



Annual Report Fiscal Year 2007

July 1, 2006 – June 30, 2007

State of Delaware

Office of the Child Advocate

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Child Advocate

OFFICE OF THE CHILD ADVOCATE

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Staff and Students

Staff

Tania M. Culley, Esquire

Child Advocate

Angela M. Fowler, Esquire

Deputy Child Advocate – Kent County

Lorin H. Hurst, Esquire

Deputy Child Advocate – New Castle County

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/Sussex Counties

Jennifer Falkowski

Family Crisis Therapist – New Castle County

Julie Schirmer

Family Crisis Therapist – Kent/Sussex Counties

Molly Dunson

Office Manager

Nicholas Vitcusky

Clerical

Student Interns and Law Clerks

Stacey Callaway

West Virginia University College of Law

Geoffrey Cebula

Amherst College

Marla Conly

University of Pennsylvania Law School

Marisa Duffy

Widener University School of Law

Cara Goeller

William and Mary School of Law

Charli Greene

Delaware Technical and Community College

Brittany Hobbes

University of Delaware

Laura Hoffmann

University of Delaware

Kayla Howard

Howard University

Lori Jaross

Widener University School of Law

Emily Weidenhamer McGill

Case Western Reserve University School of Law

Karen Olinchak

Villanova University

Michancy Schultz

Villanova University School of Law

Devashree Singh

Wilmington College

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

Fiscal Year 2007

OCA Pro Bono Attorney Honor Roll

Derek Abbott	Victoria Counihan	Andrew Gonser	Gretchen Knight	Richard Morse	Fontini Skouvakis
Michael Abram	Lydia Cox	William Gonser, Jr.	Steven Kortanek	Michele Muldoon	David Snyder
Jon Abramczyk	Kara Hammond Coyle	Todd Goodman	Edward Kosmowski	Regina Mullen	Leslie Spoltore
Roger Akin	Brian Crawford	Susan Gordon	Carl Kunz	Francis Murphy	Monte Squire
Thomas Allingham II	Laurence Cronin	Brian Gottesman	Peter Ladig	D. Fon Muttamara-Walker	Lisa Stark
Susan Ament	Curtis Crowther	Maria Granovsky	Gregory Ladner	Frank Nardo	Benjamin Strauss
Melony Anderson	David Culley	James Green	William Lafferty	Katherine Neikirk	Jonathan Strauss
John Andrade	Donna Culver	Joseph Green	Kathryn Laffey	Michael Nestor	Catherine Strickler
David Arndt	Amy Cunningham	Kelly Green	M. Curt Lambert	Seth Niederman	Pamela Sudell
Michael Arrington	Edward Curley	Michelle Green	Kimberly Large	Maryellen Noreika	William Sudell, Jr.
Addie Asay	Michael Custer	William Green, Jr.	Tara Lattomus	Frank Noyes, II	Renee Suglia
Daniel Astin	Brock Czeschin	Robert Greenberg	Kimberly Lawson	Kevin O'Brien	John J. Sullivan, Jr.
Daniel Atkins	James Dalle Pазze	Daniel Griffith	Jonathan Layton	Tyler O'Connell	Karen Sullivan
Mary Augustine	Bart Dalton	Thomas Grimm	Lewis Lazarus	Elizabeth Olsen	Paul Sunshine
Christine Azar	John Daniello	Geoffrey Grivner	Brooke Leach	Jonathan O'Neill	Scott Swenson
James Bailey	George Danneman	Jerome Grossman	Jane Leamy	Deirdre O'Shea	Larry Tarabicos
John Balaguer	Kelly Dawson	Mark Gundersen	Abigail LeGrow	Susan Over	Harry Tashjian
Samantha Balick	Christine Dealy	Steven Haas	Timothy Lengkeek	Jenness Parker	James Taylor, Jr.
Doreen Becker	Sandra Dean	Kathleen Hadley	James Lennon	John Parkins	Gregory Taylor
Jennifer Becnel-Guzzo	Catherine Dearlove	Shauna Hagan	Scott Leonhardt	James Parrett, Jr.	John Taylor
Michael Bednash	Kim DeBonte	Gerald Hager	Norman Levine	Adam Perza	Michael Teichman
Sean Bellew	Daniel DeFranceschi	David Haley	Neal Levitsky	Victoria Petrone	David Teklits
Michelle Berkeley	Christine Demsey	Joseph Handlon	Roger Levy	Dennis Phifer	Allen Terrell
Rebecca Beste	David Denham	Patricia Hannigan	Elizabeth Lewis	Sarah Pierce	Catherine Thompson
Robert Beste	John Denney, Jr.	Jeanne Hanson	Andrew Lippstone	Francis Pileggi	Seth Thompson
David Bever	Mark Desgrosseilliers	Thomas Hanson, Jr.	Susan List	Mary Ann Plankinton	Seth Tillman
Antonia Bevis	Margaret DiBianca	Edwin Harron	Paul Lockwood	Anne Podczasy	Sara Toner
Shakuntla Bhaya	Sarah DiLuzio	Theresa Hayes	Claire Love	Maria Poehner	Rebecca Tulloch
Ian Connor Bifferato	Tara DiRocco	Kevin Healy	Zhun Lu	Tiffany Poole	Patricia Uhlenbrock
Vincent Bifferato, Jr.	Nicole DiSalvo	Leslie Heilman	Thomas Macauley	Susan Poppiti	Andrea Unterberger
Michael Bonkowski	Jill Disciullo	Catherine Hickey	Stanley Macel	Vincent Poppiti	Robert Valihura, Jr.
