

Minutes
VA State Board of Social Services
Central Region Office
1604 Santa Rosa Road
Richmond, Virginia 23229

April 20-21, 2011

Attending: Dr. Bela Sood (Wednesday only), Trudy Brisendine, Michelle Larkin, Barbara Manuel, Heidi Metcalf Little (Wednesday only), Teri Kiser Williams, Ray Johnson (Wednesday only), Willie Greene Sr., and Robert Spadaccini.

Call to Order

The meeting was called to order at 9:02 a.m., Dr. Bela Sood presiding.

Welcome and Introductions

Dr. Sood welcomed members and guests in attendance.

Agenda Review

Karin Clark reviewed the agenda.

Dr. Sood asked the Board to remove item 6, 22VAC40-131, Standards for Licensed Child Placing Agencies from the agenda.

Discussion:

Dr. Sood voiced concerns about the perceived lack of transparency of the regulatory process. Ms. Brisendine spoke about the politicalization of the proposed language changes to the regulation, failure of the staff to notify the Chairman and Vice Chairman of the decision to amend the agenda in a timely manner, lack of staff responses to specific questions, and the decision to take immediate action on the revised regulation which limited their ability to further research the serious issues addressed in the regulation.

Some members felt there had been a variety of opportunities to discuss this regulation.

Dr. Sood advised that although the agenda was posted in a timely manner and within the framework of the Bylaws, this action item was added on Friday which was less than 7 days notification and was not in accordance with the Chair and Vice Chair input. Dr. Sood and Ms. Brisendine felt the Board did not have enough time to educate themselves and study the regulation prior to being asked to vote on it.

Mr. Spadaccini, a member of the Board, advised that historically many changes are made to the agenda within 7 days and after the initial agenda is released; however, the meeting location may not be changed within 7 days due to FOIA requirements.

Ms. Brisendine advised she had reassured callers this regulation would not be an agenda item as it did not meet the 14 day Board notification.

Commissioner Brown addressed the issue of process, advising this regulation was before the Board in 2009. Upon review by the Office of the Attorney General, the department was notified that language in the regulation did not comport with federal law and needed to be changed.

ON MOTION DULY MADE (Chair Sood) and seconded (Ms. Brisendine) moved to amend the agenda by postponing action item 6 -22VAC40-131, Standards for Licensed Child-Placing Agencies to a meeting prior to August 2011. Voice vote aye: Sood and Brisendine, Oppose Larkin, Manuel, Williams, Johnson, Greene and Spadaccini. Motion failed.

Information Items

Robert Spadaccini, Chair of the ad-hoc subcommittee investigating child fatalities and the appeals process, reported they felt the need for additional training for on-call CPS staff; there was a need for annual refresher training for all CPS staff; the committee is also interested in reviewing child fatalities in cases known to the local DSS in the past three years; and extending an invitation to Betty Wade Coyle to share experiences with the Eastern Region Child Fatality Team and their successes.

It was determined by the Board that this will be a standing committee to be chaired by Mr. Spadaccini and include Teri Kiser Williams and Willie Greene Sr. There was discussion and agreement to expanding the committee to include a couple of members of the League's Child and Family Services Committee, as well as Maggi Luca, former State Board member. Paul McWhinney offered to assist the committee develop a charter to guide their work.

Dr. Sood and Ms. Brisendine noted they have a special interest in the work of this group. Dr. Sood is especially interested in getting feedback from mandated reporters about whether the CPS process worked as expected. Some discussion ensued whether the QSR process can assist with soliciting feedback. Dr. Sood also expressed continuing concern about the quality of risk assessments and actions (taken or not) in high risk situations.

2011 Out-of-Town Meeting Location

At the February meeting, Mr. Spadaccini recommended the Board hold its October meeting in the Western Region. This area suffers high poverty, low employment, and issues unique to the area. It was suggested using the Western Regional Office as the meeting site. Commissioner Brown confirmed the Board's budget would support one out-of-town meeting per year. By consensus, the Board agreed the October meeting would be held in Abingdon and requested Ms. Rengnerth begin preparations.

