

State of Delaware

**CHILD PROTECTION
ACCOUNTABILITY
COMMISSION (CPAC)**



Annual Report

Fiscal Year 2010 July 1, 2009– June 30, 2010

Fiscal Year 2010



The Honorable Jack Markell, Governor
State of Delaware

C. Malcolm Cochran, IV, Esquire, Chair
Child Protection Accountability Commission

MISSION

To monitor Delaware's child protection system to ensure the health, safety, and well-being of Delaware's abused, neglected, and dependent children.

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Secretary of the Department of Services for Children, Youth and Their Families

16 Del. C. §912(a)(1)

The Honorable Vivian Rapposelli, Secretary

Director of the Division of Family Services

16 Del. C. §912(a)(2)

Laura Miles, Director

Two Representatives from the Attorney General's Office

16 Del. C. §912(a)(3)

The Honorable Joseph R. Biden, III, Attorney General
Patricia Dailey Lewis, Esquire, Deputy Attorney General, Family Division
Mariann Kenville-Moore—Designee, Director, Victim Services

Two Members of the Family Court

16 Del. C. §912(a)(4)

The Honorable Chandlee Johnson Kuhn, Chief Judge
The Honorable Joelle Hitch, Judge

One Member of the House of Representatives

16 Del. C. §912(a)(5)

The Honorable Melanie George Marshall—State Representative

One Member of the Senate

16 Del. C. §912(a)(5)

The Honorable Harris B. McDowell, III—State Senator

Chair of the Child Placement Review Board

16 Del. C. §912(a)(7)

William Murray, Chair
Julia Pearce—Designee, Executive Director

Secretary of the Department of Education

16 Del. C. §912(a)(8)

The Honorable Lillian Lowery, Secretary
Linda Wolfe, R.N.— Designee, Director, School Support Services

Director of the Division of Prevention and Behavioral Health Services

16 Del. C. §912(a)(9)

Susan Cczyk, M.Ed., Director

Chair of the Domestic Violence Coordinating Council

16 Del. C. §912(a)(10)

The Honorable Patricia Blevins, Chair
Bridget Poulle—Designee, Executive Director

At-large Member—Medical Community

16 Del. C. §912(a)(11)

Allan DeJong, M.D., Medical Director, Children at Risk, CARE Program, duPont Hospital for Children

At-large Member— Interagency Committee on Adoption

16 Del. C. §912(a)(11)

Mary Lou Edgar, Upper Bay Adoption and Counseling Services, Member of the Interagency Committee on Adoption

At-large Members—Law Enforcement

16 Del. C. §912(a)(11)

Colonel Robert M. Coupe, Superintendent, Delaware State Police
Detective Adrienne Owens—Proxy, Delaware State Police
Colonel Michael C. McGowan, Chief of Police, New Castle County Police Department
Sergeant Patricia Davies—Proxy, New Castle County Police Department

At-large Members—Child Protection Community

16 Del. C. §912(a)(11)

C. Malcolm Cochran, IV, Esquire, CPAC Chair
Randall Williams, Executive Director, Children's Advocacy Center
Janice Mink, Citizen
Alvin Snyder, Citizen

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Executive Summary

Since 1997, the Child Protection Accountability Commission (“CPAC” or “the Commission”) has had the responsibility of monitoring Delaware’s child protection system to ensure the health, safety, and well-being of Delaware’s abused, neglected, and dependent children. Representatives from the Department of Services for Children, Youth, and Their Families (“DSCYF”), the Department of Justice (“DOJ”), the Office of the Child Advocate (“OCA”), the Department of Education (“DOE”), the Family Court, the law enforcement community, the Children’s Advocacy Center (“CAC”), the medical community, and others meet quarterly to identify system problems, make legislative recommendations, evaluate and recommend changes in policy, and advocate for system reform. Several subcommittees have developed in response to the issues identified at CPAC meetings, such as the Abuse Intervention Subcommittee, the Mandatory Reporting Media Campaign Subcommittee, the Training Subcommittee, and the Education Subcommittee. As a result, the Commission and its Subcommittees work together to develop solutions and bring about the necessary changes. Thus, Delaware has long since adopted a child welfare system that works together to ensure the safety of its children.

