, Barbara Manuel, Terri Williams, and Robert Spadaccini

Members Absent

Bela Sood

CALL TO ORDER

Vice Chair Brisendine called the meeting to order at 9:05 a.m.

WELCOME AND INTRODUCTIONS

Board members introduced themselves to Deputy Commissioner Donna Douglas.

REVIEW OF THE AGENDA

Deputy Commissioner Margaret Ross Schultze reviewed the meeting agenda. B. J. Zarris will review the Child Fatality Report as Ms. Katzman has the flu.

Al Wilson will need to leave briefly at 1:00 p.m. for a conference call and will not be in attendance on Thursday—Ms. Kim Piner is available via telephone should the Board need legal assistance.

Advised there was a public hearing on Tuesday night –no one signed up to comment on the regulation.

Information Items

Child Fatality Report

B. J. Zarris, Assistant Director provided members with a copy of the “Report on Child Deaths Due to Abuse or Neglect in Virginia during State Fiscal Year 2010”.

Local departments of social services investigated 78 reports of child deaths suspected to be caused by child maltreatment for state fiscal year (SFY) 2010. This is an increase of six reports from SFY 2009.

Reports were founded for 44 children, 10 more founded child abuse fatalities than in SFY 2009. There were 32 reports that were unfounded. One report is still pending: one is on appeal.

The children who died because of child abuse or neglect ranged in age from birth through 15 years. Of the 44 children who died from maltreatment, 26 were less than one year of age. This is consistent with national data and previous state data that found young children to be the most vulnerable.

Twenty-two children who died because of child maltreatment were African-American, 19 children were white, two children were multi-racial, and one was Asian. The past two years have seen a trend in the increase of child deaths among African-American children. This is consistent with national data that shows African-American children to be over-represented in child deaths due to child maltreatment.

Sixteen females and 28 males died due to abuse or neglect, which is consistent with national data that finds males to have a higher rate of child maltreatment fatalities than females.

Thirty-one children died as victims of physical neglect; 23 children died as victims of physical abuse and 9 children died due to medical neglect. Some children were abused or neglected in more than one way and/or by more than one caretaker.

Fourteen children died from lack of supervision; 16 children died from shaking injuries; and 7 drowned due to lack of supervision.

Of the 63 caretakers in founded investigations. 35 percent were mothers, 27 percent were fathers and 2 percent were stepparents. This total of 64 percent is slightly below previous state data that found that parents were responsible for 66 percent of child maltreatment deaths in SFY 2009.

Eight of the 63 caretakers were childcare providers, and one was a foster parent.

Of the 63 caretakers found responsible for 44 child deaths, 33 were women and 26 were men. The gender of four caretakers was unknown because the abuser could not be determined. This is similar to the national data that have found more female than male perpetrators.

Thirty-four of the 63 perpetrators were between the ages of 20 and 29. These data are similar to national data and previous state data that confirm most caretakers to be young adults in their mid-twenties.

The families of 14 who died as a result of child abuse or neglect were known to the child welfare system in some capacity.

Ms. Brisendine referred to article in New York Times regarding abusive head trauma. The article advised that this could be caused by something other than abuse. DSS is staying on top of this.

Ms. Zarris advised that CPS training that adds Structured Decision Making (SDM) will begin in the spring.

SDM localities are noted on the handouts provided.

Mr. Spadaccini asked if there were Regional Review Teams (as in Tidewater) and if Board members were represented on the CPS Review Teams? It was indicated that there were not review teams outside of the Tidewater area but there is a Statewide Child Fatality Review Team made up of individuals outlined by the Code Of Virginia. Mr. Spadaccini asked if there was any representation by any of the boards appointed by the Governor that promulgated regulations for CPs and was advised there were not but the department could look into the possibility of adding representation in an advisory capacity. Ms. Brisendine asked for a list of studies that are being reviewed by the Team. Ms. Zarris will provide this information to members.

