

Minutes
State Board of Social Services
Holiday Inn Conference Center-Bristol, VA
October 16-17, 2002

Members Present

Debra Price-Andrews
Robert Spadaccini
Carol Ann Coryell
Julie Cooper
Mamie Locke – Wednesday only
Danny Brown

Absent

Jean Cobbs
Phillip Jones
Maggi Luca

Chairman Debra Andrews called the meeting to order at 9:05 a.m. on Wednesday, October 16, 2002 at the Holiday Inn Conference Center in Bristol, Virginia.

Tony Fritz, Western Regional Director and Bob Gose, Director of Bristol Department of Social Services provided welcome and introductions. Members of the Board thanked the numerous local directors that were in attendance.

The Board was welcomed with a reception hosted by the Western Region Coalition on Wednesday evening.

Ray Goodwin advised that Maurice Jones had been appointed Commissioner of the department. Mr. Jones will continue to serve in the capacity of Deputy Chief of Staff in the Office of the Governor. Mr. Jones will be in attendance at the December meeting of the State Board. Members thanked Mr. Goodwin for his fine work and were pleased he would continue with the department.

Presentations

Guardian Angel- At the request of Board member Robert Spadaccini, Pam Rupe provided information on the Guardian Angel Program of Smyth County. She advised the purpose of Guardian Angel, exclusively charitable, is to increase the organized capacity of people to care for one another in a voluntary community-wide effort. The Guardian Angel identifies unmet needs and communicates them to the community Guardian Angel, coordinating volunteer services through churches, community groups and service agencies, identifying those who are “falling through the cracks”, especially older adults—many of whom live alone, live with disabilities, and have limited incomes.

Guardian Angel connects those with unmet needs to those who are willing to assist by volunteering. Common volunteer efforts are visits, errands, light housekeeping, minor home repairs, clothing requests, odd jobs, lifeline services, sharing a meal, canned and dry food donations, and donations for medication.

For fiscal year July 01-June 02, this group volunteered 1,567.6 hours, in-kind contributions totaled \$9,961.50, and cash donations totaled \$300.00.

Board members joined Mr. Spadaccini in thanking the local agency and staff for going the extra mile in assisting citizens with this very worthy volunteer program.

Licensing Program Orientation

Lynne Williams provided an overview of the Division of Licensing Programs. She advised the program's vision is consumer protection through prevention and the mission is to protect the health, safety and well being of children and vulnerable adults in day and residential care. A copy of the PowerPoint presentation is attached to the official copy of the Minutes.

Discussion:

Ms. Christopher questioned the turnover rate in Adult Care Facilities. Ms. Williams advised the yearly turnover rate is near 93 percent. Reasons for this high percentage include low pay, different working conditions, constant turnover, and stress burn out.

Ms. Williams reported that the 7 percent remaining on the job do so because they love their jobs, developed bonds with residents, or would feel guilty if they left.

Regulations/Legislation Review- Richard Martin advised that as of October 15, 2002, the department has 89 regulations in place.

54 of the 89 are currently in process:

Of those 89, 36 are in the process of being repealed (28 of the repeals relate to old AFDC regulations that will be replaced by the new TANF regulation) and two of the repeals will be effective within the next 30 days.

Of those 89, 15 are in the process of being amended.

Of those 89, 3 are in the periodic review process.

12 additional new regulations are in the process of being promulgated.

That totals 101 regulations and proposed regulations.

He reported there are 2 regulations currently in public comment.

22 VAC 40-375-Economic and Employment Improvement Program for Disadvantaged Persons, proposed to establish (should come before Board in December)

22 VAC 40-700-Child Protective Services Central Registry Information, proposed amendments (should come before the Board in December)

Public comment on regulations 22 VAC 40-80-General Procedures and Information for Licensure (NOIRA to amend); 22 VAC 40-141-Minimum Standards for Independent Foster Homes (NOIRA to amend); and 22 VAC 40-190 –repeal- and 22 VAC 40-191-new-Background Checks for Child Welfare Agencies (NOIRA) will begin on Monday, October 21.

Two amended regulations will be published in the Virginia Register as final regulations on October 21: 22 VAC 40-720-Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces and 22 VAC 40-730-Investigation of Child Abuse and Neglect in Out of Family Complaints.

