



Annual Report Fiscal Year 2008

July 1, 2007 – June 30, 2008

State of Delaware

Office of the Child Advocate

Tania M. Culley, Esquire
Child Advocate

OFFICE OF THE CHILD ADVOCATE

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Staff and Students

Staff

Tania M. Culley, Esquire	Child Advocate
Jennifer S. Donahue, Esquire	Deputy Child Advocate – Sussex County
Angela M. Fowler, Esquire	Deputy Child Advocate – Kent County
Lorin H. Hurst, Esquire	Deputy Child Advocate – New Castle County (October 2005-January 2008)
Nicholas M. Krayter, Esquire	Deputy Child Advocate – New Castle County (February 2008-Present)
Heather S. Williams, Esquire	Deputy Child Advocate – Sussex County
Mary Catherine Landis, Esquire	Pro Bono Coordinator
Allison McDowell	Program Administrator
Celeste Bishop	Family Crisis Therapist – Kent County
Leah Dickerson	Family Crisis Therapist – Sussex County
Jennifer Falkowski	Family Crisis Therapist – New Castle County
Molly Dunson	Office Manager
Brett-Ashley Hoffmann	Clerical

Student Interns and Law Clerks

Bebinn Cassel	Liberty University
Geoffrey Cebula	Amherst College
Julia Delmerico	University of Delaware
Kelly Ensslin	Widener University School of Law
Cara Goeller	William and Mary School of Law
Katharine Hargrove	Villanova University School of Law
Kayla Howard	Howard University
Pamela Justis	University of Delaware
Andrew McCabe	Thomas Jefferson School of Law
Emily McGill	Case Western Reserve University School of Law
Lauren McNerney	University of Delaware
Karen Olinchak	Villanova University
Lauren Palmero	Villanova University School of Law
Shana Petrucelli	Wilmington University
Joseph Randall	University of Delaware
Michancy Schultz	Villanova University School of Law
Amanda Snuffer	University of Delaware
Ashlee Starratt	Widener University

