

**Commonwealth of Virginia  
State Board of Social Services**

**Petersburg Department of Social Services  
400 Farmer Street  
Petersburg, VA 23804**

**Wednesday, April 17, 2013  
9:00 A.M.**

**Attending:** Mr. Robert Spadaccini, Sr. (Chair), Mr. Willie Greene (Vice Chair), Mr. William Henderson, Ms. Trudy Brisendine, Dr. Jack Knapp, Ms. Lisa Robertson, Dr. Bela Sood, Ms. Deborah White

**Absent:** Mr. Ray Johnson, Mr. Thomas Atwood, and Ms. Heidi Metcalf-Little

**Also in Attendance:** Ms. Margaret Ross Schultze (Acting Commissioner), Mr. Allen Wilson (Sr. Assistant Attorney General)

**Meeting called to order at 9:00 a.m. - Mr. Spadaccini, Chair**

Mr. Spadaccini welcomed Board members, Petersburg City Manager Mr. William Johnson, Petersburg Department of Social Services (DSS) Director Kimberly Miles, and former Board member Ms. Maggie Luca. Mr. Spadaccini also expressed appreciation to the Petersburg DSS staff for hosting the Board meeting.

**Review of Agenda- Ms. Karin Clark, Regulatory Coordinator**

Ms. Clark provided an overview of the agenda for both days of the meeting.

**Petersburg City Welcome - Mr. William Johnson, III, MBA, City Manager**

Mr. Johnson welcomed the Board and provided information about the City of Petersburg. Mr. Johnson also thanked the Board for its service and returning to visit Petersburg since the last visit in 2007.

**Petersburg DSS Welcome - Ms. Kimberly Miles, Director**

Ms. Miles welcomed everyone and introduced the Petersburg DSS staff. She also thanked the Board for its leadership and guidance. Petersburg supervisors introduced themselves, as did other local directors in attendance.

**Overview of Petersburg DSS - Ms. Kimberly Miles**

Ms. Miles presented information about Petersburg DSS, highlighting their mission, vision, leadership, goals, programs and initiatives, profile data, and service awards. Ms. Miles will provide the Board with the Petersburg profile data. Ms. Miles commented that Petersburg DSS is committed to preparing the next generation and works with interns majoring in social work, through practicum placement, with various colleges and universities.

Ms. Miles introduced Ms. Donna Rhode, Petersburg SMART START Director. Ms. Rhode discussed the program highlights of SMART START. The program targets chronic absenteeism in kindergarten through third grade, defined as missing 10% of days in school or 18 days per school year at A.P. Hill Elementary, as referred by the school's counselor to the social work case manager. The program works with families beyond the school year, throughout the summer months. Parenting classes are offered to engage the parent with the school and increase their relationship. The social worker spends time in the home setting to exchange better insight with the school of what the child may be dealing with. Ms. Rhode stated that the effectiveness of the program, based on data collected, is currently being evaluated. Community partners are interested in partnering with this program. Ms. Rhode stated they will look into what needs to be improved based on the data collected for this school year and is very impressed about the community involvement. This year there are ten families in the program; one family includes three children. Next year the number of families will

increase to twenty, with the addition of another social worker. Ms. Rhode would also like to see how prisoner re-entry and fatherhood initiatives could be tied into this project.

### **Petersburg DSS Resolution**

The resolution was read by Ms. Trudy Brisendine. **ON MOTION DUALY MADE** (Dr. Jack Knapp), seconded (Mr. Willie Greene), moved to approve the resolution. Motion approved with all in favor. Mr. Spadaccini and Acting Commissioner Schultze presented the resolution to Ms. Miles.

### **Comments from Commissioner of Social Services - Ms. Margaret Ross Schultze, Acting Commissioner**

Acting Commissioner Schultze welcomed the Board members and thanked the Petersburg DSS staff for hosting and their warm welcome.

