

State of Delaware

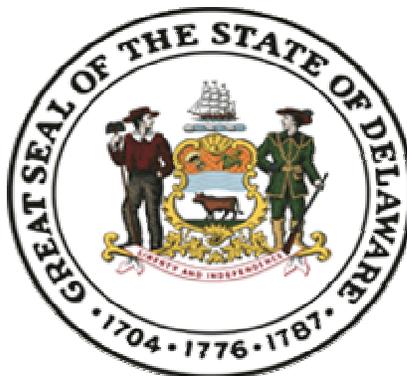
Office of the Child Advocate



Annual Report

Fiscal Year 2010

Office of the Child Advocate FY10 Annual Report



The Honorable Jack Markell
Governor

Tania M. Culley, Esquire
Child Advocate

*Safeguarding the welfare of Delaware's children through educational advocacy,
system reform, public awareness, training, and legal representation of children as
set forth in 29 Del. C., Ch. 90A*

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Executive Summary

The Office of the Child Advocate (OCA) was created in 1999 in response to numerous child deaths in Delaware resulting from child abuse. These cases pointed to deficiencies in the child protection system that could only be remedied through the collaborative efforts of Delaware's many child welfare agencies. The General Assembly determined that an office to oversee these efforts, staff the Child Protection Accountability Commission (CPAC), and provide legal representation on behalf of Delaware's dependent, neglected, and abused children was necessary. Pursuant to 29 Del. C. § 9005A, OCA is mandated to coordinate a program of legal representation for children, to periodically review all relevant child welfare policies and procedures with a view toward improving the lives of children, to recommend changes in procedures for investigating and overseeing the welfare of children, and to develop and provide training to child welfare system professionals.

OCA accomplishes its charge to represent children through four Deputy Child Advocates (DCAs), a substantial and dedicated pool of volunteer attorneys, and strong partnerships with the child-serving agencies in Delaware. During Fiscal Year 2010, OCA received 592 referrals on 569 different children. Throughout the fiscal year, OCA made 282 attorney appointments, completed 63 case reviews to ensure the child welfare system was adequately protecting those children, and provided legal representation for a total of 793 abused and/or neglected children.

On June 30, 2010, 761 children were in the legal custody of Delaware's Department of Services for Children, Youth & Their Families (DSCYF). OCA was representing 455 (60%) of those children, the Court Appointed Special Advocate (CASA) program was representing 285 (37%), the court independently appointed counsel for 1 child, and the remaining 20 children (3%) were unrepresented on the last day of the fiscal year. The majority of those unrepresented children were in Kent County, where resources are not as readily available.

Three hundred fifty-six volunteer attorneys represented children through OCA during the fiscal year, with 51 new attorneys trained in 8 training sessions throughout the state. By the end of FY10, OCA was proudly partnering with over 160 volunteer attorneys with 5 years or more experience representing children through OCA.

In addition to coordinating the legal representation of children, OCA staff participated in many initiatives to improve policies, procedures, practices and laws on behalf of children, primarily in the role of staff to CPAC. OCA staff worked diligently to develop training curricula on various child welfare topics, such as mandatory reporting, that could be placed online and accessed at will by child welfare professionals, and also helped to plan and carry out the 2nd Protecting Delaware's Children Conference, which CPAC hosted in conjunction with the Child Death, Near Death, & Stillbirth Commission (CDNDSC). OCA staff also continued to support CPAC's efforts at improving the delivery of mental health services to children in foster care.

OCA continued working in partnership with CASA and the Division of Family Services (DFS) to maintain the comprehensive joint database of children in DSCYF custody to ensure that children have timely legal representation. In FY10, OCA, CASA, and DFS began endeavoring to track the length of time it takes to secure legal representation for children, and whether or not children have legal representation by the first hearing regarding their welfare. OCA staff members also met quarterly with DFS staff to address issues related to child protection policy and practice in Delaware, such as background checks for professionals working with children and the nature and volume of reports made to Delaware's child abuse reporting hotline.

A remaining priority for OCA in FY10 was work related to youth aging out of foster care. OCA's primary legislative focus was the passage of Senate Bill 113, developed by CPAC, which gave the Family Court the discretion to extend its jurisdiction over youth who have aged out of foster care and are having trouble accessing services he or she is entitled to receive. SB113 passed the General Assembly at the end of Fiscal Year 2010.