Quality Services Review

Dorothy Hollahan, Quality Manager, shared a copy of their reusable protocol for examination of family-centered services for a child and family. The protocol is designed for use in an in-depth case-based quality review process focused on child welfare practices involving CPS on-going and Permanency cases. It is used for appraising the current status of a child possibly having special needs in key life areas, status of the parent/caretaker and performance of key system of care practices for the same child and family. The protocol examines recent results for children receiving services and their caretakers as well as the contribution made by local service providers and the system of care in producing these results. Review findings are used by local agency leaders and practice partners in stimulating and supporting efforts to improve practices used for children and youth and their families who are receiving child welfare in Virginia. A copy of this booklet is attached to the official minutes housed in the home office.

Closed Meeting

ON MOTION DULY MADE (Ms. Brisendine) and seconded (Mr. Spadaccini) moved to go into Closed Meeting for the purpose of consultation with legal counsel and/or briefings by staff members and attorneys pertaining to actual or probable litigation concerning consultation with legal counsel requiring

the provision of legal advice as permitted by subsection (a), paragraph (7) of Section 2.2-3711 of the CODE of Virginia. Issues to be discussed are 2 letters of assurance from Office of Attorney General; Letter dated April 15 from Al Wilson; and the process used to add an item to the agenda. Attending the Closed Meeting will be Board members, Secretary Pat Rengnerth, Commissioner Brown, Deputies Commissioner McWhinney and Schultze, former Board member Maggi Luca, and Office of Attorney General staff Noelle Shaw-Bell, Usha Koduru, Kim Piner, and David Johnson. Motion approved with all in favor.

After consultation with Noelle Shaw-Bell regarding Ms. Luca's attendance during the Closed Meeting, and **ON MOTION DULY MADE** (Mr. Spadaccini) and seconded (Mr. Johnson), moved to rescind allowing Ms. Luca to attend the Closed Meeting. Motion approved.

ON MOTION DULY MADE (Ms. Larkin) and seconded (Ms. Williams) 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.

Due to the number of people signed up for public comment, it was decided to move the Special Board Recognition of the Sweet 15 local DSS agencies, and local Board comments to the beginning of the public comment period.

Recognition Awards in Benefits Programs were given to Amelia, Appomattox, Bristol, Brunswick, Chesapeake, Chesterfield Colonial Heights, Clarke, Floyd, Fredericksburg, Lee, Norfolk, Norton, Patrick, Staunton/Augusta/Waynesboro, and Suffolk.

Recognition Awards in Child Welfare were given to Accomack, Arlington, Bland, Cumberland, Galax, Hampton, Henry, Lee, Lunenburg, Lynchburg, Matthews, Prince Edward, Roanoke County, Scott, and Southampton.

Directors in Lunenburg and Galax challenged other agencies to receive "Best in Class" recognition.

Local Director Comments

Marsha Sharpe-Chesterfield Colonial Heights thanked the department and the Board for the Sweet 15 Resolution. They are still striving to be "Best in Class" despite growing caseloads, the need for automated support, electronic imaging and filing issues.

Carl Ayers-Floyd County thanked the department and Board for recognition of the work his staff does. He advised caseloads have doubled over the last three years. This recognition depicts the hard work and support given to Floyd County clients.

Bob Gose-Bristol thanked the department and Board for the recognition award. It's an honor to receive this—his staff does the best job they can do. Thanks to Commissioner, Tom Steinhauser, and state staff for their support.

Chair Bela Sood thanked the agencies for their dedication and hard work.

Public Comment

Reverend Eddy Aliff, VA Assembly of Independent Baptists spoke in support of the agency's proposed changes to 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, putting it in line with federal law.

