

Child Protection Accountability Commission & Child Death Review Commission
2016-2017 Action Plan (Approved CPAC 11/9/16; CDRC 11/18/16)

Summary of Action Plan: These findings stem from the review of 41 child abuse and neglect death and near death cases for incidents that occurred between January 2015 and May 2016. The result was 303 findings across 6 system areas. 31 recommendations for system improvement are below. The recommendations will be explored by CPAC and its partner agencies.

System Area 1: Legal # of Findings: 26	CAN Panel Findings: Court Hearings/DFS Contact with DOJ	02/08/17 Status	08/16/17 Status
Recommendations: 1. Schedule regular meetings between DFS leadership, DOJ Family Division Deputies, and DOJ Special Victims Unit Deputies to foster relationships and to encourage discussion and problem solving. Agency Responsible: DFS/DOJ; Timeframe: 3-6 months 2. Schedule DOJ Family Division Deputies to be available or on-call to DFS after hours and on weekends, to provide legal advice regarding serious injury and death or emergency cases. Agency Responsible: DOJ/DFS; Timeframe: Immediately 3. Provide training to DFS by the DOJ Family Division. In addition to CORE 101 training, DOJ will regularly conduct refresher training for DFS, which will be offered statewide. The training will include the DOJ services available to DFS, circumstances under which DFS should seek legal advice and resources available to compel cooperation of families. The training will also be made available on the DSCYF online learning system. Agency Responsible: DOJ/DFS; Timeframe: 6-18 months <i>*Repeat recommendation from 2015 Action Plan</i> 4. Add the DOJ Family Division and the Family Court to the Investigation Coordinator’s contact list for notification of child abuse and neglect serious injury and death referrals. Agency Responsible: IC; Timeframe: Immediately 5. Develop a MDT protocol for removal of life support cases. Agency Responsible: DOJ/OCA/Family Court; Timeframe: 6-12 months 6. Require litigants to disclose DFS history on Family Court Form 16 (b), so that the Court may have DFS workers available at custody proceedings or mediators can refer at-risk cases to judges. Agency Responsible: Family Court; Timeframe: 6-12 months 7. Remain cognizant of Family Court hearing timeframes in complex child abuse cases. Agency Responsible: Family Court; Timeframe: Immediately		1. In Progress Quarterly meetings being scheduled for 2017. 2. In Progress Will be discussed at DOJ/DFS quarterly meetings. 3. In Progress Will be discussed at DOJ/DFS quarterly meetings and scheduled for 2018. 4. DONE 5. In Progress Training Committee has created a workgroup to develop protocol. 6. In Progress Family Court has approved; out for comment with Bar; will require a Rule change. 7. DONE	1. DONE Quarterly meetings are being held. 2. DONE as of 9/17. Call schedule will be in place and operating in September 2017. 3. DONE Monthly trainings are occurring and have been scheduled for 2018 by region. 4. DONE 5. In Progress Training Committee has created a workgroup to develop protocol and it should be done in 2018. 6. In Progress Rule change should be approved in 9/17. Should all be in place by end of 2017. 7. DONE

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System Area 3: MDT Response/Criminal Investigations # of Findings: 72	CAN Panel Findings: Crime Scene/Documentation, Doll Reenactments, General - Criminal Investigation, Intake with DOJ, Interviews w/Adult, Interviews w/Child, Medical Exam	02/08/17 Status	08/16/17 Status
<p>Recommendations:</p> <ol style="list-style-type: none"> Finalize the Memorandum of Understanding (MOU), which will include best practice guidelines for the investigation of child abuse cases involving sexual abuse, serious physical injury or death, and provide training. Agency Responsible: CPAC Training Committee; Timeframe: April 2017 <i>*Repeat recommendation from the May 2013 Final Report of the Joint Committee on the Investigation and Prosecution of Child Abuse</i> Finalize and implement the DOJ comprehensive case management system. The system must be capable of producing current information regarding the status of any individual case, and must be capable of producing reports on case outcomes. The system must also allow the DOJ to track the caseloads of its Deputies and staff, so that informed resource allocation decisions can be made, and must ensure cross-referencing of all cases within the DOJ which share similar interested parties. Agency Responsible: DOJ; Timeframe: Immediately <i>*Repeat recommendation from the May 2013 Final Report of the Joint Committee on the Investigation and Prosecution of Child Abuse</i> Consider sharing factual details of the CAN Panel reviews with the police departments so that the agency can explore the mistake and correct a possible breakdown in their agency. Agency Responsible: CPAC CAN Steering Committee; Timeframe: 6 months Recommend to the Delaware Police Chiefs' Council that all police departments supply their departments with cameras to document child abuse. Agency Responsible: CPAC Training Committee; Timeframe: April 2017 		<ol style="list-style-type: none"> DONE CPAC has approved subject to final edits of signatory agencies. Training in April 2017. In Progress DOJ case management system piloted in several units and will soon be available agency-wide. DONE Confidentiality prevents CAN Panel from sharing details with non-Commissioner agencies. In Progress Presentation to Police Chiefs' Counsel on MOU will include discussion of cameras. 	<ol style="list-style-type: none"> DONE Gathering final signatures. Developing local trainings for implementation. In Progress DOJ case management system piloted in several units and should be available agency-wide in early 2018. DONE In Progress CPAC will follow up with Police Chiefs' Counsel during MOU trainings.