Overall, report and abuse cases have risen over the past several years as indicated in the statistics.

It was confirmed that the department has a partnership with Family Advocacy in the military.

Mr. Spadaccini shared concern over deaths of children already known to the system. Ms. Zarris also shares this concern and advised that regional specialists review data and search for any breakdowns.

Ms. Williams felt the previous categories of founded, non-founded and reason to suspect was better. She is concerned over transformation—judges listen to department staff when they suggest returning a child home. She prefers higher foster care rolls to ensure children are kept safe.

Ms. Brisendine is alarmed over the rising numbers of deaths to children known by the department. She formed a subcommittee and asked for volunteers that would hear and suggest recommendations how the board could be more engaged in this issue. Ms. Williams, Mr. Spadaccini and Mr. Greene volunteered. The subcommittee will meet the Tuesday prior to the April Board meeting.

Appeals Update

Solomon Abah provided a summary of his division. The role of the Unit is to ensure that individuals who believe that that the local agency has taken inappropriate action in the application of policy or law have an impartial fact finder.

A hearing officer will review the case, hear the appellant's concerns and make a decision in the case. When policy or law has not been correctly applied, it is the unit's responsibility to make sure that the agency is made aware of its improper actions and corrects the error.

The Appeals Unit is divided into Benefits and Services; Child Protective Services; and the Child Support Enforcement section.

A copy of this handout is attached to the official minutes housed in the home office.

Budget Update

JR Simpson, CFO provided several handouts to members. He advised there are challenging times ahead with increasing caseloads and decreasing funding.

Regarding system design or enhancements, Mr. Spadaccini confirmed there was a chance to secure some federal funds. Mr. Simpson advised that the customer and childcare portals are being mostly funded with federal dollars.

Members requested an electronic copy of these reports.

Vice Chair Brisendine mentioned that the League had few priorities, asking for restoration of five percent administration cuts. Members were asked to visit a locality or two in their respective areas and ask what the impact is on local agencies and how they are working through these constraints.

General Assembly conferees were listed on page eight of the Richmond Times Dispatch. Conferees work out the difference between two separate budgets to an agreeable one. This is due to the Governor by February 22.

Child Care Automation Update

Dottie Wells, Director provided a summary on Child Care & Early Childhood Development; Child Care Subsidy Program; Vision for automation, Roadmap for Automation; Project Timeline; Local Department Involvement in Project Phases; Implementation Activities & Local Department Preparation; and Implementation.

Implementation will be done in three waves and a pilot. Local departments in Montgomery, Roanoke, Prince Williams, Charlottesville, James City and Hanover will participate in the pilot and will go-live 8/10/11. Wave 1 will go-live 10/3/11, wave two on 11/7/11, and wave three on 12/5/11.

Confirmed payments will be made twice monthly, checks will come from the Treasury of Virginia. Payments will be done electronically for the most part.

Comment Period

Comment from the Public

Tawanna Bryant spoke to the Board on Executive Order 4, mentioning that independent homes are feeling the crunch of cutbacks and low AG rates. Concerned that northern Virginia homes receive higher rates than in Richmond—everyone deals with same issues. Mentioned the obtrusiveness of the regulation on small homes. Asked for Board assistance to help de-regulate.

Roy Bryant spoke to the Board on Executive Order 4, also mentioning how they are being over-regulated. They are a small home, not a hospital. He is also taking his concerns to the General Assembly.

Nan Coppedge spoke to the Board on Child Care and her letter regarding the 5-year limitations.

Comment from Local Boards and Directors of Social Services

John Moody, Director of Danville and former state employee of DSS for 29 years, shared his support of the appeals process; that everyone has a fair impartial review.

Carl Ayers, Floyd County spoke to the Board on social work title protection. He advised the League opposes this legislation, saying it is not just simply renaming job titles. Asked for the support of the Board on this issue. As written, implementation will take place 7/1/2013.

Ms. Brisendine advised the Board was asked to take a position several years ago. They were not in favor due to the fiscal impact of this bill.

