

CPAC Minutes July 9, 2003

Attendees:

Peggy Ableman, Judge, Superior Ct	Jim Apostolico, DAG/SC Unit
Joe Backer, WILM News Radio	Jennifer Barber, CPAC Chair
Joe Bloch, Det., NCCPD	M. Jane Brady, Attorney General
Mike Chalmers, News Journal	Candace Charkow, DFS
Tania Culley, Child Advocate	Susan Cycyk, Director, DCMHS
Allan DeJong, MD – AI Dupont	Karen Derasmo, Prevent Child Abuse
Mary Lou Edgar, ICOA	John Evans, Lt., DSP
Peter Feliceangeli, DAG	Carlyse Giddins, Director DFS
John Humphrey, Exec. Director CAC	Chandlee J. Kuhn, Chief Judge, Fam Ct
M.C. Landis, DCA, OCA	Janice Mink, Co-Chair Grassroots
Mary Ball Morton, OCM, DSCYF	Julia Pearce, Exec. Director, CPRB
Anne Pedrick, OCA	Lynn Shreve, CASA
Joseph Smack, Exec. Assist DFS	Patricia Stewart, Commissioner Fam Ct
Karin Volker, DAG/DV Unit	Linda C. Wolfe, Dept. of Ed.
Patricia Blevins, Senator	

Chair called the meeting to order. Members introduced themselves.

May 21, 2003 minutes were reviewed. No changes were made. Minutes were accepted as written.

Legislative Update

HB136 and HB139: Developments with these bills occurred after CPAC met on 5/21/03. Bills were ultimately passed. HB136 was the amendment to the UCCJEA. The bill passed the House prior to CPAC getting a letter out to express its concerns. The bill was amended in the Senate upon the recommendation of the National Council on Uniform State Laws. With respect to HB139, CPAC had several concerns with this comprehensive bill, entitled the Uniform Parentage Act. After the CPAC meeting, Peter Feliceangeli, Trish Hearn, and Tania Culley were contacted to review amendments that addressed several concerns raised by CPAC. The CPAC Chair was contacted and indicated that she was not in a position to support or oppose the bill even with the amendments, given that CPAC would not meet again until July and that CPAC's last impression of the bill was that it would not move until next year.

This set of circumstances raised an issue about the need for an Executive Committee that has the power to take a position on legislation that arises, especially in the last few weeks of session. The current bylaws were reviewed and it was determined that they do not cover such a situation. The Chair will review the bylaws again and this will be on the agenda for the October meeting.

Need a new Legislative Subcommittee chair. (Roger Blevins has resigned) Requested volunteers or nominations. Commissioner Pat Stewart was nominated. Motion seconded and unanimously approved that Commissioner Stewart will be new Legislative Subcommittee Co-Chair with Chief Judge Kuhn. Current members of the subcommittee are Peter Feliceangeli, Tania Culley, Trish Hearn, Rep. Pam Maier, Janice Mink.

Review of bills passed this session – see handout.

In addition to summary of bills, a discussion ensued regarding SB134 – the elimination of custody investigations from Family Court. The bill eliminates that which Family Court has not done in many years. Discussed the last line of the bill indicating all sections in Chapter 7 of Title 13 should be renumbered after the elimination of Section 725. The remaining sections of Chapter 7 are cited in countless opinions and other statutes. Concerns were raised regarding the renumbering with CPAC opposing the renumbering of Sections 726 through 733. CPAC and the Family Court both agreed to contact the sponsors and request that this language be removed from the bill.

Office of the Child Advocate Update

Tania Culley circulated OCA statistics from February 2000 through June 30, 2003. Statistics will be published on the website and will be circulated regularly. Discussed the two databases OCA has in operation and the plans for expansion, including the tracking of policy issues in child welfare. OCA is currently fully staffed with 5 volunteers for the summer (law clerks, social work, clerical).

Child Death Review Commission - OCA continues to be very involved in the development of policies, procedures and reports. Anne Pedrick is working on the CDRC Annual Reports for the past 3 years.

Independent Living Summit – MC is the Chair of the Independent Living Advisory Board. Summit in May was a success. There was one corporate sponsor that has hired two of our long term foster care youth for a career in construction. We are hoping to continue to build partnerships as a result of this summit.