Fiscal Year 2008
OCA Pro Bono Attorney Honor Roll
444 Volunteers

Derek Abbott	Kristen Cramer	Andrew Gonsler	Carl Kunz, III	D. Fon Muttamara-Walker	Christian Singewald
Michael Abram	Brian Crawford	William Gonsler, Jr.	Peter Ladig	Frank Nardo	Nicholas Skiles
Jon Abramczyk	Laurence Cronin	Todd Goodman	Gregory Ladner	Katherine Neikirk	Fotini Skouvakis
Roger Akin	Curtis Crowther	Susan Gordon	William Lafferty	Michael Nestor	Ariel Sloan
Thomas Allingham, II	David Culley	Nancy Gorman	Kathryn Laffey	Ryan Newell	Leslie Spoltore
Susan Ament	Donna Culver	Brian Gottesman	M. Curt Lambert	Seth Niederman	Monte Squire
Jeremy Anderson	Amy Cunningham	James Green	Tara Lattomus	Maryellen Noreika	Raj Srivatsan
Melony Anderson	Edward Curley	Joseph Green	Kimberly Lawson	Joshua Novak	Lisa Stark
John Andrade	Michael Custer	Kelly Green	Jonathan Layton	Frank Noyes, II	Chad Stover
David Arndt	Brock Czeschin	Michelle Green	Lewis Lazarus	Kevin O'Brien	Benjamin Strauss
Michael Arrington	James Dalle Pазze	William Green, Jr.	Brooke Leach	Tyler O'Connell	Jonathan Strauss
Addie Asay	Bart Dalton	Robert Greenberg	Abigail LeGrow	Elizabeth Olsen	Frederick Strickland
Daniel Astin	John Daniello	Daniel Griffith	Timothy Lengkeek	Jonathan O'Neill	Catherine Strickler
Mary Augustine	Steven Daniels	Thomas Grimm	James Lennon	Deirdre O'Shea	Pamela Sudell
Christine Azar	George Danneman	Geoffrey Grivner	Scott Leonhardt	Janell Ostroski	William Sudell, Jr.
John Balaguer	Kelly Dawson	Jerome Grossman	Norman Levine	Susan Over	Renee Suglia
Doreen Becker	Christine Dealy	Mark Gundersen	Neal Levitsky	Jeness Parker	John J. Sullivan, Jr.
Jennifer Becnel-Guzzo	Sandra Dean	Steven Haas	Elizabeth Lewis	John Parkins, Jr.	Karen Sullivan
Michael Bednash	Catherine Dearlove	Kathleen Hadley	Susan List	George Pazuniak	Scott Swenson
Sean Bellew	Kim DeBonte	Shauna Hagan	Paul Lockwood	Adam Perza	Stephanie Symons
Michelle Berkeley	Daniel Defranceschi	Gerald Hager	Claire Love	Victoria Petrone	Larry Tarabicos
Rebecca Beste	Marci DeGol	Dana Hammond	Zhun Lu	Sarah Pierce	Harry Tashjian, IV
Robert Beste, III	Christine Demsey	Joseph Handlon	Stanley Macel, III	Tiffany Piland	James Taylor, Jr.
David Bever	David Denham	Patricia Hannigan	Lauren Maguire	Francis Pileggi	Gregory Taylor
Shakuntla Bhaya	John X. Denney, Jr.	Jeanne Hanson	Andrea Malinowski	Mary Ann Plankinton	John Taylor, III
Ian Connor Bifferato	Mark Desgrosseilliers	Thomas Hanson, Jr.	Mark Maloney	Anne Podczasy	David Teklits
Vincent Bifferato, Jr.	Margaret DiBianca	Edwin Harron	Kevin Mangan	Maria Poehner	Catherine Thompson
Travis Bliss	Sarah DiLuzio	Theresa Hayes	Kevin Mann	Tiffany Poole	Seth Thompson
Michael Bonkowski	Leslie Case DiPietro	Kevin Healy	Margaret Manning	Ciro Poppiti, III	Seth Tillman
Mary Boudart	Tara DiRocco	Leslie Heilman	Erin Mariani	Susan Poppiti	Chad Toms
Curtis Bounds	Nicole DiSalvo	Suzanne Hill	Michelle Marino	Vincent Poppiti	Sara Toner
Jennifer Brady	Jill Di Sciuillo	Adam Hiller	Melanie George Marshall	Thomas Preston	Rebecca Tulloch
John F. Brady	Kevin Dobson	Timothy Hitchings	Timothy Martin	Cynthia Pruitt	Jameson Tweedie
Lori Brewington	Sean Dolan	Michael Hochman	William Martin, III	Amy Quinlan	Anna Martina Tyreus
H. Cabbage Brown, Jr.	Jennifer Donahue	Thomas Hodukavich	Dennis Mason, II	Andrew Rahaim	Thomas Uebler
Lisa Zwally Brown	Keith Donovan	Victoria Hoffiman	Janice Matier	Srinivas Raju	Patricia Uhlenbrock
Paul Brown	John T. Dorsey	David Holmes	Michael Maxwell	Jennifer Barber Ranji	William Ulrich
Ryan Browning	Meghan Dougherty	Thomas Horan	Daniel McAllister	Leigh-Anne Raport	Andrea Unterberger
Gary Bryde	Shawn Dougherty	Timothy Houseal	David McBride	Vivian Rapposelli	Robert Valihura, Jr.
Michele Sherretta Budicak	W. Harding Drane, Jr.	Eric Howard	Ian McConnell	Richard Renck	Patrick Vanderslice
Jennifer Burbine	Thomas F. Driscoll, III	Kevin Howard	Garvan McDaniel, III	Sheldon Rennie	Jennifer Veet
Thomas Burkhart	James Drnc	Janine Howard-O'Rangers	Michael McDermott	Joseph Rhoades	Karen Vicks
Nicholas Caggiano, Jr.	Dale Dube	Xiaojuan Huang	Susanna McDonald	Helen Richards	Michael Wild
Melissa Cargino	Timothy Dudderar	David Hutt	Thomas McDonough	Linda Richenderfer	Nicole Walker
David Carickhoff, Jr.	Mary Dugan	Stacy Hwang	Charles McDowell	Matthew Rifino	R. Christian Walker
Sara Carlson	Bradley Eaby	Diane Ibrahim	Bernard McFadden	Courtney Riordan	Megan Walstrom
Shannon Carmean	Edward Eaton	Frederick Iobst	Lexie McFassel	Michael Ripple	Matthew Ward
Richard Carroll	Erin Edwards	Michael Isaacs	Thomas McGonigle	David Ripsom	Robert Weber
Megan Ward Cascio	Jeremy Eicher	Patrick Jackson	Michael McGroerty	Michael Robinson	Michael Weidinger
Denis Casey	Craig Eliassen	Allyson James	Matthew McGuire	Anthony Rodgers	Elizabeth Julian Weinig
Jeffrey Castellano	Richard Ellis	Chun Jang	Megan McIntyre	Elizabeth Rodriguez	Gregory Werkheiser
Tabatha Castro	Margaret England	Jennifer Jauffret	John McLaughlin, Jr.	Bruce Rogers	Benjamin Wetzel, III
Eileen Caulfield	Kenneth Enos	Tanya Jefferis	James McMillan	Brian Rostocki	Jaime White
Teresa Cheek	Elwood Eveland	David Jenkins	Marci McNair	Michael Rush	Margaret Whiteman
William Chipman, Jr.	Sherry Fallon	Clay Jester	Carolyn McNeice	Michael Rushe	Holly Whitney
Beth Christman	Amy Feeney	Ann Marie Johnson	Bruce McNew	Helena Rychlicki	Patricia Widdoss
Joseph Cicero	David Felice	Janice Johnson	Reyner Meikle, Jr.	Tamara Sampson	Charles Williams, III
John A. Clark, III	Islanda Finamore	Richard I.G. Jones, Jr.	Pamela Meitner	Yvonne Takvorian Saville	David Williams
Miranda Clifton	GianClaudio Finizio	Dawn Jones	Joseph Melican	Gilbert Saydah, Jr.	Dawn Williams
C. Malcolm Cochran, IV	Erica Niezgoda Finnegan	Judy Jones	Jennifer Mensinger	R. Judson Scaggs, Jr.	Gregory Williams
Brian Colborn	Erin Fitzgerald	Cory Kandestin	Tammy Mercer	Todd Schiltz	Evan Williford
Cynthia S. Collins	Matthew Fogg	Brian Kasprzak	Christopher Messa	Lisa Schmidt	Megan Wischmeier
Michael Collins	Edward Fornias, III	Lee Kaufman	Stephen Milewski	Jack Schreppler	Wendy Wojewodzki
P. Clarkson Collins	Stuart Fullerton	William Kelleher	Beth Miller	Pamela Scott	Josiah Wolcott
Patrick Collins	David Gagne	Kathryn Keller	Kathleen Miller	Sandra Selzer	Natalie Wolf
Bernard Conaway	Deborah Galonsky	Lynn A. Kelly	Lisa Minutola	Suzanne Seubert	Christian Wright
John Conly	Kimberly Gattuso	Michael Kelly	Michael Modica	Chad Shandler	Davis Wright
Arthur Connolly, Jr.	Meredith Gaudio	Felice Kerr	Norman Monhait	Thomas Shellenberger	Laura Yiengst
Todd Coomes	Frances Gauthier	Eleanor Kiesel	Chaneta Montoban	Liza Sherman	Virginia Zrake
Margaret Cooper	Kathleen Geiger	Shelley Kinsella	Dana Spring Monzo	Brian Shirey	
Jason Cornell	Kelly Dunn Gelof	Gretchen Knight	Sharon Morgan	James Shomper	
Michael Corrigan	Kristin Gibbons	Rudolf Koch	Richard Morse	J. Jackson Shrum	
Victoria Counihan	Glynis Gibson	Nicholas Kondraschow	Michele Muldoon	Sophia Siddiqui	
Lydia Cox	Andrew Golian	Steven Kortanek	Mary Mulloy	Daniel Silver	
Kara Hammond Coyle	Paul Golian	Edward Kosmowski	Francis Murphy, Jr.	Christopher Simon	

What's New at OCA

New Deputy Child Advocates Join OCA

In developing its budgetary priorities for Fiscal Year 2008, the Office of the Child Advocate (OCA or the Office) advocated strongly for another Deputy Child Advocate (DCA) position, which OCA believed was needed in order to address the large number of unrepresented children in foster care in Sussex County. OCA was fortunate to receive funding for such a position, and in October of 2007, Jennifer Donahue, Esquire, became OCA's second Sussex County DCA.

Prior to obtaining the additional DCA, Sussex County had the highest concentration of unrepresented children in the custody of the Division of Family Services (DFS). At the end of FY07, 30% of children in DFS custody in Sussex County were unrepresented. By the end of FY08, however, due in part to the addition of Jen, only 6% of children in DFS custody in Sussex County were unrepresented.

Prior to joining OCA, Jen worked as an associate attorney in the private sector, representing parents in divorce and custody proceedings as well as providing representation for victims of domestic violence. It was at that stage of her career that Jennifer realized the critical importance of protecting children's interests in Family Court proceedings. Jen represented children as a volunteer with OCA for several years before officially joining the OCA team.

In February of 2008, Nicholas Krayer, Esquire, became OCA's newest Deputy Child Advocate, filling the vacant New Castle County position. Nick came to OCA from the Department of Justice, where he served as a Deputy Attorney General (DAG) in both the Criminal Division and the newly formed Family Division. In his time at the Department of Justice, Nick served as a juvenile prosecutor in Kent County, working primarily in Family Court with juvenile offenders.