Fiscal Year 2010 exemplified Delaware’s ability to collaborate with various state agencies and other system partners to effectuate change. Education and awareness became a central focus for several of CPAC’s Subcommittees. For instance, the Abuse Intervention Subcommittee unveiled their training on the implementation of the Memorandum of Understanding (“MOU”) between the DOJ, DSCYF, CAC, and law enforcement, which critically emphasized collaborative intervention, cross reporting, and information sharing. The training for medical personnel, *Child Abuse Identification and Reporting Guidelines for Delaware Medical Providers*, continued over the past fiscal year with hospitals and private family practices. The Subcommittee also developed *How to Identify and Report Child Abuse and Neglect in Delaware* to help mandated reporters understand the law and their reporting requirements.

To complement the Mandatory Reporting Training, CPAC and the Child Death, Near Death, and Stillbirth Commission’s (“CDNDSC”) joint subcommittee embarked on a statewide media campaign to raise awareness on how to recognize and report child physical and sexual abuse - an initiative still in the planning stage at the close of the fiscal year.

CPAC and CDNDSC’s joint efforts extended beyond just the media campaign. In June 2010, CPAC and CDNDSC,



along with significant funding from the Federal Court Improvement Project under Family Court, and contributions from Prevent Child Abuse Delaware, Children and Families First, and the Criminal Justice Council, jointly sponsored the second Protecting Delaware’s Children Conference. A number of national and local subject matter experts presented workshops to nearly 500 professionals geared toward the multidisciplinary team professional involved in the investigation, child fatality review, prosecution, treatment, and prevention of child abuse. The conference will be offered again in Fiscal Year 2011.

Training has also been a focal point for CPAC’s Education Subcommittee, which was charged with developing a training curriculum to provide the community with an overview of services provided through DSCYF, DOE, Delaware Health and Social Services (“DHSS”), and other agencies that provide direct resources to our community. This year, the Subcommittee unveiled two web-based education related trainings. A second goal of the Subcommittee is to study the educational success of children in foster care through the collection and analysis of data. The Subcommittee has been successful with data sharing, whereby an automated list of children in DSCYF custody is provided to DOE on a monthly basis to assist schools in identifying children in foster care. The Subcommittee has begun to explore how the data can be used to determine educational performance measures, and this endeavor will continue into the next fiscal year.

Despite CPAC’s accomplishments during this fiscal year, there are still opportunities for improving Delaware’s child protection system in the future. Over the next fiscal year, CPAC will continue with its charge while keeping with an innovative approach to explore recent trends in child welfare. As CPAC moves forward, the goal to promote the health, safety, and well-being of Delaware’s abused, neglected, and dependent children will remain at the forefront.

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CPAC's Background and Purpose

The 1997 death of a four year old boy named Bryan Martin demonstrated the need for multidisciplinary collaboration and accountability in Delaware's child protection system. Following Bryan's death, Delaware enacted the Child Abuse Prevention Act of 1997 (16 Del. C., Ch. 9), which made significant changes in the way Delaware investigates child abuse and neglect. The Child Abuse Prevention Act also made changes requiring Delaware to foster a child protection community of cooperation, accountability and multidisciplinary collaboration. Part of the strategy in that regard was the establishment of a forum for interdisciplinary dialogue and reform. That forum is CPAC.



CPAC's overall statutory mission is to monitor Delaware's child protection system to ensure the health, safety, and well-being of Delaware's abused, neglected, and dependent children.
16 Del. C. § 912(b).

**The statutory duties of the Commission are as follows
 (16 Del. C. § 912(b)):**

1. Examine and evaluate the policies, procedures, and effectiveness of the child protection system and make recommendations for changes therein, focusing specifically on the respective roles in the child protective system of the Division of Family Services, the Division of Prevention and Behavioral Health Services, the Department of Justice, the Family Court, the medical community, and law enforcement agencies;
2. Recommend changes in the policies and procedures for investigating and overseeing the welfare of abused, neglected, and dependent children;
3. Advocate for legislation and make legislative recommendations to the Governor and General Assembly;
4. Access, develop, and provide quality training to staff of the Division of Family Services, Deputy Attorneys General, Family Court, law enforcement officers, the medical community, educators, day care providers, and others on child protection issues; and
5. Review and make recommendations concerning the well-being of Delaware's abused, neglected, and dependent children including, but not limited to, issues relating to foster care, adoption, mental health services, victim services, education, rehabilitation, substance abuse, and independent living.