Continue to participate in root cause analysis with the Children's Department. Has been a wonderful learning experience and helps OCA in partnering with the Department to advocate for change.

Participated with Delaware Volunteer Legal Services ("DVLS") in training attorneys in Sussex County. Have been working very closely with DVLS and the Bar Association's Committee on the Provision of Low Income Services to the Poor to try and increase Pro Bono involvement.

Anne Pedrick will be a speaker at Midwest Regional Conference discussing OCA's Pro Bono Program.

OCA requested that CPAC find good cause for OCA to disclose its confidential information to the Child Death Review Commission, the Department's Root Cause Analyses, the Domestic Violence Coordinating Council Fatal Incident Review Team and the Court Appointed Special Advocate program. Motion for disclosure was made, seconded and unanimously approved.

Division of Family Services Update

Dependency Workgroup – Department is working more diligently to get children under age 12 out of detention center (unless there is a very serious issue) and into more appropriate placements. DFS will be responsible for placement. Initial numbers seem to indicate about 14 children fall into this category. Department views this as a positive step for the young children who may have behavior issues but not necessarily violent or serious issues. Was announced that there will be shared placement resources between DFS and YRS. DFS will also become responsible for placement of children transitioning out of residential treatment who are unable to return to their homes. CPAC expressed concerns regarding appropriate resources for these children, i.e., do we have homes or other placements able to manage these children and their behaviors. CPAC was supportive of placing children in least restrictive setting where resources are available.

Partnership between DFS and A.I. DuPont. Explained problem of emergency room backlog. Also discussed problem of having children who are victims of abuse interviewed multiple times. DFS continues to work with AI to remedy this problem.

DFS is working on a campaign aimed at early intervention and detection of abuse and neglect. Looking to have media information including billboards and bus boards. Providing internal services to staff. Looking to partner with State and community agencies as well as some local businesses to help with costs.

Information about Foster Care was presented. The informational fact sheet was provided. Marketing is focusing on increasing numbers of foster homes. Carlyse Giddins attended a Foster Parent Graduation – with largest class ever graduating. DFS must constantly recruit new homes since foster parents often adopt and stop fostering.

Caseload statistics and case management. There has been a 1% decrease in reports to the hotline in FY03. In addition, the number of children in foster care has dropped. At the end of June there were 650 children in foster care. In April of 2001 there were almost 900 children in foster care. DFS acknowledged that it is difficult to maintain investigation staff, particularly staff with less than 1 year of experience. CPAC requested information by county, but the information was not available. DFS acknowledged that Kent and Sussex Investigation is strong and that there is little turnover in those two counties at this time. New Castle County has had a greater turnover overall but especially in investigations.

DFS agreed that approximately 58% of NCC1 investigation workers have less than 1-year experience and 88% of investigation workers at Elwyn have less than 1-year experience. The numbers at NCC2 indicate that 35% of all investigators in that unit have less than 1-year of experience with one particular unit at 50%.

Inquiries were made to DFS regarding the Serious Injury/Sex Abuse unit. DFS reported one vacancy in that unit currently. The vacancy is a traditional investigation position, not a serious injury position. DFS acknowledged that a worker in that unit has accepted a lateral transfer but has not yet moved out of the unit. Caseload numbers for that unit were requested but were not available. However, DFS did acknowledge that the caseloads for this unit are higher than would want to see, and agreed that all workers in that unit were over 20 cases per worker.

DFS indicated that approval to hire 8 additional staff has been given. Three of those staff have already begun employment with an additional 4-5 to start in the next few weeks. The Department continues to review hiring needs although no additional approval has been given at this time.

Extensive discussions by CPAC members focused on worker turnover, overhire and permanent vacancies and morale of frontline workers. Inquiries were made about the support of caseworkers with excessive caseloads and stress levels. Concerns were raised regarding the absence of an overhire pool and the domino effect of turnover when even one vacancy occurs without a trained worker to immediately step in.

The Chair passed out a spreadsheet with caseload information obtained from DFS Personnel and Caseload Reports from February through June 2003. Concerns regarding caseloads had been a primary focus of discussion at the April 2003 meeting. In addition, reports from the front lines indicated caseloads were rising, workers were scared and morale was plummeting. As a result, Tania had sent a letter to DFS, copy to Jennifer, requesting information from DFS to review caseload and vacancy numbers. A portion of the information requested was provided. The information was enough to create the handout. In addition, a meeting with the Secretary and with Carlyse Giddins is scheduled for next week.