OCA is extremely grateful to all of the individuals and organizations that support the children served by OCA. The assistance and partnership of these entities is critical as OCA strives to fulfill its mission to safeguard the welfare of Delaware's children through educational advocacy, system reform, public awareness, training, and legal representation of children.



Legal Representation

The Office of the Child Advocate is mandated to coordinate a program of legal representation for Delaware's abused and neglected children. OCA accomplishes this charge through its four in-house Deputy Child Advocates and more than 360 volunteer attorneys throughout the state. During FY10, 356 volunteer attorneys represented children through OCA, with 51 new attorneys trained in 8 training sessions throughout the state. A number of veteran volunteer attorneys also attended these training sessions, in order to learn about updates to the child protection system and to refresh their understanding of their role as a guardian *ad litem* and their duties to their child clients. By the end of FY10, OCA boasted a volunteer roster with over 160 volunteer attorneys with 5 years or more experience representing children through OCA.

In FY10, OCA received 592 referrals on 569 different children. From those referrals, OCA made 272 attorney appointments and completed 63 case reviews to ensure the child welfare system was adequately protecting those children. Throughout FY10, OCA made a total of 282 attorney appointments (see Chart 1), and provided legal representation for a total of 793 abused and/or neglected children.

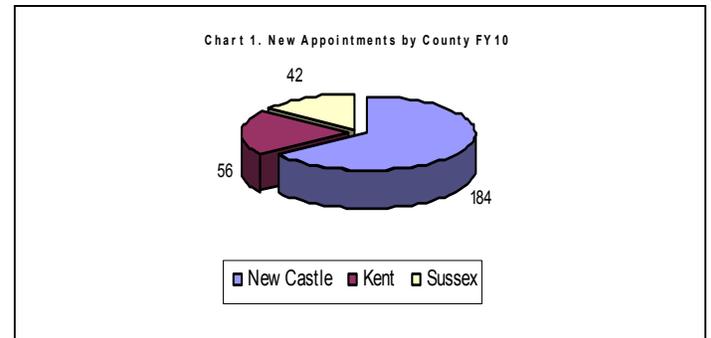
OCA primarily provides representation for children in the custody of DSCYF. Of the 282 attorney appointments made during FY10, 257 (91%) were appointments for children in DSCYF custody. The remaining appointments were for children involved in custody matters or other dependency/neglect proceedings in Family Court.

On the last day of FY10, 483 children were actively receiving legal representation through OCA. Of those, 455 were in DSCYF custody, 21 were the subject of dependency/neglect proceedings in Family Court, and 7 were the subject of custody matters between their parents. OCA was representing 318 children in New Castle County, 97 in Kent County, and 68 in Sussex County.

OCA worked with the CASA program during FY10 to ensure that all children in DSCYF custody received legal representation. On June 30, 2010, 761 children were in the legal custody of DSCYF, a 6% decline from the prior fiscal year. OCA was representing 455 (60%) of those children, the CASA program was representing 285 (37%), the court independently appointed counsel for 1 child, and the remaining 20 children (3%) were unrepresented on the last day of the fiscal year. The majority of those unrepresented children were in Kent County, where OCA's volunteer attorney resources are not as readily available and CASA's resources are over-burdened.

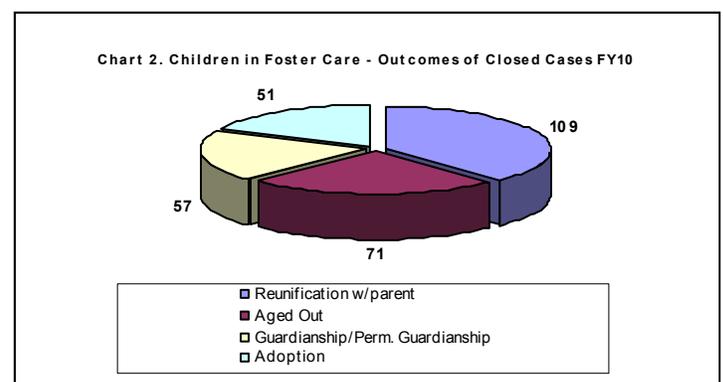
Most of the attorney appointments made by OCA throughout FY10 were for children in New Castle County (see Chart 1). OCA's need for more volunteer attorney resources in the lower

counties continued to be apparent in FY10. The CASA program, however, was able to provide representation for a number of children in DSCYF custody downstate.