Mary Boudart	Kevin Dobson	Suzanne Hill	Lauren Maguire	Thomas Preston	Jan A.T. van Amerongen
Curtis Bounds	Timothy Doerler	Timothy Hitchings	Andrea Malinowski	Cynthia Pruitt	Kathryn van Amerongen
Jennifer Brady	Sean Dolan	Michael Hochman	Kevin Mann	Amy Quinlan	Patrick Vanderslice
John F. Brady	Jennifer Donahue	Thomas Hodukavich	Margaret Manning	Andrew Rahaim	Jennifer Veet
H. Cabbage Brown, Jr.	Keith Donovan	Victoria Hoffman	Mary Erin Mariani	Jennifer Barber Ranji	Karen Vicks
Lisa Zwally Brown	John T. Dorsey	Stephen Holfeld	Timothy Martin	Vivian Rapposelli	Michael Vild
Paul Brown	Meghan Dougherty	David Holmes	William Martin	B. Wilson Redfearn	Nicole Walker
Gary Bryde	Shawn Dougherty	Thomas Horan	Dennis Mason, II	Richard Renck	R. Christian Walker
Jennifer Burbine	W. Harding Drane, Jr.	Vivian Houghton	Janice Matier	Sheldon Rennie	Megan Walstrom
Thomas Burkhart	Thomas F. Driscoll	Timothy Houseal	Daniel McAllister	Joseph Rhoades	Jennifer Ward
Nicholas Caggiano, Jr.	James Drmec	Eric Howard	David McBride	Helen Richards	Matthew Ward
Timothy Cairns	Mary Dugan	Kevin Howard	Ian McConnell	Linda Richenderfer	Robert Weber
Christie Day Cannon	Bradley Eaby	Janine Howard-O'Rangers	Garvan McDaniel	Courtney Riordan	Michael Weidinger
Melissa Cargnino	Edward Eaton	Xiaojuan Huang	Michael McDermott	Michael Ripple	Margaret Whiteman
David Carickhoff, Jr.	Erin Edwards	David Hutt	Susanna McDonald	David Ripsom	Patricia Widdoss
Megan Ward Cascio	Craig Eliassen	Stacy Hwang	Thomas McDonough	Michael Robinson	Charles Williams
Denis Casey	Margaret England	Diane Ibrahim	Charles McDowell	Elizabeth Rodriguez	David Williams
Jeffrey Castellano	Kenneth Enos	Frederick Iobst	Bernard McFadden	Bruce Rogers	Dawn Williams
Tabatha Castro	Elwood Eveland	Michael Isaacs	Lexie McFassel	Helena Rychlicki	Gregory Williams
Eileen Caulfield	Sherry Fallon	Chun Jang	James McGiffin	Anthony Saccullo	Evan Williford
Teresa Cheek	Amy Feeney	Jennifer Jauffret	Thomas McGonigle	Kathryn Sallie	Megan Wischmeier
William Chipman	David Felice	Tanya Jefferis	Michael McGroerty	Tamara Sampson	Wendy Wojewodzki
Beth Christman	GianClaudio Finizio	David Jenkins	Matthew McGuire	Yvonne Takvorian Saville	Josiah Wolcott
Joseph Cicero	Erica Niezgoda Finnegan	Clay Jester	Megan McIntyre	Gilbert Saydah, Jr.	Natalie Wolf
John A. Clark, III	Erin Fitzgerald	Ann Marie Johnson	John McLaughlin, Jr.	Todd Schiltz	Christian Wright
Maggie Clausell	Matthew Fogg	Janice Johnson	James McMillan	Lisa Schmidt	Davis Wright
Miranda Clifton	Edward Fornias	Richard I.G. Jones, Jr.	Carolyn McNeice	Jack Schreppler	Laura Yiengst
C. Malcolm Cochran, IV	James Freebery	Dawn Jones	Bruce McNew	Pamela Scott	Virginia Zrake
Brian Colborn	David Gagne	Judy Jones	Joseph Melican	Theresa Sedivec	
Cynthia L. Collins	Patricia Gallagher	Elizabeth Julian	Gary Melvin	Sandra Selzer	
Cynthia S. Collins	Deborah Galonsky	Brian Kasprzak	Jennifer Mensinger	Suzanne Seubert	
Michael Collins	Geoffrey Gamble	William Kelleher	Stephen Milewski	Chad Shandler	
P. Clarkson Collins	Kimberly Gattuso	Kathryn Keller	Beth Miller	Thomas Shellenberger	
Patrick Collins	Frances Gauthier	Lynn A. Kelly	Kathleen Miller	Liza Sherman	
Bernard Conaway	Kathleen Geiger	Michael Kelly	Lisa Minutola	Michele Sherretta	
John Conly	Melanie George-Marshall	Felice Kerr	Michael Modica	Jackson Shrum	
Arthur Connolly Jr.	Kelly Dunn Gelof	Eleanor Kiesel	Norman Monhait	Sophia Siddiqui	
Todd Coomes	Kristin Gibbons	Elizabeth King	Chaneta Montoban	Daniel Silver	
Margaret Cooper	Glynis Gibson	Matthew King	Paulette Sullivan Moore	Christopher Simon	
Michael Corrigan	Paul Golan	Shelley Kinsella	Sharon Morgan	Nicholas Skiles	

What's New at OCA

Allison McDowell joins OCA as Program Administrator

Allison McDowell became the Office of the Child Advocate's (OCA or the Office) Program Administrator in September 2006 after 10 years with the Division of Family Services (DFS). Her experiences as a treatment worker, permanency worker, supervisor, and administrator have both educated and motivated Allison to advocate for the best interests of every child touched by the child welfare system. In addition to her numerous other contributions to the Office, Allison has been instrumental in getting OCA's Child Protection Policy Database up and running, continuing the important work on the Adoption and Safe Families Act (ASFA) Timelines, and educating OCA staff on the DFS permanency process.