Mr. Martin further stated that public comment on 22 VAC 40-675-Personnel Policies for Local Departments of Social Services (proposed new regulation) ended on September 13. He advised that at the last Board meeting Ben Owen, President of the VLSSE and several other local directors expressed some concerns with this proposed regulation. Following the conclusion of the comment period, a joint committee of local directors and staff was formed to review the comments received and determined revisions were needed. The committee has met twice and they are communicating almost daily. It has been determined that the best approach would be to rewrite portions of the regulation and present a re-proposed regulation at the January or February meeting. Mr. Martin plans to brief the Board on the continued work of this committee at the December meeting.

Legislation Update

A copy of legislation of interest to the department was distributed:

House Bill 42: Makes the Auxiliary Grant Program completely state-funded by eliminating the local share of the program.

House Bill 590: Removes the concepts of custodial parents, custody and visitation from the Code and replaces them with managing parent, associate parent and parenting arrangements.

House Bill 610: Updates the Act, which Virginia adopted in 1994 to replace the Uniform Reciprocal Enforcement of Support Act. The National Conference of Commissioners on Uniform State Laws proposed the amendments at its 2001 annual meeting. The changes are mainly clarifying and updating UIFSA to reflect changes in federal law. The purpose of the Act is to limit modification of child support orders to a single State to reduce the number of interstate jurisdictional disputes. Except in narrowly defined circumstances, the only State able to modify a support order is the one that continues to have exclusive jurisdiction over the matter. This Bill expands the definition of State so other countries may have their orders enforced in the US. It also allows for an individual State to make an arrangement with a foreign country for reciprocal enforcement of child support. The Bill includes procedures for voluntary acknowledgment of paternity.

House Bill 626: Provides that the court shall not order attorney's fees in any "no fault" divorce.

House Bill 672: Provides for court appointed counsel to represent a parent, guardian, or other adult in an abuse and neglect case to receive compensation equivalent to that received by the guardian ad litem representing the child.

House Bill 766: Returns child support collected by the Department of Social Services on behalf of recipients of TANF cash assistance pursuant to the assignment required as a condition of eligibility to such recipient. Such child support payments shall be disregarded in determining (a) eligibility for TANF cash assistance and medical assistance services and (b) the amount of the TANF cash assistance payment.

House Bill 920: Provides that when any person voluntarily delivers a child no older than 72 hours to an infant receiving facility, the person will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the delivery of the child to an infant receiving facility. Infant receiving facilities include hospital and police departments. Other facilities may opt in by complying with standards set up the Department of Health and the Department of Social Services. The person may remain anonymous. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures.

Senate Bill 36: Directs the Department of Social Services to establish a subsidized guardianship program for the benefit of children in the custody of a local board of social services or other child welfare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person for whom the option of reunification has been eliminated and termination of parental rights is not appropriate. The subsidized guardianship program shall include a special-need subsidy, which shall be a one-time lump sum payment for expenses resulting from the assumption of care of the child payable to the relative caregiver that shall be equal to the prevailing foster care rate. The department may establish an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy shall submit annually to the department a sworn statement that the child is still living with and receiving support from the guardian.

Senate Bill 98: Furthers the “full faith and credit” provision of the Federal Violence Against Women Act of 1994 regarding protection orders issued by states to ensure that full faith and credit is effectively given to protection orders. The Uniform State Laws adopted by the National Conference of Commissioners on Uniform State Laws in August 2000. The Act establishes a uniform system for the enforcement of domestic violence protection orders across state lines.

Senate Bill 109: Requires the department to provide child day care services for the children of TANF recipients, participants in the VIEW (Virginia Initiative for Employment Not Welfare), and former VIEW participants for 12 months after termination of TANF financial assistance if such services are needed to (i) fulfill a VIEW requirement, (ii) enable the individual to seek or retain employment, or (iii) attend a job training or educational program. The bill also requires such services for those individuals who are otherwise eligible for child day care pursuant to State Board of Social Services regulations. The Bill contains technical amendments.

Senate Bill 129: Provides for up to 24 months of transitional childcare for persons whose TANF financial assistance is terminated, either voluntarily or involuntarily, if such assistance enables the individual to work.

Senate Bill 641: As passed Senate: Creates a provision for issuing protective orders to persons in a dating relationship. A dating relationship is defined as a romantic relationship between individuals that exists or has existed for a reasonably continuous period of time. Jurisdiction is the general district court unless the respondent is a minor, in which case jurisdiction is the juvenile and domestic relations district court. Senate Amendments: The Senate substitute expands who can petition for protective orders by including dating violence as arson for granting a protective order. Dating violence is defined in this Bill and gives parameters for the court system.