Due to his flexibility and willingness to go where the need is, Nick has helped OCA represent more children in Kent County, where the greatest need currently lies. He has also been able to fill a gap by representing a population for which OCA tends to have particular difficulty securing representation – teenage boys.

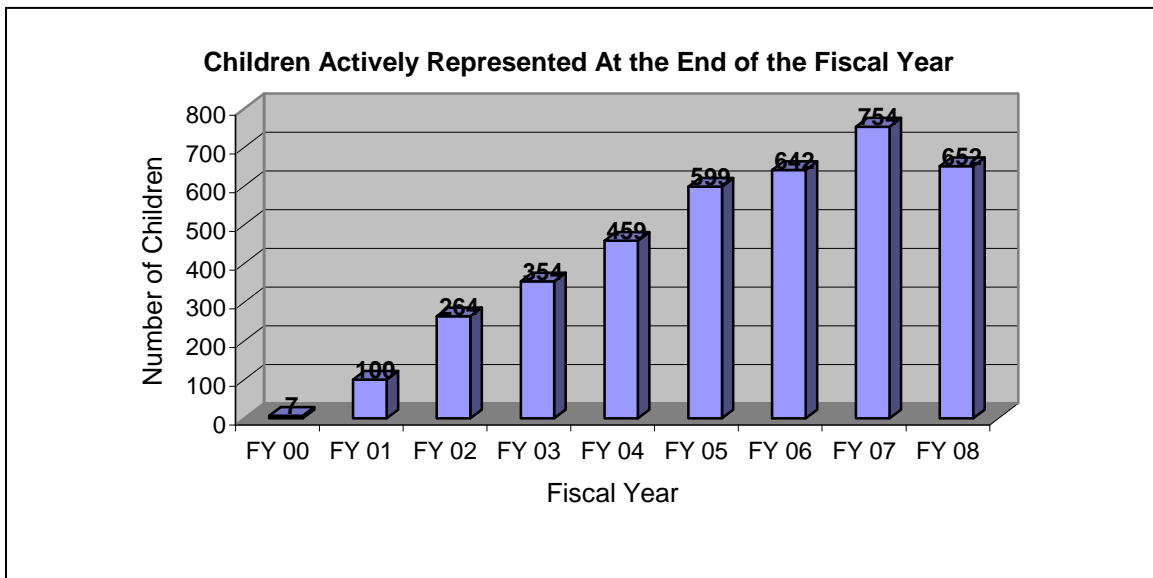
As OCA endeavors to obtain representation for every child in DFS custody, as well as to take on new and exciting challenges and opportunities to enhance Delaware's child protection system, OCA is fortunate to have such a talented and passionate staffing complement on which to rely.



Legal Representation

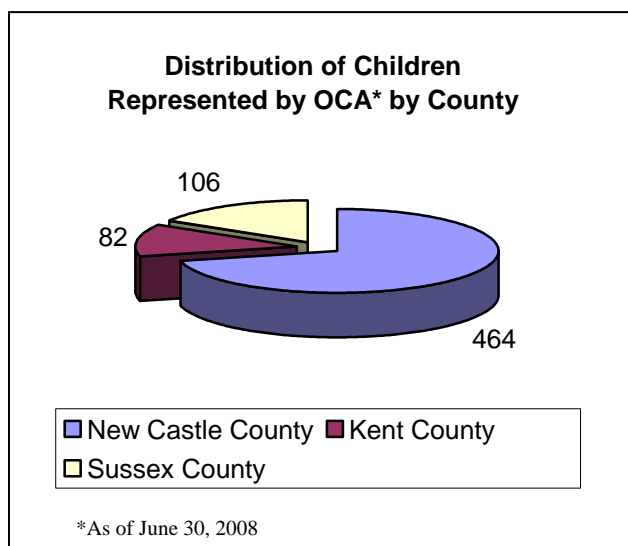
The Office of the Child Advocate is mandated to provide legal services to the most indigent of Delaware’s population – dependent, neglected, and abused children. Through both Deputy Child Advocates and volunteer attorneys throughout the state, OCA was able to represent 1,126 children during the course of Fiscal Year 2008, a 13% increase over FY07.

During FY08, OCA received 755 appropriate referrals, and was able make 512 attorney appointments. The vast majority (96%) of attorney appointments in FY08 were for children in the legal custody of the Department of Services for Children, Youth and Their Families (DSCYF or the Children’s Department). At the end of FY08, 652 dependent, neglected, and abused children were actively receiving legal representation through the Office of the Child Advocate. OCA DCAs were representing 135 of those children, while volunteer attorneys represented the remaining 517.

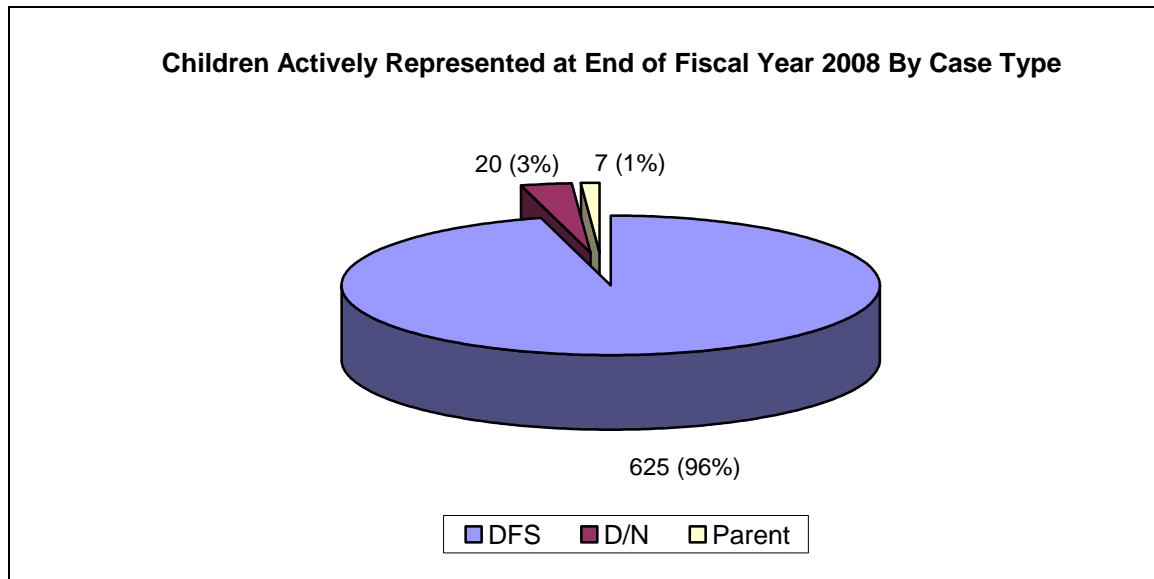


The largest concentration of children being actively represented by OCA at the end of FY08 was in New Castle County. OCA was representing 464 children in New Castle County as of June 30, 2008, compared to 82 in Kent County and 106 in Sussex County.