Additionally, CPAC has been designated by DSCYF, in its state plan under the federal Child Abuse Prevention and Treatment Act ("CAPTA"), to serve as Delaware's Citizen Review Panel. Amended in 1996, CAPTA requires that CPAC, in its role as Citizen Review Panel, examine the policies, procedures and practices of state and local agencies and, where appropriate, specific cases to evaluate the extent to which state and local child protection system agencies are effectively discharging their child protection responsibilities.

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Delaware's Child Protection System

Delaware's children benefit from a network of system partners working together to protect them from abuse and neglect. A child victim of abuse or neglect is often first identified by the education, medical or law enforcement communities. At the other end of the continuum, the DOJ provides legal representation in the civil arena to DSCYF, which houses the child welfare agency, and in the criminal realm, prosecutes those responsible for inflicting harm on children in Delaware. These matters are tried in the courts, where the judiciary relies on the rules of evidence, case law, the rights of all involved, the dedication of the parties, and the best interests of the child to make critical determinations that affect everyone in the child protection system – most importantly, the children.

Delaware's abused, neglected and dependent children who are placed in the legal custody of DSCYF are entitled to representation of their best interests throughout their custody proceedings. OCA and the Court Appointed Special Advocate Program ("CASA") are statutorily charged and publicly funded to provide that representation, but they also draw on a large pool of volunteers to accomplish the task.

Intertwined throughout the system is the Division of Family Services ("DFS"), which is charged by statute with investigating all allegations of institutional and intra-familial child abuse and neglect in Delaware. DFS is required to provide treatment services, when warranted, to children and families in need. DFS is a division of DSCYF, which also houses two other operating divisions that provide services to Delaware's abused, neglected and dependent children – the Division of Prevention and Behavioral Health Services ("DPBHS") and the Division of Youth Rehabilitative Services ("DYRS").

DFS caseworkers initially receive approximately 135 hours of core training on topics such as abuse and neglect, risk management, interviewing, legal, domestic violence, treatment, and field safety. New hires are placed in a new worker unit for a period ranging from four months up to one year, depending upon competency and regional needs.

The structure is intended to permit new workers to be exposed to the various functions within DFS, while carrying a reduced caseload. Advanced training opportunities are also regularly offered to seasoned DFS caseworkers.



By statute, fully functioning (completely trained and case-carrying) DFS investigation workers should carry no more than eleven cases, and fully functioning DFS treatment workers no more than eighteen. Over the years, CPAC has drafted and lobbied for these standards, which are codified at 29 Del. C. §9015(b)(1) and (2). CPAC maintains its fervent belief in these standards and will continue to bring attention to the need to reduce treatment caseloads to twelve.

In Fiscal Year 2010, DFS received 11,222 reports of child abuse, neglect and dependency, which was an 18% increase compared to last year. Further, DFS investigated 6,533 of those reports received and substantiated 1,386 cases or 21%. Also, in Fiscal Year 2010, DFS provided treatment services to 2,263 families and children, which included children in out-of-home care.

At the end of the fiscal year, 761 abused, neglected and dependent children were in the legal custody of DSCYF, as well as under CPAC's core statutory responsibility. Of those 761 children, 38% are ages zero to 4; 15% 5 to 9 years of age; 6% are age 10 to 13; and 42% are age 14 to 17 years of age. The children in DSCYF custody require the resources of Family Court, DOJ, OCA and CASA, as well as DFS, service providers, and the community. By county, 51% of these children are in New Castle County, 26% are in Kent County, and 23% are in Sussex County.

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Accomplishments

Throughout this fiscal year, CPAC, through its Commissioners and Subcommittees, fulfilled its goals to continue advocating for legislative reform, raise awareness, educate, and foster advocacy throughout Delaware.