Senate Joint Resolution 60: Establishes a joint subcommittee to study the adoption system in the Commonwealth.

Senate Joint Resolution 67: Directs the Departments of Health, Mental Health, Mental Retardation and Substance Abuse Services, Medical Assistance Services, and Social Services, in cooperation with the Office of the Attorney General, to develop a secure system for sharing protected health information.

Action Items

22 VAC 40-770-10 Standards and Regulations for Agency Approved Providers
Notice of Intended Regulatory Action

Mr. Martin advised that recent changes to state law and the adoption of the federal Adoption and Safe Families Act requires that we proceed on amendments to this regulation. He reported the most expeditious way to accomplish this is to withdraw the 1998 action and proceed with a new notice of intended regulatory action.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell) moved to withdraw the Notice of Intended Regulation Action package to amend 22 VAC 40-770-10-Standards and Regulations for Agency Approved Providers, that was published in the Virginia Register in 15:22 VA.R. 2768 July 19, 1999. Motion carried with all in favor.

22 VAC 40-770-10 Standards and Regulations for Agency Approved Providers
Notice of Intended Regulatory Action

This action will begin the process to amend this regulation.

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Coryell) moved to approve the Notice of Intended Regulation Action package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) for regulation 22 VAC 40-770-10 entitled Standards and Regulations for Agency Approved Providers. Motion carried with all in favor.

22 VAC 40-11-10 Public Participation Guidelines
Proposed Amended Regulation

Mr. Martin advised this regulatory action provides for electronic transmission of information to include e-mail notifications, receiving public comment by e-mail and use of the Internet for dissemination and collection of comment on the State Board of Social Services' regulatory actions. Other changes incorporate recent statutory changes.

Discussion:

There were some concerns regarding not listing meeting notifications in local newspapers. Mr. Martin advised that most people have access to a personal computer, either at home or at a public library, and have access to meetings listed on line. Notices are also sent to interested party listings that are maintained at the department. He further confirmed that only the Times Dispatch was being used and it was very costly.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Christopher) moved to approve the proposed regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and approve the fiscal impact analysis for regulation 22 VAC 40-11-10 entitled Public Participation Guidelines. Motion carried with all in favor.

22 VAC 40-910-10 General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records

Proposed New Regulation

This action will establish a regulation providing confidentiality of records maintained by the state and local departments of social services. It is a permanent replacement for emergency regulations approved by the State Board of Social Services on April 17, 2002.

ON MOTION DULY MADE (Ms. Christopher) and seconded (Mr. Spadaccini) moved to approve the proposed regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number Twenty-five (98) and the fiscal impact analysis for regulation 22 VAC 40-910-10 entitled General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records. Motion carried with all in favor.

22 VAC 40-71-10 Standards and Regulations for Licensed Assisted Living Facilities
Final Regulation

This regulatory action will amend 22 VAC 40-71-10-Standards and Regulations for Licensed Assisted Living Facilities. The amended regulation replaces an emergency regulation and implements the Differential Response System for Child Protective Services.

Discussion:

Mr. Spadaccini questioned why a number was used rather than a percentage when referring to staffing in a special care unit.

Ms. Judy McGreal (via conference call) advised this unit has great needs and must have two staff to handle the patient/resident needs.

Mr. Goodwin advised he did not think the department has authority to set ratios. He will confirm this and provide information at the December meeting.

Mr. Spadaccini also mentioned training needs. Ms. Paula Dehetre (via conference call) advised the four hours training mentioned is in addition to a person's credentials. It is anticipated that once this regulation is "opened up", training is an area that will be reviewed. Mr. Spadaccini specifically asked that the Board review the possibility of raising the minimum standards.

Mr. Goodwin stated he would have staff prepare recommendations to address Mr. Spadaccini's concerns over the possible needs for strengthening the training needs in this area for providers.

Mr. Brown confirmed that first aid and CPR training is included in their training program.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell) moved to approve the final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) of regulation 22 VAC 40-71-10 entitled Standards and Regulations for Licensed Assisted Living Facilities. Motion carried with all in favor.