OCA DCAs were representing 37% of the total downstate cases and 7% of the New Castle County cases as of June 30, 2007. OCA staff devoted over 5,430 hours to providing direct legal representation, and another 1,370 hours supporting the volunteer attorneys who represent these children.



Of the 652 children being actively represented at the end of FY08, 625 (96%) were in the custody of the Children’s Department. Twenty children (3%) were the subject of dependency/neglect proceedings within the Family Court that did not directly involve DSCYF. OCA was also providing representation to 7 children (1%) who were the subject of parent custody disputes.



As of June 30, 2008, 963 children were in the legal care and custody of the Children’s Department. OCA was providing legal representation to 625 of those children. The Court Appointed Special Advocate (CASA) Program was providing advocates for an additional 289 children, and 4 children were appointed attorneys independently by the Family Court. The remaining 45 children had no legal representation as of the end of FY08. The greatest number of children without legal representation was in Kent County. Together, OCA and CASA made great strides in FY08 to reduce the number of unrepresented children in DSCYF custody. At the end of FY08, only 5% of children statewide were unrepresented, compared to 12% unrepresented at the end of FY07. This was due in large part to OCA’s hiring of an additional Deputy Child Advocate in Sussex County, which had the largest concentration of unrepresented children at the end of FY07 (30% unrepresented at the end of FY07).

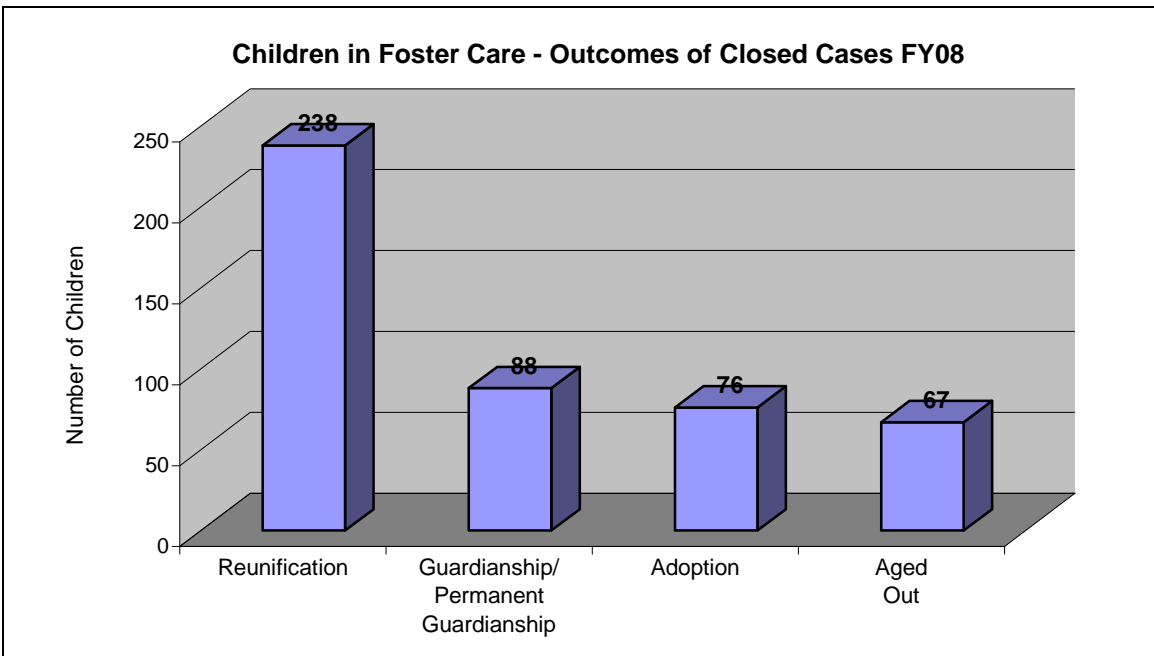
County	OCA	% OCA Represents by County/Total	CASA	% CASA Represents by County/Total	Other Representation ²	% Other Represents by County/Total	Unrepresented	% Unrepresented by County/Total	Total # of Children by County/Total
Kent	74	34%	111	51%	1	0%	30	14%	216
New Castle	454	78%	121	21%	0	0%	5	1%	580
Sussex	97	58%	57	34%	3	2%	10	6%	167
TOTALS	625	65%	289	30%	4	0%	45	5%	963

At the end of Fiscal Year 2008, there were 411 children referred to OCA who were not assigned lawyers. This number includes 30 cases that were still pending disposition by OCA as of June 30, 2008, and 1 case that was placed on OCA's waiting list. OCA closed the remaining 380 cases for the following reasons – 167 children received representation through the Court Appointed Special Advocate (CASA) program, 16 cases were closed due to low resources, and 197 referrals had no pending litigation, were resolved in court during the OCA disposition phase, or, after review, had no apparent dependency, neglect or abuse issues.

During FY08, OCA closed 621 cases to which an attorney had been assigned. OCA resolved and closed 22 cases that were the subject of parent custody disputes and 12 cases that were the subject of dependency/neglect matters during the Fiscal Year.

OCA volunteer attorneys contributed over 7,600 hours to cases closed in FY08

The remaining 587 cases that were closed involved children in the legal custody of DSCYF. These cases were closed with a variety of outcomes. Two hundred thirty-eight children (41%) were reunified with their parents. Guardianship or permanent guardianship was granted for 88 children (15%), and 76 children (13%) were successfully adopted. Sixty-seven children (11%) turned 18 years old and aged out of the foster care system. An additional 118 (20%) cases were closed due to substitutions of counsel.



Child Protection Accountability Commission

The Office of the Child Advocate is mandated to staff the Child Protection Accountability Commission (CPAC), with the Child Advocate acting as Executive Director of CPAC to effectuate its purposes. 16 Del. C. § 912. In FY08, OCA staff spent more than 850 hours fulfilling these statutory duties.

CPAC holds at least quarterly meetings to facilitate multidisciplinary dialogue among the various state agencies and other system stakeholders, as well as one legislative meeting each year to discuss child protection legislation. In these meetings, policy review, problem-identification, and decision-making occur. As staff to CPAC, OCA employees prepare for these meetings by reserving rooms, providing refreshments, gathering and disseminating statistics from member agencies, preparing documents for distribution at meetings, preparing the minutes from each meeting, securing technical assistance as needed, complying with the Freedom of Information Act (FOIA) regarding notice of public meetings, and other administrative duties as necessary. OCA also takes responsibility for drafting CPAC's Annual Report to the Governor each fiscal year.