By the end of FY10, 320 referrals had been made to which attorneys were not appointed. Sixty-three referrals resulted in case reviews to ensure the child welfare system was adequately protecting the children involved, and/or to determine if there were breakdowns in the system's response to the needs of those children and their families. Any such concerns were documented in OCA's Policy Concerns Database, in order to readily track and identify systemic issues in Delaware's child protection practice. The CASA program handled 157 of the referred cases, while the issues in another 45 referrals were resolved prior to an attorney or a CASA being appointed. Forty-one referrals had no apparent dependency, neglect, or abuse issues and therefore there was no role for OCA. Fourteen children were still pending disposition/assignment at the close of the fiscal year.

During the fiscal year, OCA closed 317 cases to which an attorney had been assigned. Twenty-nine of those were cases involving dependency/neglect proceedings or parent custody disputes that were resolved. The remaining 288 cases involved children in DSCYF custody. Those cases were closed with a variety of outcomes, the most common being reunification with a parent or parents (see Chart 2).



Child Welfare Policy

OCA is mandated, pursuant to 29 Del. C. § 9005A(2), to periodically review all relevant child welfare policies and procedures with a view toward expanding the rights of children. OCA is also to recommend changes in procedures for investigating and overseeing the welfare of children, and to develop and provide training to child welfare system professionals. 29 Del. C. § 9005A(4), (9). In FY10, OCA staff spent more than 305 hours on efforts involving child protection policy and procedure, and an additional 660 hours on such efforts while fulfilling their duties as staff to CPAC.

OCA staff members met quarterly with DFS staff to improve multi-disciplinary collaboration and communication on such issues as caseloads, case decisions, training, and system successes and challenges. The two agencies worked together to begin looking at ways to better utilize criminal background and other registry checks for all professionals who work with children. They also discussed strategies to understand and deal with high DFS investigation caseloads and child abuse reporting hotline volume throughout FY10.

In partnership with DFS and Delaware Volunteer Legal Services (DVLS), in FY10 OCA began soliciting from its pool of volunteer attorneys those who would be interested in providing other types of pro bono legal representation to youth in foster care to address issues that may impact those youth once they exit care or become adults. OCA and DVLS hope to build a cadre of attorneys who will help these youth with such issues as having their juvenile criminal records expunged when appropriate, having their names removed from the child protection registry when appropriate, and executing powers of attorney once they have been emancipated.

OCA continued working in partnership with CASA and DFS to maintain the comprehensive joint database (OCA/CASA database) of children in DSCYF custody. The statistics that were generated monthly and the regular maintenance and quality assurance of the OCA/CASA database enabled system partners to ensure that children have timely legal representation. As a result of the meetings between these three agencies, OCA began using the joint database to track the amount of time it takes for a child to be appointed representation after entering DSCYF custody, and whether children have representation by the Preliminary Protective Hearing, the first hearing after DSCYF obtains custody of a child. OCA expects to begin generating statistics from that data in Fiscal Year 2011.

In addition to maintaining the OCA/CASA database, OCA also continued to enter policy concerns from child abuse/neglect case reviews into its Child Protection Policy Concerns database in order to identify trends in Delaware's child protection practice. OCA will continue to use this database to address areas of concern and to provide support for those positions for which it advocates.

A remaining priority for OCA in Fiscal Year 2010 was work related to youth aging out of foster care. OCA staff were active members of several workgroups that focused on issues that relate to the substantial needs of older youth in foster care. OCA's primary legislative focus for FY10 was the passage of Senate Bill 113, developed by CPAC, which gave the Family Court the discretion to extend its jurisdiction over youth who have aged out of foster care and are having trouble accessing services they are entitled to receive. SB113 passed the General Assembly at the end of FY10.