22 VAC 40-685-10 Virginia Energy Assistance Program-Home Energy Assistance Program

Proposed New Regulation

This action will establish the regulatory authority for the Home Energy Assistance Program. It is a permanent replacement for emergency regulations approved by the State Board of Social Services on April 17, 2002.

Discussion:

Ms. Christopher confirmed this program is already in place with staff to carry out the work. Mr. Martin agreed and advises administrative funds are limited to 12 percent.

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Coryell) moved to approve the proposed regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number Twenty-five (98) and the fiscal impact analysis of regulation 22 VAC 40-685-10 entitled Virginia Energy Assistance Program-Home Energy Assistance Program. Motion carried with all in favor.

22 VAC 40-705-10 Child Protective Services

Final Adoption

Mr. Martin advised the Board had approved the final regulation on August 14, 2002. Upon review of that action by the Secretary of Health and Human Resources pursuant to the provisions of Executive Order Number 21 (2002), she requested the Board amend to final regulation.

Specifically, amend the first sentence (a) "In conducting a family assessment or an investigation, the Child Protective Services worker may enter the home if permitted to enter by an adult person who resides in the home. The previous version read, "In conducting a family assessment or an investigation, the Child Protective Services worker may enter the home if permitted to enter by a person who resides in the home."

Mr. Spadaccini confirmed with Mr. Al Wilson this change was for clarification purposes.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Christopher) moved to approve the final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) to incorporate the change to "by an adult person". Motion carried with all in favor.

Public Comment

Riley Boy provided the following Public Comment:

Topic: Remind of adequate child protective services staffing needs

Local departments of social service are charged with the mandate of providing child protective services to children. We take that charge very seriously and are blessed to have professional staff that cares deeply about the children they serve.

I realize there are several new members to the Board, however, during your last visit in August of 2001, at the request of the Board, Child Protective Services professionals from the western region provided compelling testimony regarding the concerns of CPS staff in the region of the Commonwealth.

In October 2001, at the request of the Western Region Local Board Coalition, which I chair, we invited our local legislators to Abingdon and shared the same compelling presentation with them.

Our area of the state represents approximately 11 percent of the state's total population, but we are experiencing a greater percentage of abuse and neglect and child fatalities. The western region has a CPS rate of founded abuse and neglect of 9.2 per population of 1000 children age 0-17. The state average is 5.2 per 1000 children.

Over the last ten years our number of CPS complaints have remained relatively constant. The number of staff we have to commit to Child Protective Services is the same. However, the dangers to children and the demands and pressures placed on staff have increased greatly.

The severity and complexity of the abuse and neglect has increased dramatically. The degree of violence within families has increased. Serious substance abuse (alcohol and drug) is a common factor. On the job danger has greatly increased. Increase in the complexity and volume of paperwork and data input requirements have reduced productivity and produced worker frustrations. Additional mandates, such as risk, assessments, safety plans, additional court hearings, mandated training, etc., have added to workload demands.

We know we must deal with the reality of these changes and that many workload demands are worthwhile and appropriate. The Commonwealth in recent years has provided additional resources to staff foster care cases which was necessary, appropriate and welcomed. We believe there is an urgent need for additional Child Protective Services staff. The current budget shortfall does not reduce the need for additional staff resources and certainly will not reduce the number of children at risk.

Virgin Miller, Director of Smyth County Department of Social Services reminded us at last year's August meeting "Protecting our children is everyone's responsibility...but everyone expects social services to do the protecting. We do the best we can with the staff we have."

The reality of unpredictable human behavior is that some children will suffer abuse and neglect and some may even die as a result. That really is hard to accept. We must do all that we can to reduce the number of children that are affected by this reality. The lack of adequate staff resources is also hard to accept when we have an ethical and legal mandate to protect children.

The directors, staff and Boards of Social Services in the western region are committed to protecting children in southwest Virginia. Together, we can make a difference in the lives of children.

Joan Moore-Director of Health Families for southwest Virginia provided the following comments on behalf of the other 35 directors of Healthy Family sites serving 85 communities through Virginia.

Healthy Families Virginia is a statewide prevention initiative, which has been proven to promote positive parenting, improve child health, improve school readiness and prevent or reduce child abuse and neglect. It is part of the Healthy Families America Initiative, which covers 30 states, Washington D.C. and portions of Canada.

