

# Commission on Improving the Status of Children in Indiana

*Wednesday, October 16, 2013, 10:00 A.M. to 2:00 P.M.  
Indiana Government Center South, Conference Room C*

## Minutes

**Members present:** Justice Loretta Rush, Chair; Mary Beth Bonaventura, Director, Department of Child Services; Brian Bailey, Director, State Budget Agency; Mike Dempsey, Director, Division of Youth Services, Department of Correction; Senator Travis Holdman, Markle; Lilia Judson, Executive Director, Division of State Court Administration; Representative Rebecca Kubacki, Syracuse; Senator Tim Lanane, Anderson; Larry Landis, Director, Public Defender Council; Susan Lightfoot, Chief Probation Officer, Henry County; Debra Minott, Secretary, Family & Social Services Administration; Kevin Moore, Director, Division of Mental Health & Addiction; David Powell, Director, Prosecuting Attorneys Council; Representative Gail Riecken, Evansville; Dr. Ryan Streeter, Senior Policy Director for Governor Mike Pence; Dr. William VanNess, State Department of Health; Greg Zoeller, Attorney General.

**Guests:** Susan Weiss, Casey Family Programs; Dr. Susan Smith, Casey Family Programs; Barry Salovitz, Casey Family Programs.

**Commission Staff present:** Amber Holland, Indiana Supreme Court; Jane Seigel, Anne Jordan, Jeff Bercovitz, Indiana Judicial Center; Ruth Reichard, Kathryn Dolan, Mike Commons, Elana Salzman, Indiana Supreme Court, Division of State Court Administration.

**Media present:** Marisa Kwiatkowski, Indianapolis Star.

**1. Welcome:** Justice Rush welcomed the Commission and thanked the Department of Education for providing webcasting services. She introduced the guests from the Casey Family Programs and thanked both them and the Indiana Youth Institute for their work. Justice Rush also thanked Cathy Graham from IAARCA for her contributions to the August meeting minutes.

**2. Approval of Minutes:** The minutes from the August 21, 2013 meeting were approved by consensus of the commission.

**3. Review of Submitted Topics:** *Susan Weiss, Casey Family Programs.*

Susan Weiss from Casey Family Programs gave the background on Casey's role. After the August 21, 2013 meeting, Casey was asked to take the comments and issues submitted by commission members and distill them into priority areas. From the responses, it became clear that mental health services are a program priority area, along with mental health and substance abuse services. Data sharing and addressing the service array gaps are cross-system priority areas.

Sen. Holdman stated the foster care system reform is mislabeled and belongs in the child welfare system. He also asked for an organizational chart for each agency and asked that we avoid using

acronyms. Justice Rush asked that the organizational charts be sent to her or Amber via email. A page with each agency's organizational chart may be included in the annual report.

**4. Mission and Vision Statements:** *Justice Loretta Rush, Indiana Supreme Court, and Dr. William VanNess, Indiana State Department of Health.*

The draft Mission and Vision statement developed at the informal meeting in May, 2013 was provided as an example. Discussion was focused on use of the term "vulnerable" and whether that precludes improving the status of all children. Justice Rush thought the mission statement should stay consistent with the statutory requirement. The goal of the Commission is to drive our stakes deep and get a good foundation in order to get our work done. This vision/mission will help us develop focus. The purpose of our existence is answered by the legislation itself. A motion was made to amend the mission statement to strike the word "vulnerable." The motion passed.

The Mission and Vision statements are attached to these minutes.

**5. Commission Structure:** We need to plan for some continuity with the Commission since there are rotating chairs. To accomplish this, Justice Rush proposed that the Commission adopt an organizational model that is comprised of an Executive Committee. Justice Rush presented four organizational models for consideration:

**Indiana Model 1.** This model is custom to Indiana. The model consists of the chair of the Commission, an executive committee, commission members, and task forces. The task forces are being proposed so that a smaller group will have more time to study, deliberate and develop thorough recommendations on the topics that would then be submitted to the full Commission for consideration.

**Indiana Model 2.** This model is custom to Indiana and consists of the chair of the Commission, an executive committee, commission members, proposed task forces, and an hoc committees. In this model, the identified task forces are a mission, vision and strategic planning task force, organizational structure task force, and a communications task force

**Indiana Model 3-California.** This model is based off of the California Blue Ribbon Commission on Children. This model consists of the chair of the Commission, an executive committee, commission members, task forces and local/regional committees. The California Commission established pre-defined permanent committees soon after the Commission was established. The local /regional commissions were an outgrowth of one of the final recommendations of the commission and were meant to carry on the work of the Commission at the local level once the term of the statewide Commission ended.