OCA staff helped plan and attended the 2nd statewide Protecting Delaware's Children Conference, a joint venture between CPAC and the CDNDSC in collaboration with the Family Court. The two day conference was geared toward the multidisciplinary team professional involved in law enforcement, investigation, prosecution, treatment, and prevention of child abuse. The 500 attendees were able to enhance their knowledge and skills for improving the health, safety, and well-being of Delaware's children through workshops presented by both local and national experts

in the field. In their role as staff to CPAC, OCA's Program Administrator and Office Manager spent months collaborating with CDNDSC staff and other members of CPAC's Training Subcommittee to plan the conference, recruit presenters, register participants, prepare materials, and assist attendees throughout the conference.

Also on behalf of CPAC, OCA staff worked diligently during FY10 to develop and deliver training curricula on such topics as mandatory reporting of child abuse, school enrollment, and the Educational Surrogate Parent Program. OCA's Program Administrator endeavored to make these training protocols available online in a web-based training format, so they can be accessed as needed by child welfare professionals. As part of CPAC's training efforts, OCA also maintained a directory of available child welfare trainings in Delaware on its website. Finally, OCA staff continued to support the work of CPAC's Mental & Behavioral Health Services to Children in and Adopted Out of Foster Care Subcommittee as it strove to implement recommendations for improvement to the delivery of mental health services for children in foster care.



Donations

In FY10, community members and organizations once again rallied to help provide the children served by OCA with memorable experiences and holiday cheer. Many OCA clients benefited from the generosity of these individuals and organizations by receiving thoughtful gifts during the holidays, and monetary donations allowed several OCA clients to take advantage of amazing opportunities and experiences that other children often take for granted but that children in foster care are rarely able to enjoy.

Many of OCA's clients, and even some of their care giving families, were "adopted" and provided with an abundance of thoughtful gifts during the holiday season by organizations such as the 9th Airlift Squadron of the Dover Air Force Base, the Christiana Rotary Club, the KMC Gymnastics Girls Parent Organization, and several local churches. Other organizations, such as several of Delaware's Inns of Court and additional churches, donated gifts that OCA's volunteer AGALs were able to choose from to give to their child clients. Kohl's Department Stores donated books that were distributed to OCA's clients and other children in foster care.

Delaware's Bankruptcy Inn of Court again bestowed a generous monetary contribution upon OCA during FY10. With these and other funds donated to OCA, OCA was able to help fulfill a variety of needs and desires for youth in DFS custody throughout the fiscal year. In partnership with the AGALs who represented these children and the foster families and relatives who cared for them, OCA used donated funds to provide a car seat and winter coat for a young child being cared for by a relative with limited means; transportation to summer tutoring sessions for two youth who had no other means of getting to the program; baseball equipment for a young man who otherwise would not have been able to participate in his school's baseball program; and dance clothing and costumes for two little girls so they could take jazz and ballet classes. OCA was also able to fulfill requests for funding for children to go on school field trips, to summer camp, and on a special birthday outing.

Perhaps the most notable contributions OCA has been able to provide to date occurred during FY10, when OCA, through its generous donors, had the privilege of helping to send one of its clients to Italy with a select group of students from her school's Culinary Arts Program, and another client to the prestigious National Youth Leadership Forum on Medicine in Washington, D.C., a highly selective pre-medical education program for high school students.



Sometimes OCA's DCAs or volunteer attorneys work directly with community organizations to help their clients when needed. During FY10, one of OCA's DCAs was fortunate enough to have the Rehoboth Beach store Tiger Lili contribute a prom dress and earrings free of charge to her client (pictured at left with store owner Lili Kohr).

Contributions like these can mean so much to the children served by OCA and its partners in the child protection system, and OCA is extremely grateful to all of the individuals and organizations that continue to support these children.