Healthy Families is a cost-effective strategy for communities in Virginia. It makes sure that existing services are better coordinated and the needs of new families are addressed before or at the time of birth. Participation is voluntary and information and a variety of services are offered, including frequent home visits for parents who are the most overburdened. Healthy Families also helps strengthen the safety net for all families. For example, many communities have developed Young Family Centers in their public libraries or partnered with their local hospitals to send developmentally appropriate newsletters to all parents on a regular basis. Communities have expanded parent education classes or added new ones.

Healthy Families is a positive solution for the poor beginning that many of Virginia's children now experience. The statistics tell the story: 39,507 children were reported to have been abused and neglected last year. Nearly half of the children involved in substantiated cases were under the age of six. And how many incidents went unreported? 75 percent of the children who receive expensive CSA (Comprehensive Services Act) related services have experienced abuse and neglect. As you may know, those services include foster care, special education, mental health services and the juvenile justice system. Abused and neglected children are also more likely to drop out of school, get pregnant, abuse substances, commit violent crimes and need mental health treatment services, as they get older.

Healthy Families works: Abuse and/or neglect occurred in only 1.2 percent of the families participating in the most intensive services, compared to 4.7 percent among families with similar characteristics who were not in the program. In the vast majority of sites, over 90 percent of the children are up to date on their immunizations compared to the state rate of 73 percent. A study at the Hampton site showed that both mothers and children have far fewer birth complications than a comparison group. The vast majority of Healthy Families children, well over 90 percent are developing normally. According to a ten-year benchmark study done by the College of William and Mary for the Hampton site, the children from the families who had the greatest challenges, and who received long-term home visiting services, are performing on the same level with the rest of the students in their grades. They entered school ready to succeed.

Thanks to Healthy Families, their parents are successful as well. Many of them have found employment or have decided to continue their educations. One mother writes, "If you could have seen me three-and-a-half years ago, you would never believe what I have grown into. I am a great mom, a strong woman capable of anything."

Through Healthy Families, ten new families can participate in the most comprehensive services for what it costs to keep just one child in the juvenile justice system for a year. Three families can participate in these Healthy Families services for what it costs to pay for foster care for just one child for a year.

Through Healthy Families Virginia, 85 communities now have structures in place to assist families in giving their children a good start. However, they are faced with the possible loss of state support to help maintain them. At a time when these community initiatives are posed to reach out to more of their new families, they are faced with having to cut back or close their doors.

Difficult budgetary decisions have to be made in state government. However, Healthy Families is truly a cost containment measure and an investment in Virginia's future. It is a minimal investment in the shallow end of the pool early in a child's life as compared to the high; deep-end costs later on after a child has been damaged. Those include the Comprehensive Services Act-related costs that are very much a part of the budget problems being faced by the Health and Human Resources area of state government now. It's very much a case of "pay me now or pay me later".

We respectfully request that this Board encourage the Governor to maintain funding for Healthy Families in its budget. The current annual appropriation is \$3.7 million, \$900,000 of which comes from the General Fund. The remainder is federal TANF funding. The general funds are especially important, for they can be used to leverage additional federal Title IV-E funds for the sites (Foster Care Prevention funds). State funds have served as the core of financial support for all of the sites, but especially for the sites serving small, rural communities with few other resources, such as mine. This relatively small amount of state funding is being matched with or exceeded by other private and local government dollars – the public and private sectors working together to make an important directional change in the local human service system. Communities are reaching out proactively to families in a positive way before anything negative happens. What better investment could we be making in our future?

Thank you for this opportunity to speak with you today. We encourage you to give careful consideration to our request for maintaining the Healthy Families Virginia funding partnership with state government.

Board member Julie Christopher advised she is Chairman of the Board of Prevent Child Abuse Virginia. If a motion was made by this Board, she would not participate in it, due to a conflict of interest.

Deputy Commissioner Goodwin advised that he believes that recommendations were made in the Governor's budget to support this program.

Mr. Spadaccini asked that this issue to be listed as unfinished business on the rolling agenda and be revisited in December.

Note: The following public comment was received via fax/email at Central Office on Tuesday night prior to the meeting. Ms. Bryan requested it to be read during Public Comment on Wednesday.

Barbara Bryan provided the following email copy for inclusion in the Public Comment:
RE: Further consideration of VAC 40-705-10 as previously delayed by HHR Secretary for amendment:

Background: Although the revised Child Protective Services regulations must flow from law and, per an Article in the Commonwealth Constitution "... all laws are presumed to be Constitution," withholding from an accused identities of possibly mistaken or malicious accusers first reporting (and sometimes exploiting) local DSS/CPS agencies during criminal proceeding, and many other facets of current and amended/proposed regulations, leave Virginia open to Constitutional and other costly challenges.