Numerous subcommittees have been formed to manage and address the emerging issues, trends, and problems identified at CPAC meetings. CPAC's subcommittees meet between Commission meetings and throughout the year, as may be required. OCA staff chair, are members of, and support many of these subcommittees. In addition to contributing as members of these subcommittees, OCA is often responsible for the writing of reports and/or recommendations that result from subcommittee discussions. For example, during Fiscal Year 2008, OCA staff and student interns spent considerable time on the Mental and Behavioral Health Services to Children In and Adopted Out of Foster Care Subcommittee, listening to testimony during subcommittee meetings and conducting research outside of those meetings in preparation for the subcommittee's final report and recommendations, which OCA will take the lead in writing in FY09.

OCA also supports CPAC in its training endeavors. During FY08, OCA staff co-chaired the organization of the Protecting Delaware's Children Conference, which was jointly sponsored by CPAC and the Child Death, Near Death, and Stillbirth Commission (CDNDSC). OCA staff again participated in the Child Abuse and Neglect 101 training, a product of the CPAC Training Subcommittee intended to address a previously unmet need for basic child abuse and neglect training in the community, which was offered in all three counties in FY08. OCA staff also took the lead in developing a comprehensive, user-friendly website in order to improve and publicize various child welfare training programs statewide.

As it is CPAC's responsibility to recommend and advocate for legislative changes to better serve and protect children, a good deal of legislative work falls to OCA as well. OCA employees, law clerks, and interns spent countless hours in FY08 monitoring all proposed legislation in the state for any potential impact on the well-being of children, conducting research to inform legislative initiatives, drafting bills, communicating with elected officials and legislators, and traveling to hearings and meetings to support CPAC's legislative agenda.

Many of the activities in which OCA was involved as staff to CPAC are described in greater detail in other sections of this report, as well as in the Fiscal Year 2008 CPAC Annual Report.

Training and Education

Pro Bono Recruitment and Training

Nuts and Bolts

The Office of the Child Advocate recruited and trained 78 new volunteer attorneys during 13 training sessions in FY08. The OCA “Nuts and Bolts” trainings are two hours long and cover such topics as the child protection system, the court process, the internal workings of OCA and ethical issues relating to the representation of children.

*In FY08, 64
volunteer
attorneys took
their first
OCA case*

OCA conducts its volunteer attorney trainings in different law firms throughout the community. In an effort to connect with more attorneys, OCA reached out to new firms who had not previously hosted OCA trainings. These firms were Womble Carlyle Sandridge & Rice, PLLC and Bifferato Gentilotti LLC. These efforts were greeted with enthusiasm from the firms and OCA looks forward to a continued relationship with them and the many other firms that have steadfastly supported OCA and its training efforts.

In FY08, the following law firms graciously hosted OCA trainings:

Bifferato Gentilotti LLC
Connolly Bove Lodge & Hutz LLP
Fox Rothschild LLP
Morris James LLP
Morris, Nichols, Arsht & Tunnell LLP

Potter Anderson & Corroon LLP
Richards, Layton & Finger, P.A.
Womble Carlyle Sandridge & Rice, PLLC
Young Conaway Stargatt & Taylor LLP

OCA also continued its outreach to in-house corporate attorneys who are eligible to participate in legal pro bono services through Supreme Court Rule 55.1. In addition to inviting them to all regularly scheduled training sessions, OCA was invited to provide a special training session at E.I. du Pont de Nemours & Company, in order to recruit in-house counsel from du Pont’s legal division. As of June 30, 2008, OCA had 10 volunteer attorneys who fall under Rule 55.1.

Brown Bag Lunch Series

In FY08, OCA again offered its Brown Bag Lunch training series, consisting of six advanced child welfare trainings on various topics attorneys may encounter while representing children through OCA.. The topics covered during this training series were accessing mental health services for children in foster care, understanding the DFS system, the effects of multiple foster placements, permanency planning options for children in foster care, and the attorney’s role when teenage clients have criminal charges. Overall, these trainings had 44 attendees.

*During FY08, 444 volunteer attorneys
actively represented children through OCA*

Pro Bono Retention and Recognition

In FY08, 56 attorneys reached the milestone of volunteering for OCA for five years. In all, OCA has had 124 attorneys who have volunteered for five years or more. OCA finds this retention of volunteers very important, because these volunteers are experienced at representing children and can often take on more difficult cases or multiple cases at a time. They can also serve as an additional resource for other attorneys within their firm who choose to volunteer for OCA. With the number of children in foster care in Delaware, the support of these long-time volunteers has proven invaluable. The Office is very fortunate to have such dedicated volunteers who understand the importance of legal services to this indigent population. As one volunteer attorney explained, “these kids are our future. Kids in the foster care system have so many strikes against them and they need a sense of empowerment and belonging... children’s voices are not heard. It is important for the Court to know who they are making decisions about.”

To show our gratitude, OCA provided each attorney reaching the five year milestone with an engraved memento commemorating their service to children, and two 5 Years of Pro Bono Service plaques now proudly display the names of the attorneys who have reached this milestone. Many of the attorneys were also featured in spotlight articles on OCA’s website, so that others may be aware of the great work provided by these professionals.

The attorneys who donated five years of service to Delaware’s children in FY08 were:

Derek Abbott, Esquire	Kim DeBonte, Esquire	Courtney Riordan, Esquire
Susan Ament, Esquire	Jill Di Sciuillo, Esquire	Elizabeth Rodriguez, Esquire
John Andrade, Esquire	James Drnec, Esquire	Anthony Saccullo, Esquire
David Arndt, Esquire	Frances Gauthier, Esquire	Tamara Sampson, Esquire
Michael Arrington, Esquire	Kelly Dunn Gelof, Esquire	Christopher Simon, Esquire
Michael Bonkowski, Esquire	Glynis Gibson, Esquire	Lisa Stark, Esquire
John Brady, Esquire	William Gonser, Jr., Esquire	William Sudell, Jr., Esquire
H. Cabbage Brown, Jr., Esquire	Susan Gordon, Esquire	John Sullivan, Jr., Esquire
Paul Brown, Esquire	Jerome Grossmann, Esquire	James Taylor, Jr., Esquire
Lisa Zwally Brown, Esquire	Thomas Hanson, Jr., Esquire	Andrea Unterberger, Esquire
Megan Ward Cascio, Esquire	Theresa Hayes, Esquire	Kathryn van Amerongen, Esquire
Eileen Caufield, Esquire	Eric Howard, Esquire	Karen Vicks, Esquire
Teresa Cheek, Esquire	Elizabeth Lewis, Esquire	Michael Vild, Esquire
C. Malcolm Cochran, IV, Esquire	Titania Mack, Esquire	Elizabeth Julian Weinig, Esquire
P. Clarkson Collins, Esquire	Thomas McGonigle, Esquire	Evan Olin Williford, Esquire
Arthur Connolly, Jr., Esquire	John McLaughlin, Jr., Esquire	Christian Wright, Esquire
Lydia Cox, Esquire	Francis Murphy, Jr., Esquire	Laura Yiengst, Esquire
Curtis Crowther, Esquire	Elizabeth Olsen, Esquire	Virginia Zrake, Esquire
Donna Culver, Esquire	Amy Quinlan, Esquire	