**Indiana Model 4-Pennsylvania Model adapted for Indiana.** This model is based off of the Pennsylvania Children's Roundtable Initiative. The model consists of the chair of the Commission, an executive committee, commission members, regional commissions and local commissions. In Pennsylvania, the courts and the child welfare agency are county operated. The Pennsylvania Children's Roundtable Initiative was developed to encourage and facilitate

collaboration between the courts and child welfare agencies. Participation in roundtables is voluntary.

Rep. Kubacki asked if there is any information on how these models have worked in other jurisdictions. Susan Weiss reported that California was successful in getting policy changes, but their challenge now is to operationalize at a local level. Pennsylvania was very effective at elevating issues from the local level to the state level and developing policies.

Justice Rush said Indiana's Children's Commission is unique because it consists of representatives from all three (3) branches of government. She recommends establishing an executive committee. The purpose of the executive committee is to plan for continuity, staff support and to keep the effectiveness of the Commission ongoing.

Lilia Judson moved to create an executive committee of five people: the three rotating chairs and two at-large members, with the sitting chair responsible for appointing the two at large members. Dr. VanNess seconded.

Dr. Streeter moved to adopt Model 1, and Rep. Riecken seconded the motion. Both motions passed unanimously. An organizational chart as to the organizational structure of the Indiana Commission is attached to these minutes.

**6. Access and Availability of Services for Vulnerable Youth—"Mapping":** *Susan Smith, Casey Family Programs, and Ruth Reichard, Indiana Supreme Court, Division of State Court Administration.*

Ruth Reichard and Dr. Susan Smith explained the value of using maps to study access to and availability of services for vulnerable youth. It was noted that the priority areas and the statutory charge are surprisingly congruent, and that mapping can help address these concerns. Dr. VanNess asked how vulnerable youth can be distinguished. Ruth said the statutory definition of vulnerable youth was reviewed. Justice Rush added that all children, not just those involved with the courts, will be included. A letter has been sent to mental health and substance abuse providers to see what services they provide, where, and to whom, and a database is being created. This data can be used to identify hot spots in order to target resources. Attorney General Zoeller asked if staff has talked with the 211 service centers that connect individuals with social services. Ruth responded that 211 are only available in central Indiana. Attorney General Zoeller acknowledged the scope of the 211 service area and commented that obtaining the 211 data remains a valuable resource even if it is only available in central Indiana given its large population. Bill Stanczkiewicz echoed the comments of Ruth and Susan, saying mapping helps identify redundancies and gaps. The Indiana Youth Institute is happy to assist the Commission in any way they can.

**7. Indiana Child Welfare Data:** *Barry Salovitz, Casey Family Programs, and Mary Beth Bonaventura, Indiana Department of Child Services.*

Barry Salovitz provided additional information on what Casey does around the country with public child welfare agencies. He emphasized the importance of partnering with the judiciary and other agencies. Casey's goals include safe reduction in out-of-home care, finding a legal and permanent

family for every child and improving child well-being. His PowerPoint presentation indicated that Indiana's rate of removal of children is higher than the national average. The 2011 national rate of removal is 5/1,000 children; Indiana's rate is 6.8/1,000. The 2011 national rate of children entering care is 3.2/1,000; Indiana's was 4.6/1,000. An increase in preventive services would help keep the numbers lower. Indiana is poised with IV-E waivers to help address this.

Director Bonaventura added that mapping opportunities will show that the lack of services in some areas causes higher rates of removal. The statistics indicate neglect is the most common reason children enter care in Indiana until ages 15-17, when child behavior problems increase. Barry stated that the charts underestimate substance abuse and mental health factors; they get buried under the term neglect. The Commission discussed how the Department of Child Services defines "neglect." Justice Rush noted that these statistics do not include children in detention.