April is Child Abuse Prevention month. Prevent Child Abuse Virginia, Family and Children's Trust Fund (FACT), and other organizations held a conference in Richmond. Everyone wore blue in honor of the month. Earlier in the month, both Mr. Spadaccini and Acting Commissioner Schultze visited Northern Virginia for the first independent FACT fundraising event, which raised more than \$25,000. Those funds will be reinvested into grants for prevention of domestic and child abuse. Mr. Spadaccini shared copies of the FACT booklet from the conference and requests copies for the Board. The booklet is also located on the [FACT website](#).

In March, the Governor asked Ms. Schultze to stay on as Acting Commissioner through the end of his administration. Virginia Department of Social Services (VDSS) staff changes were highlighted: Mr. Jack Fraizer will serve as Acting Deputy Commissioner for Operations, over Appeals and Fair Hearings, Public Affairs and Licensing, in addition to his current role as Director of Community and Volunteer Services. Mr. Paul McWhinney will continue to serve as Deputy Commissioner for Programs and assumed the position of Director of the Division of Family Services.

Currently VDSS is working on a three-branch application with the Commission on Youth that will address the well-being of children in foster care.

Acting Commissioner Schultze met with Ms. Ann Holton of Great Expectations. Great Expectations, through the community college system, will help foster children with college entry, selecting the right curriculum, and applying for financial aid.

Acting Commissioner Schultze provided a follow-up from the last Board meeting on Division of Child Support Enforcement regulations that could help with engaging families for success. There is nothing in the statute that requires Child Support Enforcement to engage families. However, the Board was given the Child Support "bubble chart" to highlight the service delivery and collaborations currently in process. Mr. Craig Burschem will be at a future meeting to present to the Board.

Acting Commissioner Schultze provided information regarding a recent media alert and the reference to "significant history." A generic overview was provided, as case details are confidential. The Board speculated on the history of the case. Discussion was had regarding mental evaluations, emergency removal from the home, and increasing public awareness on mental health as it relates to child death cases. Mr. Spadaccini thanked Acting Commissioner Schultze for the update.

Acting Commissioner Schultze discussed adoption initiatives. The goal is to get 1,000 children matched to an adoptive home by the end of the Governor's administration. At a future Board meeting, Secretary of the Commonwealth Janet Kelly will discuss current adoption initiatives as well as her own personal story with adoption. Currently there are 1,336 children with a goal of adoption, 70% have had parental rights terminated. Currently 698 are available for adoption but not in adoptive placement. The goal is to focus on expediting the placement process. Discussion was held amongst Board members regarding expediting the processes and funding issues. A kickoff event will be held in May to celebrate foster care month and will involve Secretary Kelly, Secretary Hazel and possibly the Governor.

Regarding expediting adoptions, Mr. Spadaccini asked if there is a way to fast-track on a docket. Mr. Allen Wilson stated that the court has to prioritize criminal cases first, then domestic relations cases. The issue with court of appeals is volume and it is slowing down the process. There could also be multiple lawyers with varying sides to the case. There have been attempts to amend the law and practices: however, previous attempts have failed for a variety of reasons, including fiscal impact.

Acting Commissioner Schultze commented on two Requests for Proposals (RFPs) to improve adoptive parent recruitment efforts. In addition, discussion has begun with the Dave Thomas Foundation for recruitment. There will be a State adoption conference on re-tooling, and lastly, regional stakeholder round table discussions will take place regarding adoptions with Secretary Kelly and families in order to gain adoption interest. Mr. Spadaccini requested that Acting Commissioner Schultze inform Board members in those regions about the upcoming round table discussions with Secretary Kelly.

In the last General Assembly session, House Bill 1443 and Senate Bill 1310 passed and included an enactment clause that makes these bills effective as soon as they are signed by the Governor. A special-called Board meeting in May is needed to address the specific regulations. The Board will finalize a date on April 18.

Mr. Spadaccini thanked Acting Commissioner Schultze for all of her comments and congratulated her on the extension of her role as Acting Commissioner.

Ms. Miles introduced three VSU students graduating May from the social work program. Mr. Spadaccini welcomed the students and explained the role of the Board as well as introduced the Board members.

#### **Quality Rating & Improvement System & State Child Care Plan - Ms. Barbara Newlin, Director**

Ms. Newlin welcomed the Board and introduced Ms. Zelda Boyd, Quality Initiative and Ms. Mary Ward, Childcare Subsidy Program.