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<p>5. Create a prioritized list of CPAC funding requests to be submitted to the Joint Finance Committee each fiscal year. Each agency impacted by the requests should identify a representative to answer questions about the request. The current CPAC funding requests to be considered include:</p> <ul style="list-style-type: none"> a. DOJ Special Victims Unit (SVU): The Unit with statewide jurisdiction will handle all felony level, criminal child abuse cases including those involving serious physical injury, death or sexual abuse of a child. <i>Prosecutors (2 NCC, 1 KC, 1 SC), a paralegal, and criminal investigators with expertise in the investigation of child abuse should be established within the Unit. *Variation of a recommendation to staff the SVU appropriately from the May 2013 Final Report of the Joint Committee on the Investigation and Prosecution of Child Abuse</i> b. CPAC Guidelines for Child Abuse Medical Response: The guidelines require the MDT to seek immediate medical evaluations for children, siblings and other children in the household when specific abuse fact patterns exist. The implementation of these guidelines in April 2017 will increase the need for non-urgent medical evaluations and will require a specialized medical service provider in Kent and Sussex counties. <p>Agency Responsible: CPAC; Timeframe: February 2017 and annually thereafter</p> <p>6. Consider and draft the following legislation:</p> <ul style="list-style-type: none"> a. <i>Add Child Abuse First and Second degrees to the list of violent felonies and enhance the sentencing penalties;</i> b. <i>Create a negligent mens rea for child abuse and create a statute to address those who enable child abuse;</i> c. <i>Modification of the crime of Murder by Abuse or Neglect;</i> d. <i>Resolve inconsistencies in Title 11 due to the differing definitions of physical injury and serious physical injury;</i> e. <i>Consideration of enhanced sentencing penalties for the crime of Rape involving a child to include a life sentence;</i> f. <i>Creation of an obligation to transport an abused child for a medical exam or forensic evaluation; and,</i> g. <i>Modification of the list of crimes in 16 Del. C. 906 (e)(3) to align with the revised MOU.</i> <p>Agency Responsible: CPAC Legislative Committee; Timeframe: February 2017 <i>*Some are repeat recommendations from the May 2013 Final Report of the Joint Committee on the Inv. & Prosecution of Child Abuse</i></p>	<p>5. In Progress DOJ child abuse package to be reviewed by Legislative Committee. (f) and (g) are drafted and circulated to CPAC Committees.</p> <p>6. In Progress Chair and Executive Director have included DOJ SVU, DFS Caseloads, SEI, and the request for no cuts to Commission services. Medical Services need to wait until next year.</p>	<p>5. In Progress Chair and Executive Director sent letter in Spring 2017. Will do on an annual basis.</p> <p>6. In Progress (f) and (g) were accomplished via HB181 which was signed on 8/30/17. (a) - (e) need assistance from DOJ. Chair and Executive Director to follow up with AG to establish a plan for bill introduction next session.</p>	

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System Area 4: Risk Assessment/Caseloads # of Findings: 52	CAN Panel Findings: Caseloads, Collaterals, Communication, Documentation, Reporting, Risk Assessment – Abridged, Risk Assessment – Alternative Response, Risk Assessment – Closed Despite Risk, Risk Assessment – Screen Out, Risk Assessment – Tools, Risk Assessment – Unsubstantiated	02/08/17 Status	08/16/17 Status
<p>Recommendations:</p> <ol style="list-style-type: none"> 1. Consider adjusting DFS caseloads based on complexity of the cases to better utilize staff strengths and balance workload. Agency Responsible: DFS; Timeframe: 9-12 months 2. Provide ongoing training on the SDM Risk Assessment tool to reinforce the policy and ensure consistent application. Agency Responsible: DFS; Timeframe: Immediately and ongoing 3. Explore the use of differential response for domestic violence, substance exposed infants, and chronic neglect cases accepted by DFS. Agency Responsible: DFS; Timeframe: 6-12 months 4. Explore options for tiered risk assessments for DFS families. Agency Responsible: DFS; Timeframe: March 2017 5. Recommend that DFS investigate all reported cases of suspected child abuse or neglect of children less than one year old (in alignment with National standards) to decrease deaths and near deaths of children under one. Agency Responsible: DFS; Timeframe: 3 years 		<ol style="list-style-type: none"> 1. Deferred DFS will reconsider after CPAC Caseloads Committee concludes its work. 2. In Progress DFS pursuing grant monies with Children Research Center to conduct training in Spring 2017. 3. Deferred DFS cannot implement without additional funds. 4. DONE DFS already has tiered risk assessments. 5. In Progress DFS has taken no action to date. 	<ol style="list-style-type: none"> 1. Deferred DFS will reconsider after caseloads/workloads study from UD. 2. In Progress Exploring alternative options for training resources through Children’s Research Center (CRC) & Center for Professional Development (CPD). 3. Deferred DFS will be expanding FAIR in Fall 2017 for SEI, DV and some neglect cases. 4. DONE 5. DONE HB181 requires DFS to accept for investigation any case of a child age 3 years or less whose death is sudden, unexpected and unexplained. Managers & Hotline staff already aware of changes.