Prior to amending the one major improvement to CPS regulations of the Allen-appointed State Board, 22 VAC 40-704-10 et seq. included a "predispositional hearing," a consultation that allowed for the possibility of preventing an error before a citizen was labeled and obliged to survive both an agency operated often disposition-sustaining erroneous allegation as well as court proceedings and anti Fifth Amendment evidence-creating often questionable (because evidence was not obtained and preserved objectively on tape) evaluations.

The purpose of that predispositional hearing was to protect local property taxpayers (who initially fund errors originating with local agencies) and the state from avoidable mistakes that local agency directors and others might catch before a label is attached to an accused (reported) citizen. That person often is not told of the "consequences" of CPS action or has counsel to understand what an "investigation" may entail when he/she is deliberately bypassed during it (including commenting on or making tax free plans for a child to remain with extended natural family rather than being traumatized and withheld with paid strangers as an erroneous process escalates in expense and injury).

Note" While I am sorry that my husband's declining health and death have prevented my personally attending Board meetings in the past two years, I am even sadder that the clear differences and distances between the Oath of Office all take to uphold Constitutional Law and what is being permitted in CPS regulations—as frequent topics of my public comments beginning in the late 1980's—does not require more amending than that the Secretary kindly noticed.

Unless and until there are serious consequences for violating the individual liberty protections our forebears stood up for –Patrick Henry only a stone’s throw from VDSS, General Assembly, and Capitol buildings—neither state/local agents (CPS or family assessment workers who are free to alter agency intentions so that families may or not come to trust they “are there to help”) nor families (most of whom have no clue that their children can vanish on a mistaken, mischievous, or malicious report that is believed and upheld on sometimes third party financially interested hearsay—those hired following a report to constructively created “evidence” to justify removals as well as terminations toward adoptions out of natural extended family for which agencies and adopters receive generous financial incentives depending on conditions—nothing ever will change. It has not in the nearly 20 years I have advocated for children and families.

When I began learning more about both state and federal constitutions and federal and state laws, regulations, policies on child protective services and local practice (which too frequently matched none of the above), “reasonable efforts” were two words from Public Law 96-272 and meant genuine efforts were made to have the child remain in his/her family, at least somewhere.

“Reasonable efforts” in the Commonwealth, the last time I asked in recent years, meant a good try to NOT adopt out a child with continuing subsidies. I was told that all children with needs are so adopted out of the system these days. What if their natural families had been encouraged with even a fraction of money spent later to remove a child are its public care?

Among prior and continuing concerns in VAC 40-705-10 et seq.:

That there is no definition for either “evidence” or “facts” both of which have been created during, nor prior to, investigations and “findings.” Too many of them are legally based on a shade of 50 percent (preponderance) of agency (empowered by a court’s immunizing signature) third-party financially interested provider’s opinion based on “facts” supplied him/her generally without communication with parents or caretakers accused. That the opinions are often in actual or tacit contractual associations with DSS/CPS locally, or in clear ways dependent on their referrals does not honor the spirit of Constitutional safeguards for all.

When Differential Response (MRS-multiple response system) was initially considered and VDSS State Board chair Ray Sirry had me appointed to the Task Force writing it, I vainly held out for clear definitions of what “facts” and “evidence” would be because on belief in their reliability hangs everything for family integrity. Until they are clear in “definitions,” nothing will change regarding family safety nor child protection with natural protectors.

(By the way: An annual reading of Dr. Sirry's thesis on the one major factor as to whether a child will be allowed to remain among natural extended family if removal is necessary—the attitude of the local agency director after controlling for all other variables—should be encouraged for each person whose energies oversee practices on the frontline for CPS or family services within VDSS.)

If any one is tempted to say (older Board members will not) “Why didn't you point this out sooner? I must observe the words of the Constitutions as well as VAC 40-705-10 et seq, speak for themselves and there is a gigantic gulf—one everyone taking an oath in the Commonwealth has promised not to breach—between clear principles in our Bill of Rights and Virginia's original personal safeguards and what is practiced on accused parents and caretakers.