Spotlights on many of these attorneys can be found on OCA’s website at:
<http://courts.delaware.gov/childadvocate/probonospotlight.htm>

Community Outreach and Education

Pursuant to 29 Del. C. § 9005A(9), OCA is mandated to provide and participate in training for the child protection community. In furtherance of its mandate, OCA staff spent over 75 hours on public awareness activities and over 210 hours on the following training and education events:

Protecting Delaware's Children Conference

From April 30 to May 2, OCA staff executed and attended the *Protecting Delaware's Children* conference, a joint venture between CPAC and the CDNDSC. The two-day conference was geared toward the multidisciplinary team professional involved in law enforcement, investigation, child fatality review, prosecution, treatment, and prevention of child abuse. The 400 participants who attended the Protecting Delaware's Children conference were afforded opportunities to learn, share, and grow along with representatives from every child welfare discipline in Delaware during the 25 workshops offered. Of those speakers imparting their research, wisdom, and insights through the conference workshops, almost half were national experts in their field with the balance being Delaware's experts in the first state's child protection system. The pairing of the national and local perspectives fostered information sharing, collaboration, and ingenuity over the course of the two-day conference.

OCA's Program Administrator and Office Manager, as staff to CPAC, spent months partnering with CDNDSC staff to plan the conference, recruit presenters, register participants, and prepare materials, and were on hand to assist attendees throughout the conference. OCA staff and interns also staffed a display table and distributed OCA literature at the conference.



CAN 101

In FY08, OCA staff again participated in the Child Abuse and Neglect 101 (CAN 101) training, which was offered in all three counties. OCA staff were involved with the training as panel members and presenters, as well as participants. OCA was also able to secure Continuing Legal Education credits for its volunteers and other attorneys who attended.

The curriculum of the two-day training included definitions of child abuse and neglect and other associated terminology, the roles of various child welfare system agencies and partners, along with common legal issues encountered in the child welfare system. The target audience for CAN 101 included DSCYF staff, police officers, attorney GALs, CASAs, school personnel, nonprofit organizations, the domestic violence community, the faith community, the advocacy community, the medical community, Deputy Attorneys General (DAG), the Department of Justice (DOJ), service providers, the family law section of the Delaware bar, and child care providers.

Bench & Bar

On June 4, 2008, OCA participated in community outreach at the annual Delaware State Bar Association's Bench and Bar Conference. This year, OCA's law clerks and interns took the lead in manning OCA's table, and had the opportunity to interact with members of the Delaware Bar and some of OCA's volunteers while educating the legal community about OCA.

Other Community Outreach

OCA staff also gave presentations on the work of OCA, the need for volunteers, and how OCA fits into the child protection system at various events throughout the state, including DFS new worker training, the Family Court's child welfare conference, the Delaware Supreme Court Pre-Admission Conference, Children's Choice foster parent training, and presentations at various law firms.

OCA Professional Development

In addition to attending the Protecting Delaware's Children conference, OCA staff attended numerous trainings and seminars throughout the year to further their knowledge of the child protection field and the legal representation of children. Between the conference and other training opportunities, OCA staff spent more than 200 hours on professional development. Among the other trainings attended by OCA employees were:

- Finding Words
- The Allegheny County Experience
- Inspiration and Education for Legal Professionals and Others Involved in Child Welfare
- Child Traumatic Stress Conference
- Understanding & Responding to Sexual Behavior of Adolescents
- Healing in Family Court – Promoting Healthy Development for Maltreated Infants & Toddlers
- Mental Health Assessments Conference

Students Helping Children

As a small state agency with limited funding and big aspirations, OCA relies heavily on volunteers to help carry out the Office's important mission. In addition to the volunteer attorneys who represent children in Family Court, OCA is fortunate to have had a steady stream of intelligent, hard-working, committed interns and law clerks from a variety of disciplines and schools. These students come to OCA eager to help Delaware's abused and neglected children and to learn about Delaware's child protection system. One law clerk stated that she was attracted to the Office because of "the unique balance of direct representation and focus on system reform." In FY08, interns and law clerks contributed nearly 3,000 hours to the day to day activities of the office, the multidisciplinary projects in which OCA is involved, and the children and families involved with Delaware's child protection system.

OCA interns and law clerks handled a variety of tasks. They covered Preliminary Protective Hearings each week to assist the *pro bono* attorneys and to assist the Pro Bono Coordinator in making appropriate case assignments, in addition to obtaining numerous court records for cases in which OCA was active and those OCA was reviewing. The interns also compiled timelines, creating succinct pictures of cases enabling those involved to more adeptly grasp the facts of the cases. OCA's interns and law clerks researched a variety of child welfare topics, including other states' statutes and practices regarding the delivery of mental and behavioral health services to children, children's involvement in Family Court, educational supports for youth aging out of foster care, assisted guardianship, juvenile delinquency procedures, and privatization of child welfare services. They also observed OCA staff in multidisciplinary meetings, and some were given the opportunity to shadow Judges, DFS case workers, and other child protection system partners, to gain a more complete picture of Delaware's child welfare system. While these volunteer students contribute so much to OCA, they in turn receive fulfilling educational experiences. Upon graduating from college, a former OCA intern wrote "I just graduated and am starting a Master's in counseling program... My internship helped me get there."

OCA reaches out to students in a variety of ways. In FY08, OCA's Office Manager attended the University of Delaware's Volunteer Fair as well as the University's first annual Public Service Careers Expo to recruit potential interns. OCA also strengthened its relationship with the University's Individual and Family Studies (IFST) Department by taking on several interns through that program. The IFST internship allows students to work essentially full time for an entire semester in the agency in which they choose to intern, and it is a valuable asset for OCA to have such constant, dedicated students in the office.

OCA's attorneys recruited for law clerks at Villanova University School of Law, Temple University School of Law, and Widener University School of Law. They also participated in the Public Interest/Public Service Career Fair at Temple University in Center City Philadelphia. The Fair brings together students from a variety of area law schools who are interested in careers in public service. Additionally, a number of students from law schools and universities throughout the country discovered OCA on their own and applied for internships and clerkships.

Legislative Advocacy

OCA Legislative Initiatives

Senate Bill 262



Michele Robinson join Governor Minner for the signing of SB262.

Tania Culley, Angela Fowler, and Heather Williams worked diligently with DFS, Senator Liane Sorenson, and Delaware's Insurance Commissioner for several years to help children in foster care more readily obtain drivers' licenses. The result of their efforts was Senate Bill 262, which was passed by Delaware's General Assembly in FY08, and was subsequently signed into law. SB262 clarifies the current motor vehicles statute to specifically allow a Division of Family Services case worker to sign for a foster child to obtain a driver's license in Delaware.

CPAC Legislative Initiatives

OCA, as staff for the Child Protection Accountability Commission, also assisted in pursuing CPAC's legislative agenda.

