



2005 Interim
October 3, 4, and 5, 2005

Rapid City, South Dakota
Custer, South Dakota

Monday, October 3, 2005

The meeting of the Government Operations and Audit Committee was called to order by Chair Representative Ted Klaudt at 8:30 a.m. (MT), October 3, 2005, in Rapid City, South Dakota.

A quorum was determined with the following members present: Senators Jerry Apa, Jason Gant, and John Koskan; and Representatives Michael Buckingham, Ted Klaudt, Gerald Lange, and Deb Peters. Senator William Earley joined the committee in the afternoon. Senator Gary Moore and Representative Margaret Gillespie were excused.

(**NOTE:** For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Minutes.)

SENATOR KOSKAN MOVED, SECONDED BY REPRESENTATIVE PETERS, THAT THE MINUTES OF THE SEPTEMBER 12, 2005, MEETING BE APPROVED. The motion prevailed on a voice vote.

REPRESENTATIVE BUCKINGHAM MOVED, SECONDED BY REPRESENTATIVE PETERS, THAT THE COMMITTEE GO INTO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS. The motion prevailed on a voice vote.

The committee went into Executive Session at 8:40 a.m. and came out of Executive Session at 9:00 a.m.

The meeting that was scheduled for October 13-14 was rescheduled to October 17-18 in Pierre due to the Special Session on October 14.

REPRESENTATIVE BUCKINGHAM MOVED, SECONDED BY REPRESENTATIVE LANGE, THAT THE COMMITTEE AUTHORIZE REPRESENTATIVE KLAUDT AND SENATOR GANT AS CO-CHAIRS TO JOINTLY ISSUE SUMMONSES, PURSUANT TO SDCL 2-6-4, AS MAY BE NECESSARY, IN THE ABSENCE OF VOLUNTARY COMPLIANCE ON THE PART OF ANY WITNESS, TO THE COMMITTEE'S ONGOING INVESTIGATION OF THE ACTIVITIES OF THE FRAUD PREVENTION UNIT OF THE DIVISION OF INSURANCE. The motion prevailed on a voice vote.

Representative Deb Peters asked that the committee review the Unemployment Insurance Trust Fund at its November meeting.

Chair Ted Klaudt discussed the procedures of the meeting. He explained that only policy and procedure issues would be discussed in the open meeting and that anytime names or specific case details were involved the committee would need to hear it in Executive Session due to confidentiality rules.

Mr. Daniel Sheehan, New Paradigm Institute, Santa Cruz, CA, told the committee he was here representing the people who will be speaking. His company plans to establish an office in Hot Springs, South Dakota by November 2005.

Ms. Gwen Caldwell, Voice of Women, described to the committee an overview of a typical family experience with the Department of Social Services (DSS) which she believes shows a pattern of non-compliance. Ms. Caldwell also explained that she thought the DSS was financially motivated to continue its practices due to federal funding being an incentive. She believes the DSS is warehousing children creating state created orphans. Ms. Caldwell questioned the practice of the initial "48-hour hearing" and claimed that many times the hearing does not take place within the mandated time frame.

Ms. Virgena Wieseler, Director of Child Protection Services with the DSS, explained that the "48-hour hearing" is in statute and that it is up to the judges and states attorneys to get it done. She explained that the time frame excludes holidays and weekends. Ms. Wieseler also clarified that the DSS has no authority to remove a child from the home. An Intake Officer must be contacted and, if the Intake Officer agrees with removal, then law enforcement will remove the child and call the DSS if they are not already there. The Intake Officer is most often a judge.

Representative Michael Buckingham asked what factors need to be present for a child to be removed from the home. Ms. Wieseler explained that one reason is if the child is not safe and no one is there that can keep the child safe. She said the reasons vary to the extreme of a parent having sex with a child.

Ms. Caldwell stated that 46% of the DSS children removed are from Pennington County and that overall 65% are Indian.

Following a question regarding clarification of those percentages and the source, Representative Peters clarified that complete stats were available in the DSS monthly and annual statistical report. She also received clarification that the numbers in the DSS reports were cumulative.

Chair Klaudt asked what remedies Ms. Caldwell would like to see.

Ms. Caldwell described some of the areas she would like resolved.

1. She asked for the DSS to give a clear understanding of why it was taking actions, including removing children from homes.
2. Ms. Caldwell also asked that the 48-hour hearing be done within the required time frame.
3. She also wants all Indian children to be dealt with by the tribe rather than the state.