Jeff Caruso, Virginia Catholic Charities spoke in support of the agency's proposed changes to 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, putting it in line with federal law.

Art Bennett, Catholic Charities spoke in support of the agency's proposed changes to 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, putting it in line with federal law.

Teresa McDonough, Director for Center for Adoption spoke in support of 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, that puts them in line with federal law.

Andrew Brown, American World Adoptions spoke in support of 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, that puts them in line with federal law.

James Parris, Executive Director Equality Virginia spoke on 22 VAC40-131, Standards for Licensed Private Child Placing Agencies. Supports non-discrimination rules—this ensures people are not denied to be an adoptive parent due to sexual orientation.

Tawana Bryant, Independent Homes spoke on Executive Order and Standards for Assisted Living Facilities. She advised that homes are being closed due to over regulation.

Roy Bryant, Independent Homes spoke on Executive Order and standards for Assisted Living Facilities. They are being over regulated and prefer to be regulated as what they are—a small assisted living family home. He has requested a meeting with department staff to further discuss issues.

Linwood Russell spoke on the Executive Order. He asked Commissioner to look into Medicaid benefits being cut for his clients. He voiced his concern that small businesses are not represented on the ALF RAP groups.

Guy Kinman, Jr. spoke on 22 VAC40-131, Standards for Licensed Private Child Placing Agencies. He shared his concern that many children are in the system that can't find adoptive parents. Opposed to discriminating against a potential adoptive parent because of sexual orientation.

Chris Freund, Family Foundation spoke in support of 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, that puts it in line with federal law.

Mary Beth Bova, Bethany Christian Services echoed comments to support the proposed change in 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, bringing it in line with federal law .

Lori Plumley spoke on 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, asking the Board to reject the proposed language change. She provided a petition with 170 signatures on it to reject the proposed language.

Jay Squires spoke on the 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, asking the Board to decline the proposed changes.

Rob Heeling spoke on 22 VAC40-131, Standards for Licensed Private Child Placing Agencies, asking the Board to oppose the propose changes to the regulation.

Community Action Agency Comment

Tom Wagstaff, CAPUP- discussed transportation and child care. They work with people to assist them in becoming licensed child care providers. He has worked 22 years in CAA and acknowledged the great job that Mark Grigsby does in Community Services.

VA Community Action Agency Comment

Jim Schuyler, Director congratulated the 30 “Best in Class” that were honored with recognition awards today. He commented that Staunton Augusta is one of the new CAP agencies.

He commented that uncertainty about funding is damaging to agencies doing the work they are required to do. One third of agencies could go out of business in the next several years without additional funding.

Virginia League of Social Service Executives

Susan Clark, President is excited about the award her agency received—thanks for acknowledging the work of local agencies across the state.

Thanks to Commissioner Brown for being so responsive to localities and addressing their needs. Thanks to Margaret Schultze for working with the League and addressing their concerns. Thanks were also given to JR Simpson, Tom Steinhauer, Paul McWhinney, Nancy Flanagan, and Robert Hobbelman for addressing concerns of the locals.

Communication between state/regional/and locals is working and appreciated.

She advised the League Board met in April and a May Spring Conference is planned in Virginia Beach.

Regulatory Update

Karin Clark, Policy Advisor shared a copy of the latest regulatory report with members. A copy is attached to the official minutes housed in the home office.

Action Items

Minutes

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Brisendine) moved to approve February 2011 minutes with the following changes: capitalize “s” on page 3 in word CPS; page 4-word should be Treasurer, not Treasury; page 7 action item 22VAC 40-661 elaborate to say Discussion followed on some of the recommendations and changes to the regulations that the department is suggesting, specifically surrounding the time limit of 60 months and limiting the costs for children with special needs, and page 7, correction was made at the December meeting to separate the actions. Motion carried with all in favor to accept the changes and approve minutes.