OCA and CPAC hoped for resolution on Senate Bill 103, extending the jurisdiction of Family Court over children aging out of foster care, and Senate Bill 180, reducing DFS treatment caseloads from 18-12, in FY08. Unfortunately, in the tight fiscal climate of FY08, neither of these bills moved forward. However, CPAC did see the passage of Senate Bill 171, which updated Delaware's law regarding the mixing of dependent and delinquent children. OCA staff were involved in the development of and advocacy for these initiatives.

Child Protection 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. 29 Del. C. § 9005A(4). In FY08, OCA spent more than 120 hours on the following efforts involving child protection policy and procedure.

OCA/CASA Database

DFS, OCA and CASA have worked diligently to build a comprehensive joint database (OCA/CASA Database) to track children in the legal custody of DFS in order to ascertain the number of children who continue to be unrepresented in DFS legal custody proceedings. In FY07, the OCA/CASA database became fully operational, allowing OCA to generate monthly statistics indicating the number of children in DFS legal custody, the number and percentage that are represented by either OCA or CASA, the number and percentage that remain unrepresented, the breakdown by county, the average number of cases assigned to the Deputy Attorneys General and Family Court Judges, and the number of children with an Educational Surrogate Parent (ESP). However, OCA soon realized the need for continuous quality assurance, especially to ensure that children were closed out of the database once they were no longer in DFS custody. To that end, DFS began sharing a monthly report of all children who entered and exited custody during that month, as well as a list of all children in its custody on the last day of the fiscal year, which OCA used to make sure all cases were accurately reflected in the database and that all statistics generated therefrom accurately reflected the work of DFS, OCA, and CASA.

In FY08, OCA expanded on the information generated from the OCA/CASA Database, and reported statistics on the ages of children in DFS custody, the ages of children who entered DFS custody each month, and the number of children who reached their eighteenth birthday and aged out of the foster care system each month. OCA also began tracking the zip code of the place in which a child was living at the time he or she entered DFS custody.

Another set of statistics that OCA began generating from the OCA/CASA Database in FY08 was the specific children who remained unrepresented each month. OCA distributed this information, along with both OCA's and CASA's recruitment efforts on behalf of these children, to select partners in the child protection system, such as Family Court judges, Deputy Attorneys General, and DFS personnel, so that system partners had a thorough understanding of which children were still in need of legal representation.

The statistics generated from the OCA/CASA Database have enabled all partners to more fully understand their workloads and have given DFS, OCA and CASA the information needed to begin formulating strategies for ensuring all children receive legal representation. The three agencies met regularly throughout FY08 to assess the progress toward the attainment of legal representation for all children in DFS custody and to discuss ideas and policies that may help Delaware achieve that goal. In order to formalize the agencies' commitments to that goal, OCA drafted a Memorandum of Understanding (MOU) that

outlined each agency's responsibilities regarding the database. In addition, OCA's Office Manager traveled to the CASA offices in each county to train the CASA Coordinators on how to use the database so they could easily identify the children still in need of legal representation. OCA looks forward to the continued utilization of this extremely helpful tool and the continued commitment of its partners to ensuring the legal representation of all children in DFS custody.

Mental Health Services to Children in and Adopted out of Foster Care

OCA staff were an integral part of CPAC's Mental and Behavioral Health Services to Children in and Adopted out of Foster Care Subcommittee during FY08. This subcommittee spent its meetings learning about the mental health system for children, and hearing from individuals who have been involved with the system in some way about their experiences, perceived challenges and frustrations, and suggestions for improvement. Along with other system partners, several OCA staff members and volunteer attorneys presented their experiences to the subcommittee, in the hope that the challenges identified would prompt change in and improvement to the system. Upon the conclusion of these presentations, OCA's Office Manager began drafting the subcommittee's final report, which will recommend numerous reforms to the current policies and practices surrounding the delivery of mental health services to children in and adopted out of foster care. OCA looks forward to the approval and implementation of that report in FY09.

ASFA Timelines

Throughout 2008, OCA collaborated with Family Court to continue the assessment of compliance with the Adoption and Safe Families Act (ASFA) begun more than three years ago by partners throughout the state. Two OCA interns, working with Commissioner Jennifer Mayo, spent portions of their respective internships reviewing individual cases and entering data into Excel tracking sheets to assist the CPAC ASFA Timelines Subcommittee with its goal of gathering baseline data for all three counties. Due to the volume of cases in New Castle County, data collection continued to lag far behind that of Kent and Sussex, but by the end of Fiscal Year 08, New Castle County cases had been reviewed through April 2006.

Child Protection Policy Concerns Database

OCA's Family Crisis Therapists (FCT) continued to enter data from child abuse/neglect cases with documented policy concerns into OCA's Child Protection Policy Concerns Database throughout FY08. This database is designed to track cases of child abuse and neglect with policy concerns, which OCA will use to identify and address patterns of concern in child protection practice and provide documentation to support those positions for which it advocates. The framework for the Policy Database was OCA's "Compilation of Delaware's Child Protection Issues and Recommendations from Child Abuse/Neglect Death and Near Death Case Reviews," a document that lists every public recommendation that was derived from a child death or near death due to abuse and/or neglect, from March of 1997 through May of 2008.

Policies 201 and 209

In FY08, as Delaware's fiscal situation became more uncertain, and budget cuts were required across state agencies, DFS, like other agencies, began looking at ways to save money and cut costs. One way DFS sought to do so was by taking a closer look at the older youth being placed in DFS custody, to determine whether custody was being granted appropriately for these children. In an attempt to ascertain how youth stood to be affected by a DFS policy potentially limiting the number of youth aged 13-17 being served, OCA undertook an examination of its own records on these youth. An OCA intern looked at the data to determine how many youth aged 13-17 entered DFS custody between September of 2007 and April of 2008. In addition, OCA looked at the reason the youth entered DFS custody and their length of stay in DFS custody.

This study revealed that nearly half of the 178 youth aged 13-17 who entered DFS custody during the given time period did so under DFS Policies 201 and 209, which seek to ensure the safety of children by establishing that when more than one division of the Children's Department is involved with a child, the DFS worker will be the lead worker with primary case management responsibility, and by requiring DFS to secure appropriate placements for children who have successfully completed residential treatment or who are pending adjudication and are being held in restrictive settings (detention centers, out of state mental health and delinquency placements) but whose parents are unable or unwilling to have the youth return home. These policies resulted in many older youth being placed in DFS custody when they were facing criminal charges and their parents either did not appear for their criminal hearings or refused to allow them to return home after the hearings.

OCA's study also indicated that a little over one quarter (27%) of those youth who entered DFS custody during or after delinquency hearings remained in custody for only 10 days or less, while over half (56%) remained in custody for 50 days or more.

OCA shared this data with system partners to help shape future policies and procedures.