Chair Klaudt asked if the state aggressively seeks tribes to take care of its own child protection matters.

Ms. Wieseler responded that the DSS does, and currently there is an arrangement with the Sisseton-Wahpeton Sioux Tribe.

Senator Jerry Apa asked Ms. Caldwell if she was aware that the DSS is actually seeking Indian homes for foster care and if she knows why they were not having much success.

Ms. Caldwell responded that part of the reason was that everyone is considered a felon.

Representative Peters asked what kind of infrastructure the reservations have to perform child protection responsibilities. The response was that the federal government has addressed bills on this subject in the past.

Representative Gerald Lange asked if she felt the Governor Mickelson's Reconciliation Act made any progress.

Ms. Caldwell said she felt the issue had moved backward since the Mickelson era.

In response to an article read about adoption funding, **Ms. Kim Malsam-Rysdon**, Deputy Secretary, DSS, responded that there is an adoption subsidy that goes to assist/support adoptive families.

Ms. Hazel Bonner discussed the Welfare Act reform which began in 1994 and her impression of the impact it had especially during the years from 1994 to 1997. She told the committee that she thought the major factors the numbers of child protection issues have grown were the Welfare Reform and the Adoptions and Safe Families Act (ASFA). She expressed that there is a huge social problem in South Dakota since 1997 and that the barriers to employment need to be removed before forcing people to work. **(Document #1 was distributed.)**

Representative Peters asked if there was training for ASFA. The department responded that the social workers are trained.

Senator John Koskan asked Mr. Sheehan for a list of who had been removed wrongfully so the facts of the case could be determined and the committee could review what procedures had been violated. No list was provided to the committee.

Representative Buckingham asked Mr. Sheehan for the same information again so the committee had some basis for the allegations. He did not respond to the question asked.

Ms. Bonner discussed two examples that identified issues she believes need to be revised.

1. Custodial parents deprived of due process: Laws need to be changed to require that if no fault is found during adjudication but the parent is treated as being at fault during the dispositional phase, the parent has a right to a new adjudicatory hearing at which time new evidence can be presented.

2. Relatives not given preference: Policy needs to be changed to adhere to the new statutes governing kinship. DSS should require that preference be given to relative placement, and training must be done to bring this about.
3. Failure of workers to make reasonable/active efforts: Policy needs to be improved so workers make better efforts to prevent the removal of the child.
4. Lack of cultural awareness requirements for foster parents: Compliance is required with Title IV-B Child Welfare Services plan under Section 554 which states "provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed.

There was further discussion on the lack of cultural awareness policies for social workers. Ms. Caldwell added that she would like foster care providers to have training directly by grandmothers on the reservation. Chair Klautt asked what culture on the reservations she would like taught. Representative Buckingham asked what order of priority culture should have overall. Ms. Caldwell responded that tribal leaders who are at the meeting would better be able to answer.

The committee recessed at 12:10 p.m. and reconvened at 1:00 p.m.

Ms. Marian White Mouse expressed concerns regarding cultural differences. She stated she is a CASA worker and a foster parent. She indicated that she received no foster care funding. When Representative Klautt asked the DSS to clarify if foster parents receive funding, the DSS responded that there is a difference between kinship care and foster care and the DSS would need to know which one this was. Ms. White Mouse also has concerns that the DSS initiates actions based on gossip and does not spend enough time investigating the facts. Ms. White Mouse also explained a situation where a foster child was removed from her care without her being notified and that many people spent many hours looking for the boy. She wants to know the policy on notifying foster parents before a child is removed from their care. Senator Apa explained the waiver process. Ms. White Mouse indicated that she would get the waivers signed. Ms. White Mouse further asked for a full investigation into the Martin and Rapid City Social Services offices.

Ms. Kim Johnson described a situation of photographs being taken at a good-bye visit. A good-bye visit is a final meeting between a parent and children when parental rights have been terminated. The Social Worker was also in the room photographing the event. The parent asked that the Social Worker stop taking pictures. It did not stop. Later the pictures were mailed to the parent. Ms. Johnson does not feel the practice is appropriate, especially when the parent requested that it stop. The DSS was asked to clarify this policy. Ms. Wieseler explained that there is a policy for taking pictures of many important occasions so the child has a life book as a keepsake. Ms. Wieseler will further look into the policy of when pictures are taken and what is done if they are requested to stop taking them.

Senator Bill Napoli gave his perspective of these social issues looking through his eyes. He asked the committee to look for ways to change these very real problems. He questioned if South Dakota's DSS is doing more removals compared to other states, what money is

involved and where it is going, and if South Dakota's Child Protection system is more aggressive.