When “first sources” are prior original sources there is a large distinction between accomplished and intended maltreatment and sometimes needlessly cautionary option of a professional brought in, and usually paid, by local/state agents whose actions may be ultimately at issue.

When “medical treatment” seemingly withheld is a criteria for action (as it was in our family 20 years ago this spring), then the very professionals known to exploit the CPS system to remove a bothersome parent (one concerned about efficacy or a doctor's iatrogenic treatment of a confusingly ill child) or one suggesting making a report on the doctor's behavior simply enjoy their open-ended ticket to presumed infallibility and total truthfulness. For many years even the most enthusiastic child advocates have suggested beneficial results of removing immunity from professional reporters. (Ask for examples of serious injury and death to children whose parents were reported but medical and other professionals did not balance opinions with objective facts.)

Poverty never has been, on paper, a reason to remove children or label parents.

Rolling Agenda

December 2002

Customer Satisfaction Survey-Kathy Ralston-Albemarle LDSS Director

CPS Fatality Report

VLSSE Subcommittee structure

Licensing-Update on provider training

Budget Reductions-additional reductions in December

Unfinished Business- Healthy Families /TANF funds, budget

Minutes

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Brown) moved to approve the August 2002 minutes as presented. Motion carried with all in favor.

Future Meetings

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Christopher) moved to adopt the following meeting schedule:

<i>January 30</i>	<i>Central Office</i>
<i>Feb. 19-20</i>	<i>Hanover DSS</i>
<i>April 16-17</i>	<i>Northern Region</i>
<i>June 18-19</i>	<i>Piedmont Region</i>
<i>August 20-21</i>	<i>Eastern Region</i>
<i>October 15-16</i>	<i>Western Region*</i>
<i>December 17-18</i>	<i>Central Region</i>

* Note: This motion was made on Thursday, but placed on the agenda following the original motion to accept the meeting schedule, ensuring citizens would know there was a meeting date change from the original motion.

ON MOTION DULY MADE (Ms. Christopher) and seconded (Mr. Brown) moved to change the October meeting date from October 15-16 to October 22-23. Motion carried with all in favor.

Subcommittee Assignments

Chairman Andrews advised all members are invited to serve on the following committees:

Child Protective Services	Phillip Jones-Chairman
Day Care	Mamie Locke-Chairman
Child Support Enforcement	Robert Spadaccini-Chairman
Adult Care	Maggi Luca-Chairman
Welfare Reform	Jean Cobbs-Chairman
Child Day Care Council	Julie Christopher-Chairman
CPS Out of Family	Carol Coryell-Chairman
Finance/Budget	Danny Brown-Chairman

Award Presentation

Mr. Goodwin presented Ms. Shirley Rogers, former Board member, with a plaque from the department in appreciation for her service to the department.

Recess

Thursday, October 17, 2002

Reconvene

Freedom of Information Review/update

Mr. Al Wilson, Assistant Attorney General provided an update to the new members on the Freedom of Information Act.

Meetings

- Considered a meeting when three members are discussing business
- Meetings must be open
- Notice must be given three days prior to a meeting
- Secret ballots cannot be used
- Minutes are required

Closed Meetings

- Can only be held for limited purposes
- Must follow procedures for going into and out of closed meeting
 - Motion
 - Identify subject matter for closed meeting
 - State the purpose of the meeting
 - Make reference to the specific exemption from the open meeting requirements.
 - Notice provisions do not apply
 - Discussion restricted only to those matters specifically identified in the closed meeting motion
 - No action can be taken on matters discussed in closed meeting, Except in a public meeting. No voting in a closed meeting.
 - Minutes are not required. If taken, they are not subject to Mandatory public disclosure.

- Must immediately reconvene in an open meeting and vote certifying
 - Only public business matters lawfully exempted from open Meeting requirements under FOIA and
 - Only such public business matters as were identified in the Motion by which the closed meeting was convened were
 - Heard, discussed or considered in the closed meeting.

Records, Confidentiality, Prohibited Conduct, Personal Interest in Transactions, and the Annual Personal Interest Disclosure Form were also covered. A complete copy of this report is attached to the Official Minutes Book housed in Central Office.

Strategic Plan Update

Vice Chair Robert Spadaccini and Deputy Commissioner Ray Goodwin provided an update on the department's Strategic Plan meetings. This group was comprised of a diverse group of citizens. Information gathering sessions took place across the state.