APPLA Workgroup

OCA staff were actively involved in the ongoing efforts of the DSCYF Another Planned Permanent Living Arrangement (APPLA) Workgroup during FY08. This group has broken down into several smaller workgroups that have been focusing on a variety of specific issues such as family case conferencing, employment, independent living, housing, and a host of other areas that relate to the substantial needs of the teenage foster care population.

Child Poverty Task Force

The Child Poverty Task Force, established by Executive Order 101, began meeting in December 2007. Via monthly meetings, presentations, research, focus groups, and discussion, members of the community, including representatives from OCA, the Department of Education, the Department of Health and Social Services, the Department of Labor, DSCYF, Delaware State Housing Authority, Family Court, the Kid's Caucus, and the non-profit community, worked toward the development of a multi-pronged proposal for the creation and implementation of a ten-year plan to reduce the number of Delaware children living in poverty by 50%. The group was also committed to making recommendations for

prevention and early intervention services in order to promote the health, safety, and well-being of Delaware's children and their families. The Task Force recommendations will be publicly disseminated in Fiscal Year 2009 in anticipation of a multiyear, multidisciplinary, nationally collaborative approach to the reduction of child poverty in Delaware.

Interagency Collaboration

In addition to these policy endeavors, OCA and DFS met quarterly in FY08 to improve multi-disciplinary collaboration and communication on such issues as caseloads, case concerns, training, and system successes and challenges. OCA staff also participated on various committees, subcommittees, work groups, task forces, and councils in collaboration with other agencies and partners of the child protection community in order to understand how the system is currently working, how to improve the system, and how to ensure the safety and protection of the rights of children.

Grants and Bequests

Holiday Donations

Although the Office of the Child Advocate did not receive any grants in FY08, monetary and gift donations were made to the Office to benefit the children OCA serves. Primarily, such donations were made during the holiday season to provide gifts to OCA's abused and neglected child clients. The Eastpoint Community Church, the Melson-Arsht and Richard S. Rodney Inns of Court, the law firm of Fish & Richardson P.C., members of the Family Law section of the Delaware Bar, and other individuals provided new toys, clothes, and other items, as well as monetary contributions and gift cards. OCA used these generous donations to set up a holiday "gift shop" and invited its volunteer attorneys to "shop" for holiday gifts for their clients.

In addition, many of OCA's clients were the benefactors of the generosity of several organizations across the state that provided gifts especially for those children. In FY07, the Christiana Rotary Club "adopted" about 20 of OCA's most needy children and their families, generously providing them with gifts and necessities beyond the traditional holiday gift. In FY08, they again chose to provide this level of giving to OCA's neediest children, this time "adopting" an incredible 62 children and providing them with everything requested, including iPods, toys, clothes, books, and other electronics. Similarly, students and families from the Chinese American Community Center Montessori School and men and women of the 3rd and 9th Airlift Squadrons from the Dover Air Force Base "adopted" and provided gifts for each of the Deputy Child Advocates' nearly 135 clients.

Finally, an OCA volunteer attorney who did not have a client during the holiday season, but wanted to help nonetheless, gave a sizable contribution to purchase a communication device for one of OCA's severely impaired clients. This heartfelt gesture epitomized the generosity of the community and the commitment to the children OCA serves.

The Office of the Child Advocate was awed by the generous spirit of giving displayed by the organizations and individuals who gave donations in the spirit of the holidays.



Delaware's Bankruptcy American Inn of Court and the Delaware Trial Lawyers Association

During the FY07 holiday gift drive, Delaware's Bankruptcy Inn of Court contributed \$3,000 to OCA to give children the opportunity to enjoy the life experiences that other children enjoy, such as prom and graduation, school pictures and yearbooks, summer camps, theater, music, and adventure parks.

OCA continued to use the Inn's funding to provide meaningful experiences for its clients in FY08. One of OCA's volunteer attorneys utilized the funds to purchase a bicycle and helmet for his client, in order to give him some mobility and freedom, as well as an opportunity for exercise. OCA was also able to purchase senior portraits for one its clients who was graduating from high school and aging out of the foster care system, as well as a dress and accessories for a winter formal dance. Another high school senior received the funds to purchase a prom dress and accessories. One of OCA's older clients was able to take a lifeguarding course at a local YMCA, helping him qualify for job opportunities.

During the summer of FY08, OCA used the monies for two youth to attend summer camp. One child received a scholarship to attend a camp in Maryland for one week for a nominal fee, and OCA contributed to a second week of camp for the youth at the regular price. The other youth was having a difficult time dealing with his family's issues, but expressed an interest in video games and video game design; his GAL discovered a camp in Pennsylvania that focused primarily on video game design, and he was able to attend thanks to the funds from the Bankruptcy Inn.

In the spring of 2008, OCA was again honored and amazed to receive another sizable monetary donation, this time from the Delaware Trial Lawyers Association, who donated nearly \$1,500 for OCA to continue providing children with such rewarding life experiences. OCA looks forward to identifying opportunities to use these funds in the coming months.

On behalf of Delaware's children in foster care, OCA again thanks both the Bankruptcy Inn and the Delaware Trial Lawyers Association for the opportunity to give its clients these kinds of experiences.



What's Next for OCA?

OCA continues to work diligently toward its goal of securing legal representation for every child in DSCYF custody, and has made excellent progress toward that goal. The Office will continue to adjust its internal policies and procedures as needed in order to ensure the consistency and efficacy of its legal representation program. Furthermore, OCA will continue to look for ways in which to utilize the OCA/CASA database to track children in DSCYF custody, generate statistics that allow system partners to better serve those children, and make OCA's internal processes more efficient and effective.

In addition to its legal representation component, OCA has identified several policy areas of focus for the coming year. The Office plans to analyze the data from its Child Protection Policy Concerns Database and use that data to make recommendations for change in identified areas of concern. OCA also plans to examine the use of the APPLA goal for children in foster care to ensure that it is used appropriately and only when all other possible options have been explored and exhausted, so that children do not languish unnecessarily in foster care. In addition, OCA will continue to monitor and make recommendations for improvement of issues facing older youth in foster care, such as aging out, mental health needs, and placements. Finally, OCA plans to explore options for subsidies when children are placed in guardianships, so that a lack or loss of resources and supports do not deter families from providing permanency for children.

OCA also plans to revisit its statute and make changes that will help OCA better fulfill its mandate to safeguard the welfare of Delaware's children. Furthermore, OCA plans to recommend changes to the current Termination of Parental Rights (TPR) statute that will enhance the protection of Delaware's children. Also, in conjunction with CPAC, OCA looks forward to the completion and passage of the third party visitation and DSCYF custody statute, which will provide a clear statutory framework for the proper procedures and requirements for DSCYF custody and for visitation between children and persons other than their parents.

OCA looks forward to embarking upon its work in FY09 with the same vigor with which it pursued its goals in FY08, and to the continued partnerships with individuals, law firms, system partners, and community organizations that enable OCA to do the work that it does.