Ms. Newlin provided an overview of the Virginia Child Care Program. The program benefits the child and parent. Quality of child care is the focus. Acting Commissioner Schultze stated that the program is attempting to increase numbers in licensed care. The goal is to move to 85% in licensed care. Further discussion took place regarding funding, turnover, and tenure of children in subsidy programs. Ms. Newlin highlighted the structure of the Division of Child Care and Early Childhood Development.

Ms. Newlin provided information regarding the State Plan FY2014 update, currently in process. A draft is available online. Four public meetings are being held for input on the state plan. The state plan addresses three major sections (1) Administration, (2) Subsidy Program Administration, (3) Health and Safety and Quality Improvement Activities.

Ms. Boyd presented information regarding the Virginia Star Quality Initiative- Quality Rating and Improvement System (QRIS). It is a voluntary quality rating and improvement system. The presentation outlined the objectives, facts, participants, standards, benefits, challenges, and future goals of the Virginia Star Quality Initiative. Participants of the program include 360 child daycare centers and 60 family childcare homes. An RFP was released to target more participants in the program.

#### **COMMENT PERIOD**

##### **Comment from the Public**

Dr. Rosemary Burton of the Virginia Child Care Association for private child care directors and owners discussed the recent growth in membership of various child care facilities. Dr. Burton expressed concern about some of the changes made to the proposed licensed child day center regulation since the Child Day Care Council worked on the regulation.

Mr. Larry Wallace of the Southeast Rural Community Assistance Project provided the Board with handouts about their work. He expressed challenges of drinking water in southeast United States, including how to protect the water supply and how to provide funding for drilling for free water. The solutions the agency is currently implementing are: homeowner grants, loan programs, and assistance to rural communities from the USDA. Thirteen workshops have been held to inform citizens of drinking water issues and free water testing. The agency is non-profit, but is trying to do for-profit work and charging small fees through some work and 50/50 grant loan program.

Ms. Karen Vaughan of the Virginia Association for Independent Care Homes shared that she was a part of forming the association as a caregiver of elderly persons in her personal home. Ms. Vaughan would like the Board to formally recognize the association. Ms. Vaughan expressed the importance and need for the association.

Ms. Kathy Clarke is also a member of the Virginia Association for Independent Care Homes. Ms. Vaughan stressed the importance of care of the elderly in a home setting and its benefits and would like to encourage this as an option for more people. Mr. Spadaccini would like VDSS staff and Acting Commissioner to discuss with Ms. Vaughan and Ms. Clarke what the Board is requested to do for their association and thanked the association for their work.

Ms. Kathy Pryor of the Virginia Poverty Law Center commented on the Adult Protective Services (APS) regulation, asking Board to strike sections of the proposed regulation pertaining to notice and right to review for alleged perpetrators of adult abuse and neglect.

Ms. Anne See commented on the APS regulation and concurred with previous comments of Ms. Pryor. Ms. See expressed opposition to wording in the regulation and provided copies of a letter from Delegate Landes to the Board. Delegate Landes would like to delay or reconsider notifying perpetrators to prevent further risk of harm to abused adults. Ms. See stated that the right of confidentiality supersedes the right of notification.

Mr. Spadaccini welcomed Commissioner Rothrock from the Department of Aging and Rehabilitative Services.

#### **Comment from Local Boards and Directors of Social Services**

##### **Ms. Cathie Pemberton – Powhatan Department of Social Services, Director**

Ms. Pemberton commented on challenges faced with Medicaid changes. Ms. Pemberton expressed concern regarding workload of benefit staff working in multiple systems, MAGI and non-MAGI.

#### **Comment from Boards and Directors of Community Action Agencies - None**

##### **Comment from the Virginia League of Social Services Executives – Mr. Carl Ayers, President**

Mr. Ayers discussed issues with the modernization project and that local agencies do not currently have the tools needed, but will eventually. Mr. Ayers discussed the elimination of the FAMIS Central Processing Unit where 65,000 cases will be sent to the local agencies with no additional resources. Additional concern was expressed regarding turnover, which has caused loss of knowledge-base and increased error for fraud and abuse. Mr. Ayers also indicated he has made requests to Chief Financial Officer, J.R. Simpson and Acting Commissioner Schultze for assistance.