On working at OCA, Allison says that "...to be part of a group with such talent, dedication, and passion is a once-in-a-lifetime opportunity." OCA is very fortunate to have Allison on board and to add her talent, dedication, and passion to our group.

OCA Opens a New Office Downstate

OCA has grown little by little since its inception in 2000. With the addition of a Sussex County Deputy Child Advocate (DCA) last year came the need for more space for the downstate branch of OCA. After searching unsuccessfully for office space in Milford, OCA learned of a space available in Georgetown and determined that it was suitable to meet its needs. The new office is conveniently located just behind Family Court in Georgetown and houses the Kent and Sussex DCAs, Family Crisis Therapists, law clerks, social work interns, and occasional New Castle staff.



Besides offering the space needed for all of the existing downstate staff, the new office also provides a small conference room in which OCA can conduct meetings, conferences, and trainings for members of the bar as well as service providers. The additional space and equipment also make it much easier for OCA to take on interns and law clerks downstate. With the addition of another Sussex County DCA in FY08, OCA hopes to secure a Kent County office in the near future.

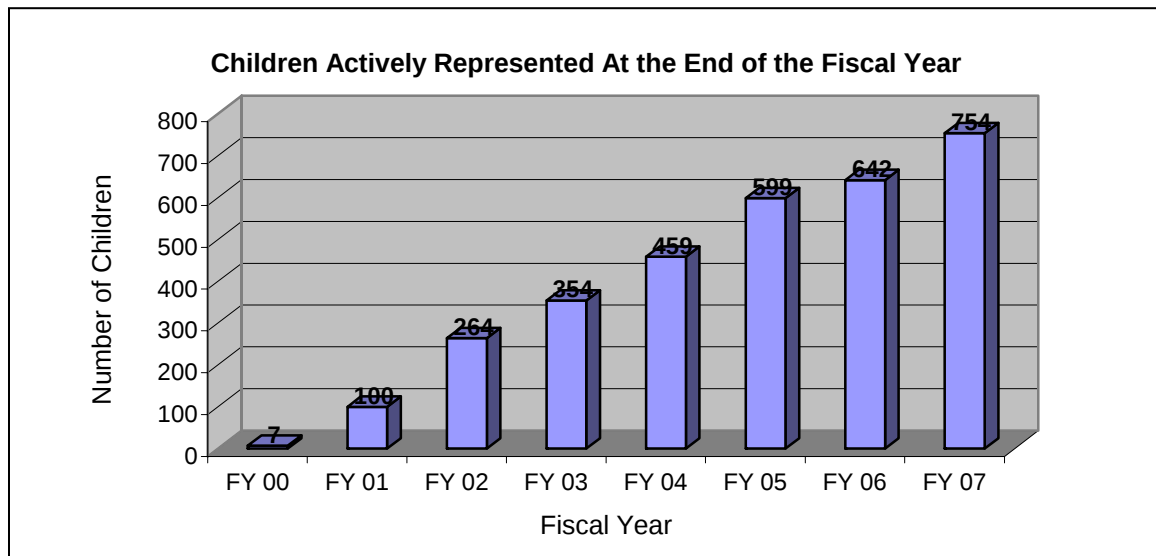
DELJIS Access

In FY07, OCA applied for and received permission to access the Delaware Criminal Justice Information System (DELJIS) in order to obtain the criminal history of the parties involved with the children OCA represents. OCA is then able to provide that information to the attorney guardian *ad litem* (GAL) for each child, so as to greatly improve the attorney's understanding of the situation facing his or her child client and to comply with the best interests requirement to consider the criminal history of all parties and members of the household. 13 Del. C. § 722(a)(8). DELJIS access is another step OCA has taken to assure high-quality legal representation for Delaware's dependent, neglected, and abused children.

Legal Representation

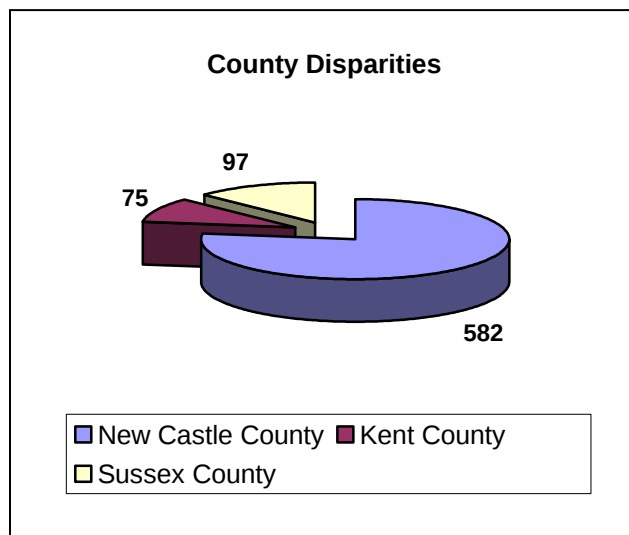
The Office of the Child Advocate is mandated to represent the best interests of dependent, neglected, and abused children. Through both Deputy Child Advocates and volunteer attorneys throughout the state, OCA was able to represent 1,082 children during the course of Fiscal Year 2007, a 6% increase over Fiscal Year 2006.

During Fiscal Year 2007, OCA received 934 appropriate referrals, and was able to make 498 attorney appointments. The vast majority (98%) of children appointed an attorney in FY07 were 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 FY07, 754 dependent, neglected, and abused children were actively receiving legal representation through the Office of the Child Advocate, a 17% increase over FY06. OCA DCAs were representing 105 of those children, while volunteer attorneys represented the remaining 649.