CPAC's legislative initiatives were achieved when the Extended Jurisdiction bill, designed to provide a legal mechanism by which Family Court can review the appropriateness of services being provided to youth exiting foster care, passed the legislature at the close of FY10. The implementation plan is for DSCYF to utilize its existing court liaisons for any extended jurisdiction litigation. Additionally, the liaisons will collaborate with the DFS Independent Living Program Manager and staff to assist youth, ages 18 to 21, with any challenges that arise in obtaining independent living services, such as education, housing, money management, employment, vocational training, physical or mental health, or family planning. The DOJ is also committed to representing DSCYF in these matters.

Similarly, the DOJ has demonstrated its commitment to CPAC's Abuse Intervention Subcommittee by chairing the Subcommittee. In the last fiscal year, the Subcommittee finalized the Memorandum of Understanding (MOU) between the DOJ, DSCYF, CAC, and law enforcement. On September 17, 2009, the Subcommittee held two one and a half-hour training sessions with supervisors and managers from the signatory agencies to ensure that agencies were informed of the changes and primary obligations in the MOU. The Subcommittee also created a separate thirty minute training for law enforcement, which will be disseminated through DVD. In Fiscal Year 2011, CPAC will partner with Wilmington University to develop the DVD.

The training for medical personnel, *Child Abuse Identification and Reporting Guidelines for Delaware Medical Providers*, has also continued over the past fiscal year with hospitals and private family practices. By the end of FY10, 102 medical staff were trained by a local physician and DFS staff person. Through the ongoing assistance of the CDNDSC, trainings have already been scheduled for the next fiscal year.

In addition to the trainings for targeted audiences, the Subcommittee also developed *How to Identify and Report Child Abuse and Neglect in Delaware* to provide a uniform message to every citizen who is required by law to report child abuse and neglect. The need for this training came about following multiple reviews by CDNDSC's Child

Abuse and Neglect Panel that had a reoccurring theme, which was the failure of professionals to report child abuse and neglect. As a result, the first objective of the training was for mandated reporters to understand the law and their reporting requirements, while the second objective was to assist them in the identification of abused, neglected, and dependent children. Additionally, recent legislation increased the need for the training statewide.



The legislation clarified that the mandatory duty to report child abuse or neglect applies to all persons, as well as agencies, organizations, and entities. Additionally, the law eliminated any confusion as to where to report and specified that all reports of abuse or neglect against children are to be made to DSCYF. Finally, the potential civil penalties were also increased for persons or entities who fail to report with the added provision that DOJ will be notified of any violations. As a result of this legislation, CPAC realized that the need for training was imminent particularly for professionals working directly with children. The Subcommittee plans to finalize and implement the training at the start of the new fiscal year.

To complement the Mandatory Reporting Training, CPAC and CDNDSC partnered to develop a Mandatory Reporting Media Campaign which will encompass the magnitude of the problem of child abuse, the duty to report, and who

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Accomplishments (cont.)

the real dangers are in the community. The Subcommittee had its initial meeting at the close of the fiscal year, and endeavors to raise community awareness will continue into the next fiscal year.



CPAC and CDNDSC's joint efforts extended beyond just the media campaign. The forum was CPAC's Training Subcommittee, which had the privilege of planning the second Protecting Delaware's Children Conference. On June 3rd and 4th, CPAC and CDNDSC collaborated with Family Court to host this conference. The conference was offered to multidisciplinary professionals involved in the investigation and prosecution of child abuse cases, as well as other professionals that provide services to this population. Five hundred child welfare professionals committed their time to further their knowledge and insight on improving the health, safety, and well-being of Delaware's most vulnerable population of children. From techniques on enhancing documentation and observation skills for first responders, to the investigation and prosecution of child abuse involving developmentally disabled and non-verbal children, to developing multi-disciplinary teams, to internet crimes involving children, to the impact of trauma on children, this conference featured a wide array of learning opportunities for professionals from many disciplines. In addition to local experts, several national experts presented workshops with a focus on the investigation and prosecution of child physical and sexual abuse. In Fiscal Year 2011, the joint commissions hope to recreate the successes of this conference with the same theme of protecting our children from physical abuse, sexual abuse, and neglect.