Representative Peters clarified that the committee needs to know what the problems are before they can be fixed and the committee is trying to identify specific issues in an effort to improve the current system.

Senator Koskan further clarified that this is not a racial issue. The committee is discussing all children – regardless of race.

Mr. and Mrs. Jim Jackson gave an update on the situation involving their grandson. Because he has gone through the system and has reviewed the procedures, Mr. Jackson has some suggestions.

1. The term "absentee parent" needs to be removed and replaced with "non-custodial parent".
2. Domicile policies need to be reviewed and changed.
3. An adjudicated parent should not be allowed unsupervised visits. Also, the current practice is for the courts to try to return children to the adjudicated parent. Why aren't efforts made to place them with the other parent?
4. The system needs an ombudsman.

Representative Buckingham asked the DSS to explain the absentee parent terminology. The DSS responded that it agrees the term should be reviewed and that using terms such as "custodial" and "non-custodial" would be better. Representative Buckingham further asked the DSS to keep in mind the change needs to be more than with the terminology on paper, that training would be required to change the current mind-set.

Legal clarification is needed on the question of how a non-custodial parent is brought into legal action involving the custodial parent.

Representative Buckingham would like the committee to review SDCL 26-8A-2 and 26-8A-21.1 at a future meeting.

REPRESENTATIVE PETERS MOVED, SECONDED BY REPRESENTATIVE BUCKINGHAM, THAT THE COMMITTEE GO INTO EXECUTIVE SESSION TO HEAR CONFIDENTIAL TESTIMONY FROM MR. AND MRS. JACKSON. The motion prevailed on a voice vote.

The committee went into Executive Session at 3:45 p.m. and reconvened at 4:25 p.m.

Mr. Fred Sitting Up gave a historical perspective of the Indian Treaties and explained that treaty law supersedes state statute.

Mr. Joseph Cross explained the Indian culture is that Indian people are responsible for all of the family. He believes they should be allowed to govern themselves. Mr. Cross wants to contract with the state and take the Indian kids back.

The committee recessed at 5:30 p.m. and reconvened at 9:00 a.m. on October 4, 2005

Tuesday, October 4, 2005

Ms. Stacey Wollman

SENATOR KOSKAN MOVED, SECONDED BY REPRESENTATIVE PETERS, THAT THE COMMITTEE GO INTO EXECUTIVE SESSION TO HEAR CONFIDENTIAL TESTIMONY FROM MS. STACEY WOLLMAN. The motion prevailed on a voice vote.

The committee went into Executive Session at 9:00 a.m. and came out of Executive Session at 10:15 a.m.

Mr. David Bintliff described a situation involving family members. He explained that his nieces and nephews were removed from their home. Mr. Bintliff was willing and able to care for the children. In three years the children have not been placed with him and are still in state custody. He asked the committee to review the policy of placing children with family members who are willing and able to take them and asked why family isn't the first place looked at for placement. He is concerned about asking questions and being labeled combative. He recommends the committee visit a group care center.

Representative Peters asked what happens if workers record false statements in Social Services paperwork. Ms. Wieseler stated it is grounds for termination.

Mr. Eldridge Grinnel stated his concerns pertaining to the absentee parent procedures. He has written letters to the DSS, Governor, Attorney General, and Legislators trying to get answers involving his case. The committee asked the DSS to get the waivers and answer Mr. Grinnel's questions.

Ms. Tamera Jimenez explained a situation involving a family member's children being removed from the home. She was at the incident within 15 minutes asking to be allowed to care for the children. She told the DSS she wanted to care for the children. The DSS has never contacted or responded to her in any way. She would like to know why she was never considered for care or contacted by the DSS regarding her request to care for her sister's children. The DSS will review the circumstances and answer Ms. Jimenez's questions.

Ms. Caroletta Rodrigues explained how overwhelming the DSS system is to the public. She has worked hard and tried to comply with the plan established by the social worker. She found the criteria difficult to accomplish and was frustrated that new things were added to the plan during the process. She is concerned that the kinship policy is not being followed. In her cousin's case, family was not allowed to keep the children.

Mr. Melvin Bad Hand explained his experience as a Foster Parent. The DSS rescinded his foster parent certification even though it was found he did nothing wrong. Chair Klaudt asked the DSS to review the situation and respond to Mr. Bad Hand.