Mr. Ayers advised the League has asked the Office of the Attorney General for a decision on this issue.

Members were asked to support five percent funding in Budget.

CSA-item 2961H shifts mental health services for children to Comprehensive Services—will go through FAP. Shift of \$21M and 20,000 children in CSA System. There is a 17 percent match to meet needs. This will have a huge impact on locals, doubling FAP meetings, and delay in providing services for children, etc.

Appeals-Many factors affect appeal policy. Cases presented today are individual and not run-of-the mill. The system needs addressing, and education is the key. There are statewide issues, but the vast amount of cases does not go to appeal.

Nan Coppede, Madison County agreed with Mr. Ayers. She said we do social work, we are social workers and to be called another name is strange. None of her social workers has a degree in social work and to have them do the work and not have the title is a disservice to the worker. No classroom prepares you for walking into a social service office.

Comment from Boards and Directors of Community Action Agencies

None

Comment from the Virginia League of Social Service Executives

Susan Clark, President of the League advised that as of May 1, there would be 71 new directors in local agencies since 2005. Many of these directors may not know title terminology.

They are looking at budget, purchase of service components. Home based services have been reduced. How are we going to pay for these services—only options are ALFs and Nursing Homes—locals will have to do the UAls.

Local agencies are looking at the budget with detail. Locals have not had an administrative increase in many years, no increase to cover postage, etc. Budget cuts affect staffing and operation costs. She does not see the social work title change as seamless—it is about money in the end and morale internally.

CSA Medicaid issue was a surprise to locals. If shifted, this will affect our departments. There is a 17 percent increase/match rate for Medicaid provided services.

Announced the League Board meeting in Fredericksburg in April and the Board membership meets in Virginia Beach in May. All committees of the League are fully staffed.

Thanked the department for the customer service portal.

Appreciates the appeals process—people have their arena to be heard. Always telling staff to document—if it is not written down, it did not happen.

The workload in front of locals is daunting. Agency staff and hearings officer need to be consistent in their training.

Comment from the Commissioner of Social Services

Packets of information on statistical overview for 2011 were shared with members.

Commissioner Brown stated that the 5 percent cut is not what we wanted to do at this time and he has talked to people on this issue. The reality is that state customers have not changed, we still have 120 customers. Benefit programs have doubled causing an impact on local agencies, state staff and the system. He has reduced the impact on locals by taking \$1M cut internally at the state level with equals \$1.8M in central office—we are all feeling the recession.

Board asked last meeting about traveling to outlying areas. Commissioner reviewed their budget and found there is money enough for one meeting outside of Richmond per year. He mentioned the need to adjourn the Thursday meeting by 1:00 p.m. to ensure extra night expenditure is not incurred.

Child Care Portal-have to provide relief to localities by shifting the burden of what they are required to do. This portal will reduce the weight of responsibility.

Family Strengthening Initiatives

Have provided presentations to the Legislative Black Caucus, General Assembly, VLSSE, CSA representatives, Family Foundation and the Poverty Law Center to name a few.

This presentation has been well received at all levels. Paul McWhinney is leading a committee that is meeting with federal partners to local resources for an upcoming conference. Funds would support state and locals and assist in receiving waivers.

Commissioner introduced Donna Douglas to the Board as Deputy Commissioner of Organizational Development. Ms. Douglas assisted Hanover DSS win the Baldrige Award for excellence. The department wants to win this award—because the better we are, the better service we will provide our customers.

Ms. Douglas said it was a privilege to work for social services, and welcomes the opportunity for change management at the state level. She said that automation means change; more demand for services with less money means change. These are challenging times ahead. We must change how we do business and how we pay for it is a journey we will take together.

Chair recognized Heidi Metcalf Little and congratulated her on the birth of son, Walker Little.

By consensus, members agreed to separate items in 22VAC40-120.