THANK YOU
to the organizations who generously
donated to the children OCA serves

**9th Airlift Squadron of Dover Air
Force Base**

Christiana Rotary Club

Crossroads Presbyterian Church

Delaware Bankruptcy Inn of Court

Eastpoint Community Church

**Kemblesville United
Methodist Church**

**KMC
Gymnastics Girls Parent
Organization**

Kohl's Department Stores

Love of Christ Church

Melson-Arsht Inn of Court

Richard S. Rodney Inn of Court

Terry-Carey Inn of Court



*"We make a living by what we do, but
we make a life by what we give."*

- Winston Churchill

THANK YOU
to the 356 volunteer attorneys who represented children during Fiscal Year 2010

Derek Abbott	Victoria Counihan	Andrew Golian	Carl Kunz III	Seth Niederman	Deneen Stewart
Jon Abramczyk	Lydia Cox	Andrew Gonser	Danielle Kuzminksi	Joshua Novak	Chad Stover
Laura Acton	Kristen Cramer	William Gonser, Jr.	Gregory Ladner	Stephen Nowak	Frederick Strickland
Barbara Alexander	Brian Crawford	Todd Goodman	William Lafferty	Elizabeth Olsen	William Sudell, Jr.
Thomas Allingham II	Laurence Cronin	Susan Gordon	Kathryn Laffey	Jonathan O'Neill	Renee Suglia
Susan Ament	Donna Culver	Thomas Gorman	James Landon	Susan Over	John J. Sullivan, Jr.
Jeremy Anderson	Brian Cunningham	Erik Grandell	Karen Lantz	Marla Palmer	Karen Sullivan
John Andrade	Edward Curley	James Green	Tara Lattomus	Maria Panichelli	Kara Swasey
Fotini Antoniadis	Christopher Curtin	Kelly Green	Kimberly Lawson	Pamela Park	Scott Swenson
Michael Arrington	Michael Custer	William Green, Jr.	Jonathan Layton	Jeness Parker	Harry Tashjian, IV
Christine Azar	Brock Czeschin	Christopher Griffiths	Lewis Lazarus	Titania Mack Parker	Gregory Taylor
John Balaguer	Bart Dalton	Thomas Grimm	Abigail LeGrow	Adam Perza	James Taylor, Jr.
Cynthia Baldwin	Steven Daniels	Jillian Grob	Timothy Lengkeek	Eifion Phillips	John Taylor III
Jennifer Becnel-Guzzo	Danielle Davis	Jerome Grossman	James Lennon	Marc Phillips	Mary Thomas
Michael Bednash	Catherine Dearlove	Mark Gundersen	Scott Leonhardt	Sarah Pierce	Christina Thompson
Michelle Berkeley	Kim DeBonte	Stephanie Habelow	Neal Levitsky	Tanya Pino	Seth Thompson
David Bever	Christine Demsey	Kathleen Hadley	Elizabeth Lewis	Mary Ann Plankinton	Sara Toner
Shakuntla Bhaya	John X. Denney, Jr.	Shauna Hagan	Paul Lockwood	Pamela Politis	Gary Traynor
David Bilson	Leslie Case DiPietro	Gerald Hager	Gaston Loomis	Ciro Poppiti III	Melissa Troutner
Travis Bliss	Tara Dirocco	Patricia Hall	Sean Lynn	Susan Poppiti	Annamartina Tyreus
Danielle Blount	Nicole DiSalvo	Patricia Hannigan	Andrea Malinowski	Thomas Preston	Patricia Uhlenbrock
Megan Bombick	Jill DiSciullo	Thomas Hanson, Jr.	Kevin Mangan	Cynthia Pruitt	William Ulrich
Michael Bonkowski	Kevin Dobson	Edwin Harron	Margaret Manning	Amy Quinlan	Patrick Vanderslice
Mary Boudart	Sean Dolan	Susan Hauske	Erin Mariani	Andrew Rahaim	Jennifer Veet
Curtis Bounds	Melissa Donimirski	Joyce Hayes	Michelle Marino	Sehr Rana	Karen Vicks
Jennifer Brady	Keith Donovan	Kevin Healy	Melanie George	Richard Renck	Matthew Vignas
John F. Brady	John T. Dorsey	Christian Heesters	Timothy Martin	Sheldon Rennie	Charles Vincent
Sean Brennecke	Meghan Dougherty	Leslie Heilman	Dennis Mason II	Dana Reynolds	Kristi Vitola