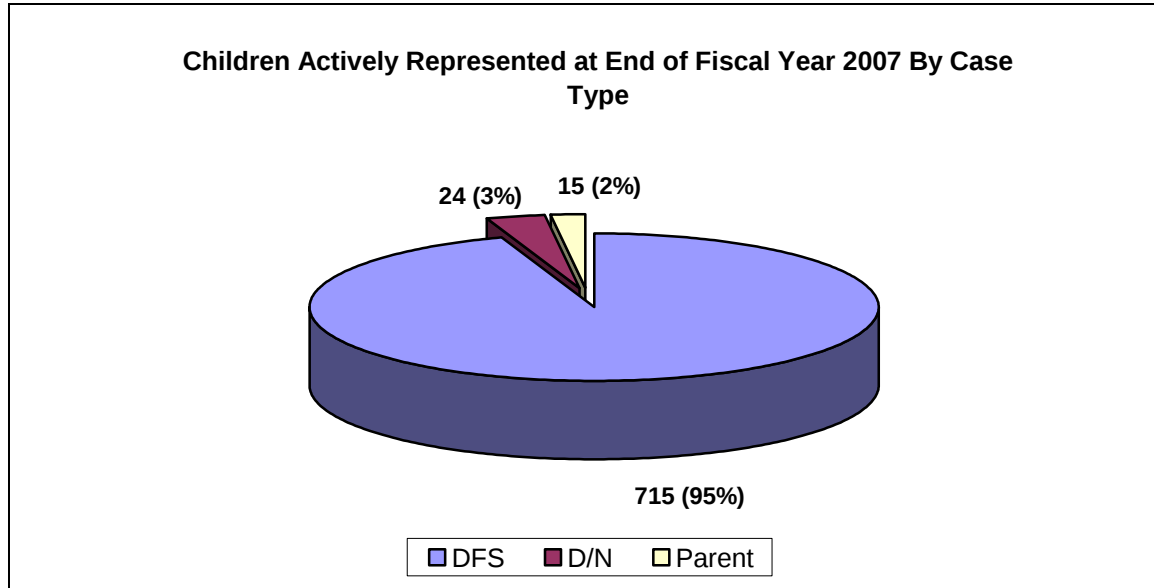


The largest concentration of children being actively represented by OCA at the end of FY07 was in New Castle County. OCA represented 582 children in New Castle County as of June 30, 2007, compared to 75 in Kent County and 97 in Sussex County.

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 representing children statewide, and another 1,370 hours supporting volunteer attorneys.



Of the 754 children being actively represented at the end of FY07, 715 (95%) were in the legal custody of the Children's Department. Twenty-four 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 15 children (2%) who were the subject of parent custody disputes.



As of June 30, 2007, 1,160 children were in the legal care and custody of the Children's Department. OCA was providing legal representation to 715 of those children. The Court Appointed Special Advocate (CASA) Program was providing advocates for an additional 310 children. The remaining 135 children had no legal representation as of the end of FY07. The greatest number of children without legal representation was in Sussex County and the next largest concentration of unrepresented children was in Kent County. This illustrates the dire need for more resources in the lower 2 counties.

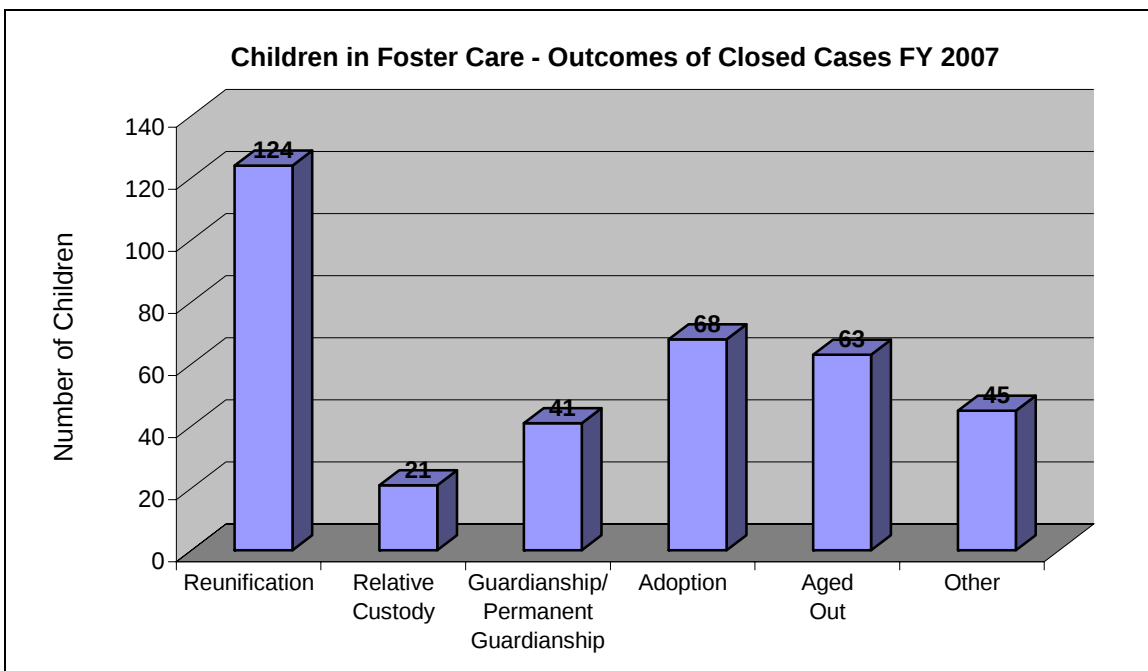
County	OCA	% OCA Represents by County/Total	CASA	% CASA Represents by County/Total	Unrepresented	% Unrepresented by County/Total	Total # of Children by County/Total
Kent	62	29%	107	50%	45	21%	214
New Castle	565	77%	143	19%	26	4%	734
Sussex	88	42%	60	28%	64	30%	212
TOTALS	715	62%	310	27%	135	12%	1160