22VAC40-730, Investigation of Child Abuse and Neglect in out-of-family Complaints, proposed

This proposed regulatory action will amend 22VAC40-730, Investigation of Child Abuse and Neglect in out-of-family Complaints.

Discussion

B J Zarris on hand to answer any questions. There were none.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Greene) moved to approve the proposed regulation 22VAC40-730, Investigation of Child Abuse and Neglect in out-of-family Complaints, for publication in the Virginia Register subject to approval under Executive Order Number 14 (2010) and approve the fiscal impact analysis of this action for distribution to local boards of social services. Motion approved with all in favor.

22 VAC40-745, Assessment in Assisted Living Facilities, proposed

This action will amend 22 VAC40-745, Assessment in Assisted Living Facilities.

Discussion

B J Zarris and Gail Nardi were on hand to answer questions. Mr. Spadaccini asked if there was representation from small business owners on the committee. Ms. Nardi confirmed there was one. Mr. Spadaccini felt that it may be helpful to increase representation of the small business owners, especially in light of today's public comment from small business owners.

It was confirmed that a public hearing will be held on this regulation.

ON MOTION DULY MADE (Ms. Larkin) and seconded (Ms. Kiser-Williams) moved to approve the proposed regulatory package for 22VAC40-745, Assessment in Assisted Living Facilities, for publication in the Virginia Register subject to approval under Executive Order Number 14 (2010) and request approval of the fiscal impact analysis of this action for distribution to local boards of social services. Motion approved with all in favor.

22VAC40-601, Supplemental Nutrition Assistance Program-Withdraw

On August 18, 2010, the State Board of Social Services approved a Notice of Intended Regulatory Action for 22VAC40-601, Supplemental Nutrition Assistance Program. The Department of Social Services wishes to withdraw the NOIRA for 22VAC40-601. The regulatory action would eliminate interim reporting and impose the requirement to file an application to renew SNAP eligibility before the certification period expires. Withdrawal of this action is requested because the majority of comments received during the comment period opposed the elimination of interim reporting, which would have required all households to be certified for no longer than six months. The Department will continue the current practice of requiring households that are certified longer than six months to file an interim report.

Discussion

Locals were in agreement with this regulation being withdrawn. Action was withdrawn as the result of public comment received.

ON MOTION DULY MADE (Ms. Metcalf Little) and seconded (Mr. Spadaccini) moved to withdraw the Notice of Intended Regulatory Action for 22VAC40-601, Supplemental Nutrition Assistance Program. Motion approved with all in favor.

22VAC40-41, Neighborhood Assistance Tax Credit Program-Exempt Final Adoption

This action will amend 22VAC40-41, Neighborhood Assistance Tax Credit Program. The exempt action will align the regulation with new Code of Virginia provisions passed during the 2011 General Assembly.

Discussion

Mark Grigsby was on hand for questions.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Metcalf Little) moved to approve the exempt final regulatory package for publication in the Virginia Register, subject to approval under the provisions of Executive Order 14 (2010) and the Administrative Process Act. This regulatory action will become effective July 1, 2011. Motion approved with all in favor.

22VAC 40-131, Standards for Licensed Private Child Placing Agencies-Final Adoption

The final regulatory action will establish the regulation 22VAC 40-131, Standards for Licensed Private Child Placing Agencies and repeal 22VAC40-130, Minimum Standards for Licensed private Child Placing Agencies.

Discussion:

Mr. Spadaccini asked the Department to share a copy of 42-USC-671 referenced to make changes to the document with each of the Board Members. He also asked how many children were currently in foster care waiting to be adopted and was advised there were 1,317. Commissioner Brown indicated that this number has been one of the lowest in several years. Mr. Spadaccini asked how many private placing agencies this regulation would affect and was advised there were 81 agencies.

Mr. Spadaccini thanked Ms. Clark for providing the names of the committee members involved in discussing the regulation that he requested previously. One of the written comments submitted within the public comment period referenced a federal study citing a loss of prospective foster care parent's due to the delayed responses to their inquiries. The department outlined the process used to respond to inquiries for individuals interested in becoming foster care parents.