Delaware's child welfare system partners are made aware of such opportunities for ongoing education through the directory of Delaware Child Welfare Trainings, which is maintained and updated by the Office of the Child Advocate. Trainings and other events, which raise awareness and address relevant issues that impact youth, can be

located under the Training section of OCA's website. Further, the Training section also features Child Welfare Web Based Training Curricula, which includes the Memorandum of Understanding between DSCYF and DOE, the Memorandum of Understanding between the DOJ, DSCYF, Children's Advocacy Center, and law enforcement, and two presentations developed by CPAC's Education Subcommittee.

The Education Subcommittee has also been charged with developing a training curriculum to provide the community with an overview of services provided through DSCYF, DOE, DHSS, and other agencies that provide direct resources to the community. During the last fiscal year, DOE developed *The Wonderful World of Education* to assist families, foster families, case workers, and other interested parties with school enrollment and registration. This training also became accessible online this year. *The Educational Surrogate Parent Program*, the second in a series of PowerPoints, was also finalized by the Subcommittee and became web based. In the next fiscal year, the Subcommittee plans to develop and place online other trainings to help the community understand the services being provided by the State.

Besides training, CPAC's Education Subcommittee has focused on working to improve the provision of educational services to children in foster care. The Subcommittee has successfully matched the data of students in DSCYF custody with those from DOE. This information will not only assist schools in identifying students in foster care, but it will help them determine the population of students aging out of foster care that will require more immediate resources. Additionally, the Subcommittee has begun to explore how the data can be used to determine educational performance measures for students in foster care, such as graduation rates for children in DSCYF custody, DSCYF children enrolled in Special Education in each district, and attendance and discipline records for children in DSCYF custody. These performance measures can then be used to assess educational outcomes for students in foster care.

Outcomes for children in foster care has been CPAC's focus for quite some time. CPAC's Mental and Behavioral Health Services to Children in and Adopted out of Foster Care Subcommittee developed recommendations last year regarding the delivery of mental and behavioral health services to children in and adopted out of foster care. The Subcommittee has continued to work tirelessly to implement their recommendations to ensure that these children have access to appropriate services.

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Opportunities for the Future

CPAC's achievements over this fiscal year are a model of consistency and fluidity, despite a number of subcommittees with specific goals and unique representation. This sense of interconnectedness amongst Delaware's child welfare partners has fostered a common purpose in moving forward over the next fiscal year. Thus, CPAC has committed to several initiatives, which include: exploring best practices to address the teen pregnancy issue in Delaware; analyzing hotline report data to identify factors that are most likely to predict substantiation for abuse and neglect; researching various risk assessment tools and making recommendations on the most appropriate tool for Delaware to adopt and use; and, engaging private, independent, and parochial schools in establishing a uniform procedure for reporting suspected child abuse and for training on detecting and reporting suspected child abuse and neglect.

Additionally, CPAC and CDNDSC have agreed to collaborate yet again to explore the quality and quantity of health-care for children in foster care. Addressing the physical health of this population will complement the work of CPAC's Mental and Behavioral Health Services to Children

in and Adopted out of Foster Care Subcommittee. Further, the Subcommittee would evaluate whether children in foster care are being adequately served under the current medical care system. Representatives from the two commissions will begin meeting in Fiscal Year 2011 to establish a mission and begin identifying opportunities for improvement to health care services for children in foster care.

Fiscal Year 2011 will mirror the efforts of prior years through ongoing collaboration, education, and commitment to children and families; however, the comprehensive approach taken by CPAC will be unlike any other year. First, the Mandatory Reporting Media Campaign, paired with *How to Identify and Report Child Abuse and Neglect in Delaware*, will empower the community to advocate consistently for the safety of children. Second, the 2011 Protecting Delaware's Children Conference will equip professionals with the skills to identify, investigate, and prosecute child abuse and neglect through the use of multidisciplinary teams. Through these efforts, CPAC anticipates better outcomes for Delaware's children.



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16 Del. C. § 912(b)

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