At the end of Fiscal Year 2007, there were 515 children referred to OCA who were not assigned OCA legal representation. This number includes 129 cases that were still pending disposition by OCA as of June 30, 2007, and 20 cases that were placed on OCA's waiting list. OCA closed the remaining 366 cases for the following reasons – 135 children received representation through the CASA program, 34 cases were closed due to low resources, and 197 referrals had no pending litigation, were resolved in court during the OCA disposition phase, or, upon further review, had no apparent dependency, neglect, or abuse issues.

During FY07, OCA closed 392 cases to which an attorney guardian *ad litem* had been assigned. Seven of the cases that were closed concerned children who were assigned a Frazer attorney to represent their wishes to the Family Court. At the end of FY07, OCA stopped tracking the appointment of Frazer attorneys, and so these cases were administratively closed. OCA was involved in 15 cases that were the subject of parent custody disputes and 8 cases that were the subject of dependency/neglect matters that were resolved and closed during the Fiscal Year.

**OCA
volunteer
attorneys
contributed
over 9,320
hours to
cases closed
in FY07**

The remaining 362 cases that were closed involved children in the legal custody of DSCYF. These cases were closed with a variety of outcomes. One hundred twenty-four children (34%) were reunified with their parents. Another 21 children (6%) were placed in the custody of relatives. Guardianship or permanent guardianship was granted for 41 children (11%), and 68 children (19%) were successfully adopted. Sixty-three children (17%) turned 18 years old and aged out of the foster care system. An additional 45 (13%) cases were closed for other various reasons.



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 FY07, OCA staff spent nearly 900 hours fulfilling these statutory duties.

CPAC holds 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, in Fiscal Year 2007 CPAC released two near death reports, along with recommendations for system improvement, as a result of the work of the Near Death Subcommittee. OCA staff were tasked with drafting these reports and, upon approval from CPAC, distributing the reports to stakeholders throughout the state, including sending a press release to the media. OCA employees also drafted the Caseloads/Workloads report and the resulting legislation that were products of the Caseloads/Workloads Subcommittee.

OCA also supports CPAC in its training endeavors. During FY07, OCA was an integral part of 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. OCA staff also worked with the Training Subcommittee on developing a comprehensive, user-friendly website in order to improve and publicize various training programs statewide. CPAC hopes to have such a website up and running in the near future.

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 FY07 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 actively advocate for 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 2007 CPAC Annual Report.

Training and Education

Pro Bono Recruitment and Training

The Office of the Child Advocate recruited and trained 69 new volunteer attorneys during 12 training sessions in FY07. The OCA “Nuts and Bolts” trainings are two hours in length and cover such topics as the child protection system, the court, litigation, and discovery processes, the duties of a GAL, and ethical issues relating to the representation of children.

*In FY 07,
74 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 Tybout Redfearn & Pell, Potter Anderson & Corroon LLP, and Connolly Bove Lodge & Hutz LLP. The firms greeted these efforts with enthusiasm and OCA looks forward to a continued relationship with them and the many other firms that have steadfastly supported OCA and its training efforts throughout the years. Womble Carlyle Sandridge & Rice, PLLC and Bifferato Gentilotti LLC also reached out to OCA and offered to host trainings; these firms are expected to host sessions in FY08.

In FY07, the following law firms graciously hosted OCA trainings:

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.
Tybout Redfearn & Pell
Young Conaway Stargatt & Taylor LLP

In another effort to reach out to as many eligible volunteer attorneys as possible, OCA explored the possibility of utilizing in-house corporate counsel from some of Delaware’s large companies. Pursuant to Supreme Court Rule 55.1, attorneys who are admitted to practice law in states other than Delaware may be admitted to the limited practice of law in Delaware if they are employed by a company in the state. Under this Rule, they are also allowed to participate in legal *pro bono* services. As such, OCA sent a recruitment letter to all of the attorneys who fall under Rule 55.1 inviting them to provide *pro bono* service to children through OCA. This effort was the result of requests to OCA from several attorneys wanting to volunteer but who were not admitted to the Delaware Bar. OCA recognized the opportunity to draw from a larger pool of resources, and has successfully recruited several Rule 55.1 attorneys.

*During FY07, 414 volunteer attorneys
actively represented children through OCA*

Pro Bono Retention and Recognition

In FY07, 42 attorneys reached the milestone of volunteering for OCA for five years. In all, OCA has had 68 attorneys who have volunteered for five years or more. OCA finds the retention of volunteers very important, because these volunteers are experienced at handling OCA cases and can often take on more difficult cases or multiple cases at a time. With the increasing 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 the role of the GAL. 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 their names were added to the 5 Years of Pro Bono Service plaque, proudly displayed in the Wilmington office. 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 commemorated five years of service to Delaware’s children in FY07 were:

Roger Akin, Esquire
Daniel Astin, Esquire
Robert Beste, Esquire
William Chipman, Esquire
John Conly, Esquire
Edward Curley, Esquire
James Dalle Pазze, Esquire
Bart Dalton, Esquire
Edward Eaton, Esquire
Elwood Eveland, Esquire
Sherry Fallon, Esquire
Edward Fornias, Esquire
James Freebery, Esquire
Patricia Gallagher, Esquire
Kathleen Geiger, Esquire
Paul Golian, Esquire
Joseph Green, Esquire
Mark Gundersen, Esquire
Kathleen Hadley, Esquire
Patricia Hannigan, Esquire
Jeanne Hanson, Esquire