ACTION ITEMS

Approval of Minutes

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Metcalf Little) moved to approve the Minutes from the December 2010 meeting as presented. Motion carried with all in favor.

Partnership of Office Services Support Employees in Social Services (POSSESS) Appreciation Resolution

ON MOTION DULY MADE (Ms. Larkin) and seconded (Mr. Johnson), moved to approve the POSSESS resolution recognizing April as Office Services Support Employee appreciation Month. Motion carried with all in favor.

22VAC40-661, Child Care Program-Notice of Intended Regulatory Action

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Larkin) moved to approve the Notice of Intended Regulatory Action to amend 22VAC40-661, Child Care Program, for publication in the Virginia Register, subject to approval under the provisions of Executive Order Number 14 (2010). Motion carried with Ms.

Brisendine, Ms. Williams, and Mr. Spadaccini voting against the motion. All others voted in favor. Motion carried.

22VAC40-181, Voluntary Registration of Family Day Homes-Requirements for providers-Proposed

ON MOTION DULY MADE (Ms. Larkin) and seconded (Mr. Spadaccini) moved to approve the proposed regulatory package to repeal 22VAC40-180, Voluntary Registration of Family Day Homes-Requirements for Providers and the proposed regulation 22VAC40-181, Standards for Voluntary Registration of Family Day Homes, for publication in the Virginia Register subject to approval under Executive Order number 14 (2010). Motion carried with all in favor.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Larkin) moved to approve the fiscal impact analysis of this action for distribution to local boards of social services pursuant to 63.2-217 of the Code of Virginia. Motion carried with all in favor.

22VAC40-72, Standards for Licensed Assisted Living Facilities-Periodic Review

ON MOTION DULY MADE (Ms. Manuel) and seconded (Ms. Larkin) moved to approve the Periodic Review report for submission to the Department of Planning and Budget and the Secretary of Human Resources as required by the provisions of Executive Order Number 14 (2010). Motion carried with all in favor.

22VAC40-775, Adult Services Standards-Notice of Intended Regulatory Action

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Williams) moved to approve the Notice of Intended Regulatory Action to establish 22VAC40-775, Adult Services Standards, for publication in the Virginia Register, subject to approval under the provisions of Executive Order Number 14(2010). Motion carried with all in favor.

Social Work Appreciation Resolution

ON MOTION DULY MADE (Ms. Larkin) and seconded (Mr. Spadaccini) moved to approve the month of March as social Work Appreciation Month. Motion carried with all in favor.

Regulatory Update

Karin Clark, Regulatory Coordinator provided members with a copy of the Regulatory Status Report dated February 16, 2011. Highlighted items on the report were reviewed with members. A copy of this report is attached to the official minutes housed in the home office.

Legislative Update

Ms. Clark provided members a copy of the DSS agency bills and reviewed each with members. A copy is attached to the official minutes housed in the home office.

A copy of the Bills, listed by “catch line” was also provided to members in hard copy and e-form.

Deputy Commissioner Schultze thanked Ms. Clark for an amazing job done during this General Assembly. Ms. Clark tracked more bills this short session of General Assembly than was done last year during the longer session. DSS was commended as an agency for the work that was done this year.

Recess 4:45 p.m.

Thursday, February 17, 2011
Meeting reconvened at 9:00 a.m.

Comment from the Virginia Community Action Partnership

Jim Schuyler, Executive Director of VACAP provided members an update on the Virginia Community Action Partnership. Members were given a copy of their Annual Report and a copy of "Mind the Gap", a report on how ARRA fueled Virginia's Community Action Agencies to help those in need during the recession.

Mr. Schuyler mentioned the Weldon Cooper Center Report on people at risk of being in poverty. There is a link to this report on VACAP website.

Mr. Schuyler advised there are 1100 agencies in the network nationwide. On the state level, we are faced with shutdown of programs beginning in March if \$400K is rescinded. Asked members to speak on VACAPs behalf. His agency will provide talking points if you are interested.