Ms. Naomi Johnson asked the committee to consider the following changes at the DSS based upon her experiences:

1. Add a Child Protection Ombudsman,
2. Improve the kinship policy so children can stay with family and comply with the law,
3. Redirect funds toward family preservation,
4. A full federal funds audit of every case, and
5. Consider responsible care practices.

(Document #2 was distributed.)

Mr. Jim Jackson updated the committee on a statement made in a court proceeding earlier in the morning. He expressed the court stated that it is the goal of the court and the DSS to return children to the adjudicated parent. He strongly urged the committee to review why this is the policy.

The committee asked for legal clarification if this is due to current statutes or if it is judicial and/or the DSS policy.

The committee recessed at 12:30 p.m. and reconvened at 1:00 p.m.

Randall Morris, Executive Director, Black Hills Special Services Cooperative, discussed the handout that the committee received at the September 12, 2005, meeting.

Black Hills Special Services Cooperative (BHSSC) was organized in 1980 as the first legal entity educational cooperative pursuant to SDCL 13:37. By law, BHSSC is considered to be a public school entity in all respects, with the exception of taxation authority. As a public school and government entity, BHSSC is a public, non-profit organization. BHSSC is administered by a Board comprised of one publicly elected school board official from each of the twelve local member districts.

Three Rivers Special Services Cooperative (TRSSC) was organized in 1984 as a legal entity educational cooperative pursuant to SDCL 13:37. By statute, TRSSC is considered to be a public school entity in all respects, with the exception of taxation authority. As a public school and government entity, TRSSC complies with all laws and regulations governing such. TRSSC is administered by a Board comprised of one publicly elected school board official from each of the six local member districts.

West River Foundation (WRF) is a solely independent and incorporated 501 (c) (3) private, non-profit organization governed by a Board of Directors. Initially established in 1984, the role of the WRF has been to support the development on innovative educational and community programs. Due to expanding roles and activities, the WRF was reincorporated in 1998.

Mr. Morris explained the current federally negotiated rate for administration regarding BHSSC is 7.8%. Mr. Morris also explained it is audited every year and Legislative Audit must approve

the audits. He stated a major source of funding comes from tuition. He also clarified the ESA (Education Service Agency) relationship.

Mr. Morris also responded to committee questions regarding individual contracts with the State of South Dakota. **(Documents #3 and #4 were distributed to the committee.)**

The committee recessed at 4:00 p.m.

Wednesday, October 5, 2005

Chair Ted Klaudt called the Government Operations and Audit meeting back into session at 10:07 a.m., October 5, 2005, in the multi-purpose room at the State Treatment and Rehabilitation (STAR) Academy Campus – West Campus.

Members present were Representatives Klaudt, Buckingham, Lange, and Peters; and Senators Apa, Earley, and Gant. Staff member Annie Mehlhaff from the Legislative Research Council was also present.

IT WAS MOVED BY SENATOR APA, SECONDED BY SENATOR EARLEY, TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF HEARING THE JUVENILE MONITOR'S SEMI-ANNUAL REPORT FROM JOHN J. ELLIS, JUVENILE CORRECTIONS MONITOR. The motion prevailed unanimously on a voice vote.

The committee came out of executive session at 11:15.

Doug Herrmann, Director of Juvenile Corrections Services, introduced his staff and presented an update of the Council of Juvenile Services. Mr. Herrmann also described pilot projects the Department of Corrections (DOC) has received federal grant money for that focus on truancy and CHINS (Children In Need of Supervision).

Federal funds through the JJDP (Juvenile Justice Delinquency Prevention Act) have been continuous since 1994. Each year the department receives approximately \$672,000 through the grant. Senator Apa wanted to know if the \$672,000 grant would cover all of the programs in the future, or if the State General Fund would need to supplement the federal dollars. Mr. Herrmann said the projects could be done with 100% federal funds if the number of CHINS remained the same. Mr. Herrmann said that final data will be available in time for presentation to the Appropriations Committee in January 2006.

Recidivism

Thirteen point six percent of juveniles end up in our adult corrections system within three years. Seventeen percent of juveniles end up in our adult corrections system with 8.5 years (n=2,935 discharged youth, 499 ended up adult SD-DOC). Of the DOC programs currently operating, 15.76% of the juveniles end up in South Dakota prisons within 8.5 years. Of those DOC programs that are no longer in operation (essentially the State Training School) the recidivism rate is 25.05% in 8.5 years.