Lori Brewington	Shawn Dougherty	James Higgins	Janice Matier	Joseph Rhoades	Nicole Walker
Allyson Britton	W. Harding Drane, Jr.	Adam Hiller	Michael Maxwell	Helen Richards	Megan Walstrom
Laura Brooks	Thomas Driscoll III	Eliza Hirst	Brenda Mayrack	Matthew Rifino	Matthew Ward
Lisa Zwally Brown	James Drnc	Timothy Hitchings	David McBride	David Ripsom	Robert Weber
Paul Brown	Timothy Dudderar	Michael Hochman	Deirdre McCartney	Andrea Rodgers	Michael Weidinger
Ryan Browning	Mary Dugan	Victoria Hoffman	Garvan McDaniel	Elizabeth Rodriguez	Elizabeth Julian Weinig
Gary Bryde	Bradley Eaby	Suzanne Hill Holly	Michael McDermott	Bruce Rogers	Gregory Werkheiser
Michele Sherretta Budicak	Edward Eaton	Thomas Horan	Thomas McDonough	Brian Rostocki	Benjamin Wetzel III
Jennifer Burbine	Craig Eliassen	Eric Howard	Matthew McGuire	Michael Rushe	Holly Whitney
Robert Burns	John Engel	Xiaojuan Huang	John McLaughlin, Jr.	Helena Rychlicki	Patricia Widdoss
Emily Burton	Margaret England	Amy Huffman	Marci McNair	Morgan Sack	David Williams
Nicholas Caggiano, Jr.	Kenneth Enos	David Hutt	Carolyn McNeice	Tamara Sampson	Gregory Williams
Shannon Carmean	Kelly Ensslin	Diane Ibrahim	Rakesh Mehta	Yvonne Takvorian Saville	Evan Williford
Richard Carroll	Elwood Eveland	Frederick Iobst	Pamela Meitner	R. Judson Scaggs, Jr.	Lincoln Willis
Megan Ward Cascio	David Facciolo	Michael Isaacs	Jennifer Mensinger	Lisa Schmidt	Josiah Wolcott
Denis Casey	Sherry Fallon	Jennifer Jauffret	Tammy Mercer	Jack Schreppler II	Natalie Wolf
Tabatha Castro	Erin Fay	David Jenkins	James Merkins, Jr.	Suzanne Seubert	Jason Wolfe
Eileen Caulfield	Amy Feeney	Kathleen Jennings	Christopher Messa	Dana Severance	Rebecca Workman
Shae Chasanov	David Felice	Clay Jester	Stephen Milewski	Chad Shandler	Christian Wright
Teresa Cheek	Stephen Ferguson	Erika Johnson	Kathleen Miller	James Sharp	Davis Wright
William Chipman, Jr.	Erin Fitzgerald	Dawn Jones	Tiphanie Miller	Thomas Shellenberger	Laura Yiengst
Delia Clark	Matthew Fogg	Lynn Jones	Lisa Minutola	Brian Shirey	Daniel Young
John A. Clark III	Edward Fornias III	Cory Kandestin	Michael Modica	James Shomper, Jr.	Kirsten Zeberkiewicz
Miranda Clifton	Ryan Frampton	Matthew Kaplan	Patricia Mongan	Jackson Shrum	
C. Malcolm Cochran, IV	Stuart Fullerton	Jennifer Karpe	Dana Monzo	Sophia Siddiqui	
Cynthia S. Collins	David Gagne	Brian Kasprzak	Eric Monzo	Christian Singewald	
Kevin Collins	Meredith Gaudio	Lynn Kelly	Sharon Morgan	Ariel Sloan	
Patrick Collins	Catherine Gaul	Felice Kerr	Kathleen Murphy	Deborah Spivak	
Bernard Conaway	Frances Gauthier	Eleanor Kiesel	D. Fon Muttamara-Walker	Leslie Spoltore	
Kelly Conlan	Kathleen Geiger	Carla Kingery	Katherine Neikirk	Monte Squire	
Amy Coogan	Kelly Dunn Gelof	Gretchen Knight	Michael Nestor	Raj Srivatsan	
Todd Coomes	Kristin Gibbons	Nicholas Kondraschow	Ryan Newell	Lisa Stark	
Jason Cornell	Glynis Gibson	Edward Kosmowski	Maria Newill	Kristopher Starr	

THANK YOU
to the law firms who hosted OCA trainings in FY10

Curley & Rodriguez, LLC Morris James LLP
Potter Anderson & Corroon LLP Skadden, Arps, Slate, Meagher & Flom, LLP

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