Tom Hодukavich, Esquire
Richard I.G. Jones, Jr., Esquire
Felice Kerr, Esquire
Kimberly Lawson, Esquire
Erin Mariani, Esquire
Bruce McNew, Esquire
Ellen Meyer, Esquire
Paulette Sullivan Moore, Esquire
Frank Nardo, Esquire
Maryellen Noreika, Esquire
Kevin O'Brien, Esquire
Thomas Preston, Esquire
Jennifer Ranji, Esquire
Dave Ripsom, Esquire
Helena Rychlicki, Esquire
Yvonne Takvorian Saville, Esquire
Pamela Scott, Esquire
Mike Teichman, Esquire
David Teklits, Esquire
Michael Weidinger, Esquire
Natalie Wolf, Esquire

Spotlights on many of these attorneys can be found on OCA’s website at:
<http://courts.delaware.gov/childadvocate/html/spotlight/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 80 hours on public awareness activities and took active roles in the following training and education events:

CAN 101

In the spring of 2006, the Child Protection Accountability Commission's Training Subcommittee, in line with its mission to ensure annual, comprehensive, multidisciplinary training on child abuse and/or neglect, identified the need for basic child abuse and neglect (CAN) training. A CAN 101 subgroup was formed to develop workshop-type training for both DSCYF staff and the community, and in 2007 OCA staff took part in the state's first CAN 101 training.

One participant felt that the most valuable part of the CAN 101 workshop was "learning about the history and statistics of child abuse as well as gaining a better understanding of the various agencies involved and their roles."

The curriculum included definitions of child abuse and neglect and other associated terminology, along with common legal issues encountered in the child welfare system. During the two day training, participants had the opportunity to listen to lecture material, but also to interact with panel members from every aspect of the child welfare system in addition to following a child's case through the process.

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. Prevent Child Abuse Delaware took the lead in organizing the training.

OCA had the pleasure of collaborating on the development of CAN 101, and Allison McDowell participated as a panel member. Lorin Hurst and Angela Fowler represented OCA as legal presenters in the first two sessions of this multidisciplinary training. OCA was also able to secure Continuing Legal Education credits for its volunteers and other attorneys who attended the training.

In FY07, this two day training event was held in New Castle County and in Kent County. A Sussex County training was scheduled for September 2007.

"I learned what the different agencies do and how the court system works together with families. Sometimes we don't think the system has the best interest of the child at heart, but I learned today that they do and they focus a lot on the welfare of the child." – CAN 101 Participant

Bench and Bar

On June 6, 2007, OCA participated in community outreach at the annual Delaware State Bar Association's Bench and Bar Conference. OCA enjoys this event every year as it gives our staff the opportunity to make contact with many of our over 400 volunteers, as well as to recruit new ones, and to educate the legal community about OCA.

This year, for those inquiring about our office or visiting OCA's information table, we offered a raffle for a free family portrait taken by a local professional photographer. OCA hopes to continue offering opportunities like this so we can get to know those with whom we come in contact and continue to recruit quality volunteer attorneys for children in the foster care system.

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 Kent County Bar Association's April 2007 meeting, the Delaware Supreme Court Pre-Admission Conference, Children's Choice foster parent training, the Joint Finance Committee's hearing for the Children's Department, and a presentation at the law firm of Connolly Bove Lodge & Hutz LLP.



OCA's display table with information for a community outreach event

OCA Professional Development

OCA Travels to Harvard Law School for Conference

In April of 2007, several OCA staff persons traveled to Harvard Law School in Cambridge, MA, to attend the American Bar Association's Center on Children and the Law Conference – Promoting Children's Interests: Preparation, Practice and Policy Reform. The conference opened by challenging the audience on how to prepare the next generation of child advocates. Throughout the three day conference, OCA staff attended workshops and plenary sessions on building law school child law programs, early childhood development, the Adoption and Safe Families Act, runaway youth, intensive early



MC Landis, Angela Fowler, Allison McDowell, Tania Culley, and Heather Williams traveled to Boston in April for a conference on Children and the Law

home visitation programs, protecting the financial assets of foster children, addressing adolescent well-being, youth aging out of foster care, concurrent planning, educational needs of children in foster care, permanency barriers, information sharing, and many other topics. A general theme of the conference was the need to more directly involve children in the court processes, from regular court attendance to assuring legal representation of children and their wishes. The conference was engaging, informative, and packed with innovative ideas for improving the child welfare and legal systems. In addition to their newfound knowledge, OCA staff also had the benefit of spending quality time together outside the office confines, creating new energy and a renewed sense of commitment to implementing change in Delaware.

Chapin Hall

In October of 2006, experts and interested conference attendees from across the country, including Angela Fowler of the Office of the Child Advocate and Martha Gregor of the Division of Child Mental Health Services (CMH), met at the University of Chicago's Chapin Hall to discuss ideas and trends relating to youth transitioning from foster care to adulthood. Multi-state data collected over the last several years was presented describing the issues faced by these young people in transition including homelessness, poverty, failure to complete high school or higher education, pregnancy, unemployment, and a host of other collateral issues. The benefits of state models wherein youth who turn 18 in foster care have the option of remaining involved with the foster care system were explored and discussed. State independent living programs and national efforts to reform such programs were also a large part of the seminar, with various states describing their efforts to better tailor services to meet the concrete needs of this population. OCA has used the information Angela obtained at this conference in various Independent Living and Alternative Planned Permanent Living Arrangement (APPLA) initiatives throughout the state.