Other Recidivism Statistics:

- By sex: Of the males who were in DOC juvenile programs, 20.64% reoffended in 8.5 years; 5.71% of the females reoffended in 8.5 years;

- By race – Of those who were in DOC juvenile programs, 16.10% of the whites reoffended; 20.10% of the Native Americans reoffended; and 13.44% of all other races combined reoffended in 8.5 years.
- By status: Of those who were in DOC juvenile programs, 9.35% of the CHINS reoffended in 8.5 years; 18.38% of those designated as Delinquent reoffended within 8.5 years.

There are limitations to the recidivism data, however. For example, if someone was incarcerated in another state, the South Dakota DOC would not be aware of it and could not track that offender. Rep. Klautdt added that some children from the reservation might return to the reservation and commit a crime. Those juveniles would be charged in federal court would not be tracked by the State DOC.

Senator Gant wanted to know how our recidivism numbers compare to other states' numbers. Mr. Herrmann said that other states track recidivism differently than South Dakota. However, he did find two states that were similar in their data collection: Texas and Maryland, which were 26%, and 39% respectively. South Dakota's rate is 17%.

Representative Klautdt asked what percentage of the juvenile corrections population is Native American. Mr. Herrmann thought it was about 30% in his facilities, where the percent of the Native American population of a similar age is only 15%.

Representative Buckingham wanted to know why the female population responded better to corrections programs. Herrmann said that females are less likely to commit a violent crime. More girls enter the system as CHINS (status offenses) than boys.

Males represent about 90% of the adult inmate population and women represent about 10%.

Vacancy Issues

Representative Lange wondered if more money for salaries and benefits would help with turnover at the correctional facilities. Mr. Herrmann said that the turnover rate is about 30% and he has found in exit interviews that money is not the top issue when people leave. He feels that more training and a better selection process would help. North Dakota has about a 15% turnover rate, while some states have a 50% turnover rate. Mr. Herrmann and other South Dakota Corrections officials are in contact with North Dakota Corrections to gather information and exchange ideas.

Senator Gant asked how many people apply for corrections positions. Mr. Herrmann explained that if the position is not shift work, they can get up to 30 applicants.

Sexual Contact on the Campuses

Senator Koskan asked about consensual sexual contact on the campuses. Mr. Herrmann replied that it is very hard to eliminate all of it, but you can minimize it. DOC continues to monitor activities through security cameras. The Prisoner Rape Elimination Act was passed in 2003 and it requires prisons to report all sexual related crimes in institutions. DOC has streamlined their reports to comply with the Act. Senator Koskan wanted to know how many consensual acts happen in a year. The DOC officials agreed that it was minimal.

Psychotropic Drugs

Utilization of psychotropic drugs is directly related to the psychiatrist. The DOC contracts with Dr. Renka, who is a conservative in regards to his drug prescriptions. The DOC is trying to cut down on the number of kids using the drugs and the amounts of drugs used. The department doesn't have good tracking available but hope to improve the tracking process with the new pharmaceutical contract with Diamond Pharmaceutical.

New Superintendent of the STAR Academy

Mr. Herrmann introduced **Chuck Gilson** as the new Superintendent of the STAR Academy. Mr. Gilson started in January as the interim superintendent and was named the permanent superintendent in March of this year. Mr. Gilson was transferred to juvenile corrections from the Mike Durfee Prison in Springfield. Mr. Gilson provided the committee with an overview of the STAR programs.

Representative Peters wanted to know if medical treatment decisions are made that take into account long term medical costs of the child. Mr. Herrmann said that medical staff does that now.

The committee recessed at 1:15 and reconvened at 2:35 on the STAR East Campus for Girls.

QUEST and ExCEL Programs

Melody Tromburg, QUEST (Quality Educational Services and Treatment) Program Manager, and **Tara Busch**, ExCEL (Excellence in Counseling, Education and Lifeskills) Program Manager, gave an overview of the two programs. They are licensed by the South Dakota Department of Social Services (DSS) and can serve up to twenty four girls in each program. The QUEST Program is a 6-8 month program for girls who have, in many cases, been physically or sexually abused or have significant chemical dependency issues requiring a level of treatment that is not available in their home community. The ExCEL Program is a shorter program, 4 months, and is designed for girls who are generally low to medium risk and are primarily non-violent offenders. **(Document 5)**

Rep. Buckingham asked where the state's high risk youth are treated. Mr. Herrmann explained they use private providers for those youth. Juveniles who are classified as "high risk" have violent behaviors, are sex offenders, and/or exhibit other dangerous behaviors.