The information provided was based on fully functioning workers. A line-by-line discussion took place regarding the information provided. The number of caseworkers over standard was 16 in February and 26 in June. 83% of NCC workers are over caseload standards with 100% of workers in NCC1 over standard. There were extensive discussions around these facts and figures and the concerns about caseloads being greater than 14 and that there are not fully trained workers available to step into the vacancies. Motion made, seconded and unanimously approved to request a lift of the hiring freeze for frontline workers and overhires for DFS. This request will be presented to Secretary DeSantis.

CPAC agreed to revisit the information being presented to the General Assembly regarding SB142 and to eventually review whether the current caseload standards are

still reasonable given the added workloads since implementation of the Court Improvement Project and the Child Protection Registry hearings.

Foster Care Subcommittee

Janice Mink reported. CMH is going to begin participating in foster parent training.

Training Subcommittee

Training subcommittee participated in the Abuse Intervention Committee Training Consortium which presented its First Annual Conference in April. Some of the partners included The Children's Advocacy Center, Prevent Child Abuse Delaware, Office of the Child Advocate, CASA and the Department of Justice. The conference was held at Dover Downs and appeared to go well. The American Prosecutors Research Institute presented. The plans for next year have not been made yet. The Consortium welcomes any feedback or suggestions about training needs in child welfare.

Community Notification

Working with the Governor's Office to have a new task force established to follow up on the recommendations. Still working on the public awareness campaign.

Best Interests

The first meeting of this group was well attended. Initial presentation focused on historic information, community partnership and partnership with CPAC. The group gave great credence to all those involved working together to do what is in the best interest of children. Some of the initial expectations from this group included making adoption plans for older kids, permanency plans in a more timely fashion, better support for birth families that are working to achieve goals, closer community attention to the emotional needs of children, protection of birth parents, defining what "Best Interests" means in Delaware, and looking at best interests as equal to other grounds in TPR.

The group decided some of its goals would be who decides what is in the best interests of kids, defining what "attachment" is and what it means, balancing best interests versus parental rights, reviewing Section 722 of the Code with possibility of revision, trauma in placing children in foster care versus risks of leaving children in their homes, training social workers to be better witnesses in court and whether Family Court is the best venue for determining best interests.

The second meeting reviewed information about the social, emotional and legal issues that impact best interests. Question was raised how does best interests come into play during TPR. How do we balance children's rights with the rights of parents? Concurrent planning was then introduced and a discussion held. Mediation of child welfare cases was also discussed. Next meeting is September 12, 2003. All are encouraged to attend.

Children's Advocacy Center

Things are going well in New Castle County. Working with DFS and other partners on MOU and what types of cases should be coming to the CAC. Case reviews continue to be invaluable. Dover Center is up and running. Kent County is very different from NCC and Sussex. Not seeing same level of cooperation from agencies or sharing of information. Discussion about difficulties experienced in Kent and Sussex and the lack of serious injury unit in DFS for these counties.

Family Court

New Commissioner is now on board. Commissioner Mayo was sworn in and joined the Court June 23rd. Substantiation hearings are currently being held in Dover. Concerns were expressed regarding travel time of workers and attorneys. Commissioner Stewart reported that some TPRs are going through mediation to try to resolve without trial. There has been some success with this process. The cases are referred by judges and attorneys.

Child Mental Health

CMH is doing significant work around children coming into care having access to whatever mental health assistance they may need. Report handed out. CMH is starting Individual Residential Treatment program. This program is comprised of specialized foster homes that focus on children stepping down from residential treatment to more of a home life situation. Susan Cycyk willing to do a presentation on caseload numbers and available placement resources at a later meeting

Department of Justice

Still have a vacancy for a DFS Deputy in the Civil Division. Also have a Kent County Deputy going out on maternity leave by end of year. Several significant child welfare matters pending in the Supreme Court including whether guardianship is permanency, and what rights a grandparent has to visit their grandchild after a termination of parental rights.

Public Comment

Lynn Shreve of the CASA Program reported that as of July 8, 2003, they have represented 404 children this year to date.