In addition to these conferences, 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 conferences and other training opportunities, OCA staff spent more than 580 hours on professional development. Among the other trainings attended by OCA employees were:

- Finding Words training on the forensic interviewing of children alleging abuse;
- Finding a Fit to Last a Lifetime, where participants learned the skills to find the right families for children waiting for permanent homes and to prepare children and families for adoption;
- Governor's Summit on Early Childhood Education, the focus of which was on how partners could grow both public and political will to make families, early care and education programs, communities, and schools "ready," thereby cultivating children who are prepared to learn;
- Joining Forces for Delaware's Children: A State Leadership Summit on the Protection of Children, which focused on collaboration among the Courts, DFS, CMH, and the juvenile justice system;
- University of Delaware's Women's Leadership Development Program;
- Delaware State Bar Association's Rules of the Jungle: Effects of Stress on the Legal Profession seminar; and
- An in-house permanency training on the DFS permanency process, concurrent planning, recruitment, and adoption subsidy/assistance, presented to the rest of the staff by Allison McDowell.

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."

OCA interns and law clerks handled a variety of tasks. They covered Preliminary Protective Hearings each week to assist the *pro bono* attorneys who were unable to attend and to assist the Pro Bono Coordinator in making appropriate 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 privatization of child welfare services, use of the Social Security benefits of children in foster care, other states' statutes and practices regarding legal representation of children, and summer activities available to children in foster care in Kent and Sussex Counties. 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. A law student who returned to the Office for two clerkships asserted that she did so because she "loved the challenging, interesting, and worthwhile work" she did at OCA.

OCA reaches out to students in a variety of ways. In FY07, Molly Dunson attended the University of Delaware's Volunteer Fair to recruit potential interns. Molly, a graduate of the University of Delaware, also reached out to a former professor in the Individual and Family Studies (IFST) Department to become a participating agency in the IFST program's internship requirement. OCA's Deputy Child Advocates 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.

In FY07, interns and law clerks contributed approximately 2,500 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.



Legislative Advocacy

In compliance with its statutory duties, OCA both drafts legislation and advocates for its passage. Legislative initiatives come from the individual representation of child clients, the Child Protection Accountability Commission, various child protection committees, and discussions with child protection partners. Often, OCA is the agency that drafts the legislation and assists in getting the bills introduced and passed. In FY07, OCA was involved with the following legislative advocacy.

OCA Legislative Initiatives

Fiscal Year 2007 was a productive one regarding legislative initiatives on behalf of children. The Office of the Child Advocate drafted and presented for consideration to Senator Blevins what would eventually become Senate Bill 133, which provides for a presumption against custody and unsupervised visitation of children for Tier II and III sex offenders. In order to overcome the presumption, certain findings must be made by the Court. It also increases protections for children from perpetrators of domestic violence that have caused the death or near death of a child. Representative Hudson joined Senator Blevins as prime sponsor in the House, and they were later joined by numerous other legislators in support of the bill, which was passed by the General Assembly, closing an inadvertent gap in the code and increasing protections for children.

CPAC Legislative Initiatives

OCA, as staff for the Child Protection Accountability Commission, also assisted in pursuing CPAC's legislative agenda. OCA was instrumental in ensuring the passage of Senate Bill 113 with Senate Amendment 1, reducing the caseloads of DFS investigation workers from 14 to 11. Another CPAC bill, House Bill 266, was also passed, standardizing the definitions of child abuse, dependency, and neglect.

Still pending for resolution in Fiscal Year 2008 are Senate Bill 103, extending the jurisdiction of Family Court for children aging out of foster care, and Senate Bill 171, updating the law regarding mixing of dependent and delinquent children.

Policy and Procedures

OCA is mandated, pursuant to 29 Del. C. § 9005A(2), to periodically review and revise all relevant child welfare policies and procedures with a view toward expanding the rights of children. The Office of the Child Advocate is also to recommend changes in procedures for investigating and overseeing the welfare of children. 29 Del. C. § 9005A(4). In FY07, OCA spent over 175 hours on its involvement with the following efforts involving child protection policy and procedure.

Child Protection Policy Concerns Database

With the help of OCA interns, the Office was able to get its Child Protection Policy Concerns Database up and running in FY07. This database is designed to track cases of child abuse and neglect with policy concerns, so that patterns of concern can be distinguished and addressed. 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 17, 1997 to May 5, 2006. OCA interns entered data from almost 200 child abuse/neglect cases with documented policy concerns into the new database, which OCA will use to identify patterns in child protection practice and provide documentation to support those positions for which it advocates.

OCA/CASA Database

During FY06, DFS, OCA and CASA 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). These statistics 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 FY07 to assess the progress toward the attainment of legal representation for all children in state custody and to discuss ideas and policies that may help Delaware achieve that goal. The OCA/CASA Database is checked monthly against DFS records for quality assurance and to make sure no child in the system is missed.

ASFA Timelines

During the spring of 2007, OCA collaborated with Family Court to continue the assessment of ASFA compliance begun more than two 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 was lagging far behind that of Kent and Sussex, but by the end of Fiscal Year 07, all New Castle County cases had been reviewed for the year 2003.

First Star Report

In April of 2007, First Star, a non-profit organization based in Washington D.C., released its National Report Card on Legal Representation for Children. After interviewing the OCA in December of 2006, and subsequently reviewing Delaware statutes on legal representation of children, Delaware was rated as receiving a grade of F with a score of 48. In particular, First Star took issue with the fact that Delaware does not mandate legal representation for all children in State custody, that children are not more able to direct their legal representation, that children are not considered full parties to the proceedings, and that children do not have a right to be at the Family Court proceedings concerning their welfare. The authors of the report were clear that the report card was based solely on statutes and did not consider State practice; however, the report did cause OCA to take a hard look at its statutes, and the Office is conducting research on other states and considering how to: (1) better incorporate Delaware practice into law; and (2) improve Delaware's statutes to entitle children in State custody to legal representation, allowing every child in foster care to have a voice in the court process.