Request for Juvenile Placement Information

Senator Earley asked the department for a breakdown of the juvenile corrections population and where they are being treated. Mr. Herrmann said he will provide a list of private providers as well as the number of the state's juveniles in each facility and the cost per day.

Juvenile Sexual Predator Facilities

Senator Earley asked where the sexual predators are treated. Our Home in Huron is the only in-state sexual predator treatment facility, however they are often full to capacity. DOC then has to send the juveniles out of state. Some states that have that type of treatment include:

Arizona, Utah, Minnesota, Iowa, Colorado and Wyoming. The Department tries to keep the juveniles requiring such treatment in bordering states, but it can't always be done.

West Farm

Senator Apa asked how many kids are housed at the West Farm facility. Mr. Herrmann replied that the 22 kids housed at the West Farm have all completed a program with the Department and are now transitioning into the community. The West Farm facility is leased to Volunteers of America and they are required to meet the licensing standards of DSS. The facility houses only those juveniles who have completed a South Dakota DOC program.

Placement Decisions

Representative Buckingham asked if the judge makes the decision as to where the offender is placed. Mr. Herrmann said that the judge commits them to the Department of Corrections until the age of 21, and DOC makes the decision of their treatment. How does the DOC process the kids at intake? When a youth is committed, DOC has 7 days (the home county pays for these 7 days) to determine the next step. The Juvenile Corrections Agent (JCA) usually does a preliminary assessment on where they belong. If they are special needs or under 14, they go into private care; if they are over 14 and don't have special needs, they usually go to one of the DOC campuses. Their placement can change when more facts are learned about the child. The JCA also provides after care.

Facility Costs

Senator Gant asked if there is a maximum the department will pay. Mr. Herrmann explained that the Department of Social Services (DSS) use a provider reimbursement formula. DSS requires a cost statement from private providers and then uses a formula to determine what the state will pay. If an opening comes available that is cheaper than a current placement, a child would not be moved. Instead, the next juvenile needing similar treatment would be placed in the new facility with cheaper rates.

Education System

Cynthia Tjaden, Director of Education on the STAR campuses gave an overview of the education system, which includes STAR Evergreen grade and high school. The Academy is seeing an increase in the number of diplomas issued from the high school. Ms. Tjaden says it is because there is an increase in the number of students that come here during their last semester of their high school. Ms. Tjaden wondered if there was a possibility of the school changing their policy that requires the student to be a resident of the school district at the time of graduation before they can be issued a certificate from that school. She thinks that is unfortunate that the child cannot get a diploma from their home school district after such great investment.'

Representative Klaudt wondered if DOC uses the Department of Education's student tracking system. Ms. Tjaden said that DOC did not use it because they must have more information than what the DECA requires. DOC uses work-in-progress transcripts and DECA doesn't. She would, however, check into the possibility of using the system.

When the Department was asked about the contract with Dianna Miller to provide educational services, Corrections Secretary, Tim Reisch explained her involvement in adult corrections is much heavier than her involvement with the juveniles. Senator Earley wondered if Ms. Miller did any lobbying for the Department of Corrections. Mr. Reisch replied that she did not.

DOC Foster Care

Senator Apa wanted to know if there are currently any kids in the DOC system that would be eligible for foster care and if so why they weren't placed in a foster home. Mr. Herrmann replied that there are currently some good candidates for foster care, but they aren't quite ready. There are currently forty juveniles in foster care. He said that some of the kids were too old to go into the foster care system. Representative Peters said that DOC should consider sending some of the 17 and 18 year olds to at least a short stay with a foster care to show them what a functional family looks like.

Senator Koskan wants DOC to place more emphasis on the family/home setting. He wants DOC to put more focus on utilizing foster care. He also feels that the per diem rates should be increased for DOC foster parents.

Mr. Herrmann said that there is not a long list of available foster care homes. For each positive story one hears about kids coming out of foster care, there are an equal number of stories that are not positive. He said that he thinks they do a good job of placing the right kids in foster care.

Rep. Klautdt wondered if DOC had ever considered a new program for just CHINS kids. Secretary Reisch said that most of these kids have committed more offenses than just the one that has put them in front of the judge. Most of the communities, families and schools have told the judge to remove the child from the community.

Mr. Herrmann said that the successes of the foster care program are due to the right kids being placed with the right foster care parents.

IT WAS MOVED BY REPRESENTATIVE PETERS AND SECONDED BY SENATOR KOSKAN TO ADJOURN. The motion prevailed unanimously on a voice vote.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's Homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.htm>).