**8. Children's Commission Assignments (Legislative Council Resolution 13-01):** *Representative Rebecca Kubacki, Senator Travis Holdman and Representative Gail Riecken.*

**SEA 530.** The Commission is charged with addressing problems of SNAP (Supplemental Nutrition Assistance Program), as follows: 1) whether Indiana should require a photograph of a SNAP recipient on the EBT (Electronic Benefit Transfer) card; 2) whether Indiana should require a SNAP recipient to show a photo identification issued by a federal, state or local unit when the EBT card is used electronically; and 3) whether Indiana should seek approval to allow the distribution of SNAP benefits on a bimonthly basis.

Rep. Kubacki explained that a SNAP card is issued to a household, not an individual, so everyone in the home would need photo identification. Rep. Kubacki further explained that the SNAP program is funded one hundred percent (100%) by the federal government. Other states have attempted to require photo identifications and it has been challenged in the courts. If Indiana were to require photo identification, state funds would have to be used to pay for the identification. Rep. Kubacki does not think it is fiscally responsible to use taxpayer funds for this purpose given the relatively low number of SNAP fraud cases. Distribution of benefits on a bi-monthly basis, which would give stores the opportunity to adequately stock their stores, is prohibited by federal law. Rep. Kubacki recommends that since the funds are limited, the State should focus on assuring that those who really need SNAP will get it. Rep. Riecken added that requiring identification cards perpetuates a stigma. She also stated two states requested the use of identifications and both requests were specifically denied by the federal government. Rep. Riecken recommended we take no action. Debra Minott noted the federal government has the authority to grant a waiver to use photo identifications, but the government is not currently allowing the use of identifications, to undertake this now would be futile. In addition, payment of benefits on a bi-monthly basis is absolutely prohibited by federal law and cannot be waived so this is an absolute "cannot do." Sen. Lanane moved and Dr. VanNess seconded that no action be taken on these items. The motion passed unanimously. Three members of the public submitted written statements of support for the committee's action.

**SEA 305.** Due process for child care providers. Sen. Holdman discussed the three classes of child care providers: licensed day care centers, licensed day care homes and registered day care ministries. This past legislative session there was a lot done to regulate all three classes of child

care providers who accept Child Care Development Fund (CCDF) voucher payments. One issue that came up during the legislative session was due process rights for registered day care ministries. There are currently no appeal rights for registered day care ministries. If a registered day care ministry is found to be out of compliance by the Bureau of Child Care, the Bureau sends the registered day care ministry a notice, pulls their registration, and the registered day care ministry is out of business. The only thing that the ministry can do is to re-apply under a different application. In an attempt to try to provide some fairness, an attempt was made during the last legislative session to put some appeal rights in place for registered day care ministries, but an agreement could not be reached as to what the appeal rights would be. Sen. Holdman recommends no action be taken until advocates for registered day care ministries come forward with a proposal. He then moved to table this issue. Judge Bonaventura seconded the motion. The motion passed unanimously.

**9. Child Services Oversight Committee: Representative Gail Riecken.**

Rep. Riecken gave a report on the Child Services Oversight Committee. This committee met July 31, and the next meeting is scheduled for October 23. They are required to report to the Commission by November 1, 2013. At the July meeting, the Oversight Committee heard status reports, a report on the DCS hotline and a report from the DCS Ombudsman. Notes concerning the Oversight Committee have been shared with Justice Rush, who will attach them to the Commission minutes. Some of the issues the Oversight Committee will review include children born with drugs in their systems and a child fatality reporting system. Rep. Riecken has met with Brady Brookes about proposed DCS legislation.

Sen. Lanane requested an update on CPS (Child Protective Services) hotline. Brady Brookes from the Department of Child Services was asked to address the commission. She reported that four (4) locations for the hotline have been established: Lawrence and Blackford counties; St. Joseph County, partially staffed; and Vanderburgh County, which currently is being worked on.

Sen. Holdman requested information on hold time and turnover rate in the CPS hotline. Brady Brookes reported they are measuring hold time and will present it to the DCS Oversight Committee next week. The turnover has decreased from 50% to 25-30% in 2012. Overall, the agency turnover rate for DCS is now 17%, according to Director Bonaventura.

Sen. Lanane asked for an update on the new hybrid system for the DCS call center. Brady reported that DCS has changed their procedure. Now, all reports go to the county for determination. Judges also have direct access, and reports from judges and prosecutors get referred. Justice Rush advised we will link to the Oversight Committee minutes on our website. The commission applauded Brady's work.