The League's Adult Services Committee met regarding the proposed APS regulation and developed suggested language that limits due process to licensed care givers and is not as far reaching as currently proposed. The language has been submitted to the Department. Mr. Wilson noted that the provision cannot be limited to one group. Therefore, the League still has the same concerns. Mr. Ayers will provide comments electronically to the Board.

**Comment from the Virginia Community Action Partnership- Mr. Jim Schuyler, Director**

Mr. Schuyler discussed the issues of sequestration relative to his agencies and provided the annual report and an article from Roanoke Times regarding what is happening in those agencies responsible for delivering services with federal funds. Mr. Schuyler discussed the cuts of funding for the remainder of the current federal fiscal year and the impact of the cuts on programs, stating that smaller agencies may not survive the cuts.

[Draft performance standards for community action](#) are available for public comment and will be submitted to the federal Office of Community Services by July 1, 2013. Board members can comment directly to Mr. Schuyler.

**Site Visit – CARES Shelter**

Ms. Miles provided comments and an overview about the CARES Shelter for women and children.

The Board recessed at 4:00 p.m.

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Commonwealth of Virginia  
State Board of Social Services

Petersburg Department of Social Services  
400 Farmer Street  
Petersburg, VA 23804

Thursday, April 18, 2013  
9:00 A.M.

Board reconvened at 9:00 a.m.

**Attending:** Mr. Robert Spadaccini, Sr. (Chair), Mr. Willie Greene (Vice Chair), Mr. William Henderson, Ms. Trudy Brisendine, Dr. Jack Knapp, Ms. Lisa Robertson, Dr. Bela Sood, Ms. Deborah White, and Ms. Heidi Metcalf-Little

**Absent:** Mr. Ray Johnson and Mr. Thomas Atwood

**Also in Attendance:** Ms. Margaret Ross Schultze (Acting Commissioner), Mr. Allen Wilson (Sr. Assistant Attorney General), Ms. Michelle L'Hommedieu (Assistance Attorney General)

**Meeting called to order at 9:00 a.m. - Mr. Spadaccini, Chair**

**Tour and Overview of Petersburg DSS, Ms. Miles and Petersburg DSS Supervisors**

A tour and an organizational chart were provided by Ms. Miles. Local directors and other staff introduced themselves and provided an overview, challenges, and positive outcomes of their respective programs.

**Regulatory Update - Ms. Clark**

Ms. Clark provided a regulatory update to the Board as well as a handout highlighting changes in status since the previous meeting.

**ACTION ITEMS**

1. **Approval of February 2013 Board Minutes- *ON MOTION DUALY MADE*** (Ms. Metcalf-Little), seconded (Ms. Brisendine), moved to approve the February 2013 minutes. Motion approved with all in favor.
2. **Resolutions for Regional Child Fatality Review Teams – Request to Approve - *ON MOTION DUALY MADE*** (Ms. Brisendine), seconded (Dr. Sood), moved to approve the resolutions as amended. Motion approved with all in favor. Ms. Brisendine provided background information on the development of the resolutions.
3. **22VAC40-411, General Relief – Exempt.** Ms. Clark provided background information. ***ON MOTION DUALY MADE*** (Ms. Brisendine), seconded (Dr. Sood), moved to approve the request. Motion approved with all in favor.
4. **22VAC40-470, Exemptions Applicable to Public Assistance Programs – Fast Track.** Ms. Clark provided background information regarding the regulation. ***ON MOTION DUALY MADE*** (Dr. Knapp), seconded (Ms. Brisendine), moved to approve the request. Motion approved with all in favor.
5. **Change Social Worker Title to Family Services Specialist – Request to Approve.** Ms. Amma Appiah provided background information. Mr. Wilson explained the Code provisions and the reason for changing the title. ***ON MOTION DUALY MADE*** (Ms. Brisendine), seconded (Ms. White), moved to approve the request. Motion approved with all in favor.