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System Area 5: Safety/Use of History/Supervisory Oversight # of Findings: 49	CAN Panel Findings: Completed Incorrectly/Late, Inappropriate Parent/Relative Component, No Safety Assessment of Non-Victims, Oversight of Agreement, Supervisory Oversight, Use of History, Violations of Safety Agreements	02/08/17 Status	08/16/17 Status
Recommendations: <ol style="list-style-type: none"> 1. Use the DFS chronological history event to research information related to the child, family, and family members. Agency Responsible: DFS; Timeframe: Immediately and ongoing 2. Review CAN Panel findings related to safety assessments and agreements with DFS staff and administration to identify opportunities for ongoing training and education. Agency Responsible: DFS; Timeframe: Immediately and ongoing 3. Revise the DFS non-relative/relative home safety assessment form, build it into the DFS case management system as part of the SDM Caregiver Safety Assessment when a home assessment is indicated, and provide training. Agency Responsible: DFS; Timeframe: 18 months 4. Provide supervisory training to DFS supervisors that is specific to child welfare and case management utilizing a national evidence-based curriculum. Agency Responsible: DFS; Timeframe: 18 months 		<ol style="list-style-type: none"> 1. DONE DFS added a history event to last case management system update. 2. DONE DFS shares findings with various leadership teams and workgroups. 3. In Progress Assessment form has been modified and will be incorporated into new case management system. 4. In Progress Finding is also in the CFSR PIP. Completion targeted for 2018. 	<ol style="list-style-type: none"> 1. DONE 2. DONE 3. In Progress Form has been revised. Training for staff is pending. 4. In Progress A supervisory training day has been scheduled for October for new supervisors. Half day to discuss transition to supervision. Second half to discuss SDM/SOP tools.

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System Area 6: Unresolved Risk # of Findings: 43	CAN Panel Findings: Child – Medical, Child – Mental Health, Contacts, Domestic Violence, Home Visiting Services, Multigenerational History, Not Utilizing Evidence-Based Tools, Parenting, Substance Abuse, Substance Abuse/Domestic Violence	02/08/17 Status	08/16/17 Status
Recommendations: <ol style="list-style-type: none"> 1. Research and consider the implementation of birth match in Delaware to ensure that children at high risk of child abuse and neglect are reported to DFS at birth. Agency Responsible: CPAC Legislative Committee; Timeframe: April 2017 2. Reconvene the CPAC Caseload/Workloads Committee to review treatment caseloads and state standards. Agency Responsible: CPAC; Timeframe: 3-6 months 3. Utilize the Division of Substance Abuse and Mental Health (DSAMH)/DSCYF partnership and Casey Family Programs to better assist high risk families involved in the child welfare system, with risk factors such as mental health, substance abuse and domestic violence, and to identify appropriate services for children and caregivers. . Agency Responsible: DSCYF; Timeframe: 3-6 months 4. Provide ongoing booster training on safety assessments and safety planning to DFS staff to enhance understanding of the safety threats, interventions, and violations of safety plans. Agency Responsible: DFS; Timeframe: 6-12 months and then annually 5. Develop a mechanism that reminds DFS case workers to automatically follow up after referrals or services are requested for children and caregivers. Agency Responsible: DFS; Timeframe: 12 months 6. Provide treatment services through DFS and community-based providers that is more home-based and family centered as well as provide warm hand-offs from one provider to another. Agency Responsible: DFS/Community Service Providers; Timeframe: Immediately and ongoing 7. Establish a process between DFS and Family Court in cases where guardianship petitions are filed to ensure legal protections are in place for the child and the needs of the child are being addressed. Agency Responsible: DFS/Family Court; Timeframe: 6-12 months 	<ol style="list-style-type: none"> 1. DONE CPAC supported Legislative Committee recommendation to not pursue as prior TPR is not a strong predictor of subsequent child death in Delaware. 2. In Progress First meeting is in February 2017. 3. In Progress DFS will continue to pursue and include IC at the state level meetings. 4. In Progress DFS pursuing grant monies with Children Research Center to conduct booster training. 5. No Action DFS will need additional resources & equipment. 6. DONE 7. In Progress Meeting being scheduled. 	<ol style="list-style-type: none"> 1. DONE 2. In Progress CPAC Caseloads Committee has had 3 meetings. Plan to pursue caseloads study through UD. 3. In Progress DFS has ongoing meetings with DSAMH and DPH. Both agencies are included in Regional Partnership Grant for SEIs. 4. In Progress DFS is pursuing free training through CRC & CPD and web-based trg. 5. Deferred DFS will revisit once FOCUS is implemented & consider modifying events. 6. DONE 7. In Progress Meetings have occurred. Developed a form DFS will complete for guardianship petitions. 	