**10. Indiana Infant and Child Mortality: Dr. William VanNess and Mary Beth Bonaventura.**

Dr. VanNess stated that the Indiana State Department of Health has four public health priorities: reduce infant mortality/death before the first birthday; reduce adult obesity; reduce adult smoking; and, increase infant and toddler immunization rates (only 48% are scheduled). He said they are working with other state agencies in making this a priority. He reported that black infant mortality rates are down while white infant mortality rates are up. Dr. Streeter asked if

other states that made this issue a priority have seen improvement. Dr. VanNess said yes. More social workers/community health workers are needed to help high risk mothers. Like politics, health care is local. Dr. VanNess noted that 30% of Indiana Medicaid mothers smoke; the national rate is 9%. One-third of mothers in our state have no prenatal care. Indiana is 47% rural, and there is inadequate prenatal care in those areas.

Director Bonaventura then reported on DCS fatalities (handout provided). She noted that 292 child deaths were reported in SFY 2011, with 82 of those deaths associated with unsafe sleep conditions. She also said the DCS counts fatalities differently than the Board of Health. New mothers need education on whom they associate with and whom to leave children with because a number of those child deaths were at the hands of the mother's intimate partner.

**11. Working Draft of Organizational Structure:** Justice Rush stated that Indiana does not have a good system of data sharing and mapping, and suggested we set up a working group to address this issue. The barriers to communication need to be broken down. Attorney General Zoeller wants to be better able to share information across agencies. The Attorney General's office is immune from HIPPA because of the Medicaid Fraud Unit, thus can speak to everybody. Lilia Judson stated that courts struggle with confidentiality barriers. Maybe there is a way to keep names of children anonymous, such as using a number identifier. We need to make sure children's due process rights are protected, and suggested we include public defenders. Larry Landis offered that we need to be selective on what data we collect to reach our goals. Dr. VanNess concurred, stating we need to look at the at-risk kids. What information is needed? Justice Rush stated we need some basic information to identify gaps in services. We need to clearly communicate the problem we are trying to solve to this data committee.

Dr. VanNess recommends Paul Baltzell of IOT (Indiana Office of Technology) for this committee. He would also like Casey Family Programs to be involved. Attorney General Zoeller volunteered his office. He wants to focus on where there is an inability of government agencies to communicate as part of this committee.

Justice Rush asked the Indiana Youth Institute to lead this work group. We also need someone from DCS, FSSA and the Department of Health. If others want to volunteer on this, they would be welcomed. Partners in the private sector may be able to help with funding. Dave Powell suggested we need to look at child support information. The Department of Child Services and the Department of Education are redoing their case management systems. Now is the time to ask them for information.

Justice Rush stated we will start out collecting data on mental health providers to see the availability of services. Next month we will have a substantive presentation on mental health and teen suicide.

Justice Rush asked whether a working group is needed for infant mortality. Dr. VanNess volunteered to lead this work group. Cross-system representation is needed from the Department of Health, Department of Child Services, Family and Social Services Administration, the Department of Education, Probation and the Attorney General. We also need hospitals and community mental health centers.

Dave Powell asked if commission members can submit names of persons interested in these groups from their constituencies. Justice Rush said yes. She also indicated the commission will look for funding and staffing. The key action item is where each agency would fit in to those groups. The charts will be an action item at the next meeting and attached to the minutes.

**12. Commission Website and Webcasting Commission Meeting:** Kathryn Dolan, Public Information Officer, Indiana Supreme Court.

Kathryn reported that the temporary website is up while the permanent website is being developed. She asked Commission members to submit all documents in PDF format. Kathryn thanked the Department of Education for webcasting this meeting, stating that the December meeting will be live-streamed. She reported the Commission needs webcasting assistance for the meetings in 2014. Mike Dempsey of the Department of Correction volunteered.

**13. Other Matters:** Between now and the next meeting, the two working groups will be set up. See proposed organizational chart, attached.

Sen. Holdman asked the Commission to consider creating a special task force for Indiana's addiction to methamphetamine for the next meeting. There are legislative fixes that could be recommended. Justice Rush said we hope to offer a substantive presentation on methamphetamine for the next meeting.

Rep. Kubacki asked if we are going to prioritize issues. Justice Rush said this will be addressed at the next meeting.

**14. Next Meeting: December 11, 2013, 10:00 a.m.–2:00 p.m.**

The temporary website to view all documents handed out at Commission meetings and the webcast of today's meeting is at <http://in.gov/judiciary/center/2714.htm>