Poverty in Richmond City

Dr. Carolyn Graham, Deputy Chief Administrative Officer-Human Services for Richmond City shared a snapshot of poverty in Richmond City. She advised the federal poverty level was adopted in the 1960s by a social service analyst. The calculation is based primarily on food costs. The current measure has remained virtually unchanged over the past 30 years.

Dr. Graham advised that one out of five Richmond residents' lives in poverty. Forty percent of the children are ages 1-17 years of age; Fifty-three percent of young adults, ages 18-24 lives in poverty; 40 percent of part-time and hourly wage earners; and 55 percent of single-parent families with children live in poverty.

Strategies include establishing the City of Richmond as an effective workforce intermediary, promoting the development and expansion of innovative and intensive employment skills and training programs; expanding access to early childhood development programs and quality childcare to strengthen the foundation upon which school, work, and life success occurs. Richmond City is in partnership with the public schools, enhancing student success at the elementary, middle and high school levels. The city is also creating opportunities for adult education, life-long learning and enhancement of literacy skills through libraries and other systems.

A long-term strategy is the establishment of the Mayor's Poverty Commission. Key focus areas include workforce development; education and training, community based provider network, small business owners, policy setting and legislation, community advocates, and holistic provider network. The role of the Poverty Commission is to provide ongoing updates on the state of poverty, perspective of the independent analyst, produce a white paper and presentations for the administration and council, and research short-term and long-term strategies to ameliorate the effects of poverty.

Members thanked Dr. Graham for her comprehensive view of poverty in Richmond City. Ms. Larkin asked if they could collaborate and allow her to share this with Virginia Beach.

Dr. Graham agreed to share the white paper with Board staff so it could be forwarded to members.

Award Presentation

On behalf of the department and the Board, Commissioner Brown and Vice Chair Brisendine presented Shirley Culpepper with an engraved reverse bowl recognizing his service to the Board and citizens of the Commonwealth.

Mr. Culpepper accepted Brenda Hornsby's service award on her behalf.

Board Member Comments

Ms. Manuel said it had been a wonderful meeting, and enjoyed Dr. Graham's presentation.

Ms. Larkin said it had been an emotional meeting. She is excited about the work of the poverty committee—reminding that support in this area makes a difference on awareness.

Ms. Williams said this was an emotional meeting, especially when dealing with child issues. She is honored to be a member of the Board, and promises to be part of the solution.

Mr. Spadaccini clarified the charge to the subcommittee. Vice Chair Brisendine wants the committee to look at the number of deaths of children known to the system and make recommendations to be more proactive. Investigate why these deaths are occurring.

Mr. Spadaccini mentioned the appeals presentation and asked about "coaching". He feels this should be clear in training.

He will begin visiting localities on the Eastern Shore and Chesapeake to have dialogue with localities on the impact of the budget reductions to them as requested by the Vice Chair.

He asked the Board to consider having the October Board meeting in Abingdon as the western region of the state offers unique challenges.

Mr. Greene echoed other comments.

Mr. Johnson serves on both the Newport News and Hampton Roads Poverty Group. He enjoyed hearing the Out-of-Wedlock presentation by Commissioner Brown. This presentation brings it closer to home that we need to be proactive in this area. This a daunting tasks in Virginia and nationwide—a challenging that we are up to. Looks forward to Virginia being a beacon of light to other states.

Chair Comments

Vice Chair Brisendine said that members could show their support during this tight budget situation by visiting local agencies and talking one-on-one with directors.

She thanked Commissioner for his weekly messages.

She was discouraged by the news of budget cuts in CAP agencies, especially in these difficult times.

Thanks to Dr. Graham for her report on Poverty in Richmond. Ms. Brisendine feels renewed hope and said it is important to be at the table during tough times. Although discouraging, she seems a glimmer of hope in the energizing role we are going to play.

Adjournment

10:30 a.m. for public hearing

Respectfully submitted by Pat Rengnerth