6. **22VAC40-670, Degree Requirement for Social Work Occupational Group – Fast Track.** Ms. Appiah provided background information. **ON MOTION DUALY MADE** (Ms. White), seconded (Ms. Brisendine), moved to approve the request. Motion approved with all in favor.
7. **Human Resources Manual for LDSS, Chapters 2 & 6 – Request to Approve.** Ms. Appiah provided background information. **ON MOTION DUALY MADE** (Ms. Robertson), seconded (Dr. Sood), moved to approve the request. Motion approved with all in favor. Acting Commissioner Schultze acknowledged the work done for the three action items.
8. **22VAC40-201, Permanency Services-Prevention, Foster Care, Adoption and Independent Living – NOIRA.**  
Ms. Clark informed the Board that an expanded NOIRA was before them for approval, to replace the NOIRA they approved at their February 2013 meeting. The expanded NOIRA will allow for Board to make amendments as they deem appropriate, beyond those needed to comply with the statute. **ON MOTION DUALY MADE** (Dr. Knapp), seconded (Mr. Greene), moved to approve the request. Motion approved with all in favor.
9. **22VAC40-185, Standards for Licensed Child Day Centers – Proposed.** Ms. Clark provided background information. Ms. Lynne Williams addressed the Board. Ms. Deb O'Neill addressed the Board regarding the changes made throughout the regulation since July 2012. **ON MOTION DUALY MADE** (Dr. Sood), seconded (Dr. Knapp), moved to approve the request. Motion approved with all in favor. Mr. Spadaccini will send questions directly via e-mail to Ms. O'Neill. Dr. Knapp commended Ms. O'Neill for her hard work.
10. **22VAC40-740, Adult Protective Services – Final.**  
Closed meeting for legal counsel. Mr. Wilson advised that the specific issue to be discussed in closed session is the publication error when the proposed regulation was published in the *Virginia Register*. **ON MOTION DUALY MADE** (Ms. Metcalf-Little), seconded (Ms. Brisendine), moved to open the closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members and attorneys pertaining to actual or probable litigation requiring provision of legal advice as permitted by subsection (a), paragraph (7) of Section 2.2-3711 of the Code of Virginia. The issue of discussion is 22VAC40-740, Adult Protective Services final regulation and the publication error made when the proposed regulation was published. Attending the closed meeting are: Ms. Karin Clark, Acting Commissioner Margaret Ross Schultze, Ms. Treina Owen, and Ms. Michelle L'Hommedieu and Mr. Allen Wilson, both as counsel, Mr. Robert Spadaccini, Sr. (Chair), Mr. Willie Greene (Vice Chair), Mr. William Henderson, Ms. Trudy Brisendine, Dr. Jack Knapp, Ms. Lisa Robertson, Dr. Bela Sood, Ms. Deborah White, and Ms. Heidi Metcalf-Little. Motion approved with all in favor.

**ON MOTION DUALY MADE** (Ms. Metcalf-Little), seconded (Ms. Brisendine) moved to return to open meeting and certified that such closed meeting was conducted in conformity with Virginia law; that only public matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which members agreed and signed the Certificate of Closed Meeting. Motion approved with all in favor.

Mr. Spadaccini inquired about a comment made during public comment that the regulation has already been enacted. Acting Commissioner Schultze responded that VDSS issued a broadcast to local departments indicating that the right to due process requirement is effective now, because it is a Constitutional right not dependent upon the regulation. Mr. Wilson noted that the alleged perpetrator has a right to notice they are being investigated and a right to respond to the allegations (due process) by the Constitution. **ON MOTION DUALY MADE** (Dr. Knapp), seconded (Ms. Brisendine), moved to delay acting on final regulation until the publication error is corrected through an errata notice in the *Virginia Register*, allowing for a 30-day public comment period on Section 80 of the proposed

regulation. Mr. Spadaccini noted that the final regulation would be before the Board at the June meeting. Motion approved with all in favor.