Further discussion of this regulation took place in Closed Session.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Johnson) moved to approve the final regulatory package to repeal 22VAC40-130, Minimum Standards for Licensed Private Child Placing Agencies, and replace it with 22VAC40-131, Standards for Licensed Private Child Placing Agencies, for publication in the Virginia Register, subject to approval under the provisions of Executive Order 14 (2010). This regulatory action may become effective 30 days after publication. Motion approved with a voice vote of 7 yes (Metcalf Little, Kiser Williams, Larkin, Spadaccini, Johnson, Greene, and Manuel), 2 no (Sood and Brisendine).

Recess at 4:40 p.m.

Gavel passed to Vice Chair Brisendine. Dr. Sood has scheduling conflict and will not attend Thursday.

Thursday, April 20, 2011

Reconvene 9:06 a.m.

Presentation

Division of Child Support Enforcement-Nick Young

Provided members with an overview of the Division of Child Support Enforcement. They deliver child support services to 427,750 children in Virginia. Core competencies include locate, establish paternity, establish support orders, enforce support orders, and collect and distribute support.

In FFY10, the Virginia Division of Child Support Enforcement produced \$6.83 in child support for every \$1.00 spent—the 6th highest rate in the nation. A complete copy of this handout is attached to the official minutes housed in the home office.

Samaritan House

Mr. Spadaccini thanked the Board and Department for scheduling the presentation by Samaritan House and disclosed that he has served on their Volunteer Board for the past three years. Ruth Hill, Executive Director and Larissa Sutherland, Coordinator of Education and Outreach provided an overview of Samaritan House. Their mission is to foster personal safety, self-sufficiency and personal growth in adults and their children through freedom from domestic abuse and homelessness. Services include Emergency Shelter, Family Empowerment Program, Aftercare Program, Transitional Housing, and Children's Programs. Handouts attached to the official minutes housed at the home office.

Commissioner Brown introduced Jack Ledden, Family Services Director, and Eileen Guertler, Public Affairs Director to the Board. Ms. Guertler advised she and her staff are on-hand to provide media training to members should they be interested.

Nominating Committee

Appointed to the committee were Willie Greene, Teri Kiser Williams, and Trudy Brisendine. Mr. Greene will serve as Chair. A proposed slate of officers will be presented to the Board in June.

Commissioner's Comments

Commissioner Brown thanked the members for serving the Commonwealth. There are 1.5 million people served every year and the decisions made affect the people we serve.

Commissioner also provided an overview on the Caseload Trend Report, 2011 General Assembly Update, Major Project Updates including Customer Portal; Strengthening Families; and Best in Class. He highlighted the organization, his VITA visit, local agency visits, and Weekly Communiqué.

Board Member Comments

Ms. Brisendine is visiting local agencies and would like to hear from other members that are visiting agencies in their respective areas.

Mr. Greene said it is good that everyone can agree to disagree—it shows strength. He felt that all the members could benefit from a class on parliamentary procedure, media training, and knowing the process of rules and regulations. Mr. Greene confirmed that staff does speak to local councils regarding child abuse prevention.

Ms. Kiser Williams also feels media training would be helpful to members and wants to ensure they all know about process and procedures; saying perception is important and we should appear transparent. Reminded that April is Prevent Child Abuse Month and encouraged everyone to give. She has visited Richmond City Department of Social Service and plans to visit Chesterfield Colonial Heights.

Ms. Manuel thanked Ms. Shaw-Bell for her work at the meeting today. She met with the local director in Roanoke and discussed social worker title protection, budget cuts, VISSTA training and travel expenses they will incur when the regional VISSTA office closes July 1.