The Mission was reported as being People Helping People Lead Safe and Productive Lives. Values include:

Accountability: Maintain an organization and network that are both effective and good stewards of public funds and trust.

Integrity: Our individual and group actions demonstrate the highest ethical and professional standards and respect for our customers.

Effectiveness: We strive to maximize our resources and effectively meet the changing needs of our customers.

Goals include:

Enhance the independence, well-being and personal responsibility of citizens

Maximize resources

Provide high quality services

Inspire public trust

Employ, develop and maintain a workforce dedicated to excellence

Mr. Goodwin thanked Mr. Spadaccini for his continued input and interest in assisting the department with this Strategic Plan.

Commissioner Comments

Deputy Commissioner advised that Mr. Maurice Jones had been appointed Commissioner of the department. Mr. Jones will continue in his current position as a deputy in the Office of the Governor. It was also announced that Mr. Jones became a father on Wednesday. Members offered their congratulations to Mr. and Mrs. Jones.

Chairman Debra Andrews spoke with Mr. Goodwin regarding his letter to her on limiting Board travel to regional-only meetings. This letter was a result of the budget crisis that the Commonwealth is facing. It was mentioned that the Board turned in close to fifty percent of their budget last year and had never overspent their budget in previous years.

Mr. Goodwin advised he would speak with Commissioner Jones in regard to Board travel limits and advises if members will be granted approval to attend the VLSSE Fall Conference.

VLSSE

President Ben Owens spoke of the VLSSE Conference and advised the deadline could be lifted to accommodate Board members attendance. He further thanked the department for the collaboration on the Personnel regulation.

Mr. Owen advised the League would like to encourage dialogue with the Board in conjunction with their subcommittee structures. Chairman Andrews requested Ms. Rengnerth to meet with Mr. Owens and report back to the Board.

The League thanked Mr. Goodwin for his dedication to the department, the League and citizens of the Commonwealth. Everyone is pleased that Mr. Goodwin will continue his service in the department.

Director Comments

Sam Bush, Director of Greensville Emporia advised the League is committed to work with the General Assembly. Priorities were identified. A copy of the Community Resources Directory was distributed to members. Copies were also distributed to every household and business in his area.

Mr. Bush commented on the copy of News and Views he had received. He questioned whether this copy could be put on line as it has valuable information to local agencies. Mr. Goodwin advised this color copy is being scaled back to black and white, with less copies being printed, due to recent budget cuts. He stated he would talk with Ms. Williamson, Director of Communications, to see if it was possible to have this brochure put on line.

Mr. Bush reported that the League would host a legislative reception on January 29, 2003 at the Downtown Club in Richmond.

Bob Gose, Director of Bristol City LDSS thanked members for visiting Bristol.

He further spoke of a residential treatment center being established locally, stating the importance of having both parents and social workers participating in a child's treatment plan. Sometimes this is not an option if the child is sent far outside of the area.

Minutes
October 2002
Page 20

Resolution

On behalf of the Board, Chairman Andrews presented Mr. Gose and the Western Region Coalition with an Award of Appreciation for their work in this area. They were also thanked for hosting a lovely reception on Wednesday evening.

Board Comments

Ms. Coryell thanked the directors for the lovely reception. Mr. Gose was thanked for opening up his office to meet with Ms. Coryell on a recent visit.

Mr. Spadaccini sent a welcome to Commissioner Jones and also advised it was a privilege working with Deputy Commissioner Goodwin. Condolences were extended to the family of Doug Stone on the passing of the Virginia Beach local agency Director, and Mr. Nick Young, Assistant Commissioner on the passing of his father.

Ms. Christopher echoed her thanks for the lovely reception.

Mr. Brown stated he was impressed with department staff and Mr. Spadaccini's knowledge our process and questioned asked. He thanked Mr. Goodwin for the Organization Overview notebook and Ms. Rengnerth for her support to the Board. He thanked local directors for their participation in this meeting.

Ms. Andrews concurred with the other members on their appreciation to the Western Region for their hospitality. She welcomed the new Commissioner and thanked Mr. Goodwin for his assistance to the Board.

She advised of receiving thank you notes from previous members for the Revere Bowl that was presented from the Board for their dedication and hard work in serving citizens of the Commonwealth.

Condolences were offered to Mr. Gose for the recent loss to his family.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Christopher) moved to adjourn the meeting. Motion carried with all in favor.

Submitted by Pat Rengnerth
Approved December 2002.