### **Child Fatality Committee Update- Ms. Trudy Brisendine, Chair**

Ms. Brisendine provided an update of the February 2013 meeting. She provided background on the teams and the commending resolutions for them. One observation made during fatality reviews was that local supervisors were asking for additional training in regards to child fatalities. A Child Fatality Conference will be held April 30<sup>th</sup>-May 2<sup>nd</sup>, Mr. Spadaccini, Ms. Brisendine, and Mr. Greene will be in attendance. Ms. Rita Katzman provided the Board with the draft conference agenda and discussed information about the upcoming conference. Mr. Spadaccini thanked the committee for its work and Dr. Sood for establishing the committee.

### **Appoint Nominating Committee for Board Officers- Mr. Spadaccini**

Pursuant to the Board by laws, a Nominating Committee must be appointed for Board Officers for next year. Appointed to the committee were Ms. Brisendine as Chair, Mr. William Henderson, and Mr. Atwood. The committee will bring forth recommendations for Board Officers at the June Board meeting. Board members willing to serve, please express interest to the Nominating Committee.

### **Special Board Meeting**

The focus of the meeting will be seven licensing regulations requiring exempt amendments based on 2013 statutory changes. The meeting will take place in Richmond, VDSS, May 17<sup>th</sup> at 10 a.m. Mr. Spadaccini asked Ms. Owen to inquire of Mr. Atwood and Mr. Johnson about their availability. Of those present, the following indicated availability to attend on May 17: Mr. Spadaccini, Dr. Knapp, Ms. White, Mr. Greene, Ms. Robertson, and Mr. Henderson. The Chair noted that six members must be present for a quorum. Materials will be mailed to Board members.

### **Board Comments**

- Ms. Robertson thanked Ms. Miles and the Petersburg DSS staff for their hospitality and is inspired by the work they do. She enjoyed visiting the CARES program.
- Dr. Knapp seconded Ms. Robertson's comments. He also thanked Ms. O'Neill and staff.
- Ms. White thanked Ms. Miles and Petersburg DSS staff. She enjoyed the CARES program visit.
- Ms. Metcalf-Little thanked Ms. Miles and Petersburg DSS Staff, Mr. Spadaccini and Mr. Wilson.
- Ms. Brisendine thanked Ms. Miles and Petersburg DSS staff for their hospitality. She has learned a lot and it was great to meet the people of Petersburg DSS. She expressed concern about the salary discrepancies and turnover rates.
- Mr. Henderson thanked Ms. Miles, stating the staff reflects who she is, great leadership. He also thanked Mr. Wilson for his counsel.
- Dr. Sood thanked Ms. Miles and commented on her bio and the experience she brings. She also commended Acting Commissioner Schultze on her work and leadership.
- Mr. Greene thanked Petersburg DSS for their hospitality.

### **Chair Comments-**

Mr. Spadaccini received a letter from Ms. Jane Crawley, Henrico Deputy County Manager for Community Services, stemming from her concerns expressed at the December 2012 Board meeting relative to group homes. Acting Commissioner Schultze agreed to do more research to see if the issue is statewide. In her letter, Ms. Crawley indicated that 23 group homes are located in Henrico. Acting Commissioner Schultze commented that of those 23, only 7 are under the jurisdiction of VDSS. VDSS closed some of the sites because they were not operating according to standards. Acting Commissioner Schultze is engaging regional directors to discuss with local directors and see if this is an issue for them as well. A report on the findings will be presented at the June Board meeting.

Mr. Spadaccini commended Petersburg DSS's hospitality and thanked them.



Mr. Spadaccini inquired about SNAP and TANF eligibility for known felons, and whether the prisoner reentry initiative might provide opportunities. Mr. McWhinney responded that the Governor's reentry subcommittee made recommendations relative to benefits for individuals returning to communities, but the recommendations have not made it out of the steering committee to date.

Mr. Spadaccini suggested for the June Board meeting to have a status update from Mr. Steve Blythe on the Tidewater local directors' initiative to look at child deaths.

The Board Adjourned at 12:37 p.m.

The Child Fatality Review Committee convened at 1:30 p.m.

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