Commissioner advised that training is coming in-house and individual trainers will be in the regional offices so there won't be a need for travel to outlying areas. Roanoke will be a training hub, Abingdon will be a satellite.

Ms. Manuel was concerned over the remarks made by Mr. Bryant and his daughter regarding ALF issues and was pleased to hear that Deputy Commissioner Schultze and Lynne Williams have a meeting set up to discuss these issues with them.

Ms. Larkin thanked Ms. Shaw-Bell for her guidance during the Closed Meeting. Ms. Larkin advised she has been asked to serve on a Prisoner Reentry Council. It was confirmed that Jane Brown will present on the Prisoner Reentry Program at the June meeting.

Ms. Larkin advised she had visited the Virginia Beach Department of Social Services. The director is upbeat and is looking forward to the Customer Portal. They are using satellite offices to assist with budget constraints. She advised the director would like to share their problem solving techniques at a future Board meeting. She plans to meet with Norfolk Social Services in the near future. Ms. Larkin thanked Dr. Sood for wisdom, compassion, and integrity in navigating a difficult situation at this meeting.

Mr. Spadaccini commented on one of the challenges related to Optical Character Recognition (OCR) as indicated by a local director. Commissioner Brown stated that it is a future enhancement for the agency and acknowledged the volumes of paper documents that local agencies must keep. He views looking at the agenda process as an opportunity for improvement between the Board and the Department.

He asked Commissioner Brown to explore the possibility of having a Board member named to the Statewide Child Fatality Team as an advisory member. The department will look into this request—Rita Katzman staffs this team.

Mr. Spadaccini requested on behalf of the CPS subcommittee for a review of 3 years of information on fatalities of families known to the system. Commissioner advised he would check with the appropriate staff and advise the subcommittee when this material will be available for review.

ON MOTION DULY MADE (Mr. Spadaccini) as Chair of the subcommittee, moved to direct the department to look at child fatalities of children known to the system. He further requested that the training provided for on-call staff be reviewed to ensure it is adequate, and asked the department to provide to the Board recommendations to hold annual refresher training for CPS workers. Motion approved with all in favor.

Mr. Spadaccini requested Ms. Rengnerth to contact other local agencies to see if they would be interested in hosting future Board meetings.

Ms. Rengnerth was asked to schedule the next CPS subcommittee meeting in conjunction with the June Board meeting on Thursday afternoon. An invitation to Betty Coyle Wade to attend was requested in hopes she would share information about the Eastern Region Child Fatality Team.

Mr. Spadaccini cautioned that as we navigate through the regulatory process that we be cautious not to over regulate and propose a higher standard on partnering agencies that we would have on ourselves.

In closing, he thanked state and local staff for their dedication, to Ms. Shaw-Bell for her assistance at this meeting, to Commissioner Brown for his guidance and to Ms. Rengnerth for her administrative service to the Board.

Chair's Comments

Vice Chair Brisendine advised she had visited Prince William Department of Social Services and had a good conversation with the director. She shared concerns over VISSTA training cuts, the budget, and the lack of travel dollars for training. They also discussed the economic pressure, growing caseloads and error rates.

Future Agenda Items

Budget Update

Healthy Families-discuss numbers of people not being served and closures due to budget cuts

CHIP-discuss reality of their jobs

Community Action Agencies-have Mark Grigsby discuss budget issues and federal dollar cuts

Charitable Organizations-speak on financial crisis and constitutional crisis they are involved in.

Ms. Brisendine thanked the Board, Commissioner Brown, and staff for their patience. She advised that she and Dr. Sood wanted to convey this had been a difficult meeting and they felt they had failed to communicate to other Board members the importance of transparency in assuring the integrity of the regulatory process, and therefore failed to provide to the Board the kind of leadership they would have wished.

Members responded by saying they didn't feel she had failed them and they should be proud to stand up for their convictions. We all want to do the right thing.

Adjourn at 12:20 p.m.

Respectfully submitted by Pat Rengnerth