Child and Family Services Review

OCA staff participated in Delaware's Federal Child and Family Services Review in the Spring of 2007. Child and Family Services Reviews (CFSR) are a Federal-State collaborative effort designed to help ensure that quality services are provided to children and families through state child welfare systems. The review identifies strengths and areas needing improvement in state programs and systems, focusing on outcomes for children and families in the areas of safety, permanency, and child and family well-being.

Findings from the Delaware CFSR were based on reviews of 65 cases across the three counties, a statewide self-assessment, the state data profile, and interviews or focus groups with stakeholders, including children, parents, foster parents, child welfare agency personnel, collaborating agency personnel, service providers, court personnel, and attorneys.

OCA participated in the CFSR both as a steering committee member and as a reviewer. Allison McDowell received training prior to the review and then spent the week of the review partnered with a Federal reviewer examining three cases for compliance with the federal outcome measures. Other OCA staff were interviewed as stakeholders and to discuss cases that were randomly selected for review. The review was intense and involved long days and late nights, but ultimately translated into a multidisciplinary, collaborative assessment of Delaware's child welfare system in which OCA was happy to have taken part.

Interagency Collaboration

In addition to these policy endeavors, OCA staff participated on the various committees, subcommittees, work groups, task forces, and councils of the following organizations:

Abuse Intervention Committee
Alternative Education Taskforce
Child and Family Services Review Steering Committee
Child Death, Near Death, Still Birth Commission
Child Protection Accountability Commission
Children's Advocacy Center
Court Improvement Project
Delaware Children's Campaign
Delaware Girls Initiative
Delaware State Bar Association
Division of Family Services
Division of Family Services/Dover Police Department Joint Runaway Group
Interagency Committee on Adoption
Kent County Bar Association
Sussex County Bar Association
Terry Carey Inns of Court

OCA staff collaborate on these various entities with other agencies and partners of the child protection community in order to understand how the system is currently working, how to make the system better, and how to ensure the safety and the protection of the rights of children.



Grants and Bequests

Holiday Donations Bring Cheer to OCA Clients

Although the Office of the Child Advocate did not receive any grants in FY07, 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, Tender Loving Kare Child Care and Learning Center, the Melson-Arsht and Richard S. Rodney Inns of Court, and the law firm of Fish & Richardson P.C. 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, 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. Similarly, students and families from the Chinese American Community Center Montessori School adopted and provided gifts for each of the Deputy Child Advocate's clients. The law firm of Richards, Layton & Finger, P.A. also took it upon themselves to do a gift drive of its own on behalf of an OCA client being represented by an associate of the firm.



Melanie George Marshall delivers holiday gifts to her client, courtesy of Richards, Layton & Finger, P.A.

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



Generous donations during the holiday season were used to turn OCA's intern area into a holiday shop.

Delaware's Bankruptcy American Inn of Court

During the holiday gift drive, Delaware's Bankruptcy Inn of Court took up a collection and raised \$3,000 to contribute to OCA. The Office was astounded by this gift and quickly realized the potential for such a generous sum of money. While the amount would purchase some wonderful holiday presents, OCA felt the money could be put to better use by giving 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. Thus, OCA asked for and received the Inn's permission to put the money into its donation account and use it to give children these kinds of experiences throughout the year.

In FY07, Angela Fowler, the Kent County Deputy Child Advocate used some of the funds to help two of her teenage clients purchase the necessary supplies to compete in beauty pageants.

One of her clients had participated in local beauty pageants with minimal assistance from DFS and the group home she is in, in addition to using her own money saved from working for the past year. She then qualified for entry into the Miss Delaware Outstanding Teen contest in March. Angela used the donation money to help her buy clothes and shoes for the competition.

The other young woman is a former beauty pageant winner who has gone to nationals in these competitions and has won scholarship money in the past. Her foster parents paid her registration fees and bought her a gown and heels, and OCA was able to contribute by giving her funds for a suit and shoes.

On behalf of these girls, OCA thanks the Bankruptcy Inn again for the opportunity to give its clients this kind of experience.

In Memoriam

Ciara Andrea White
July 4, 1988 – November 15, 2006

Just before midnight on November 15, 2006, eighteen year old Ciara White succumbed to the renal cell carcinoma that she had so valiantly fought for the seven months prior.

Many of you may remember Ciara from previous OCA correspondence and fundraising efforts. Ciara was a young lady who had spent the last several years of her life in foster care only to discover her terminal cancer a few short months before her eighteenth birthday.

For those of us who were fortunate enough to have known her and endured the struggles of her last year with her, as much was gained by the experience as was lost by her death. Ciara taught all of us the beauty of love and forgiveness. She showed us that there is strength in the quiet calm that comes with



acceptance and that grace is not a quality necessarily acquired by one's years. Ciara was a truly wise and wonderful soul that left an imprint on every heart that she came across.

With the help of wonderfully devoted DFS social workers and countless donations from OCA's volunteer attorneys, we were able to ensure that Ciara experienced and enjoyed life as much as possible during her last

summer with us. She traveled to the Outer Banks of North Carolina for a beach vacation with a member of OCA's staff. She worked hard to obtain a driver's license (one of her life-long dreams) and then proudly drove all over in a car donated by a member of the Kent County Family Court's Judiciary. Ciara went to her first concert ever where she got to meet Chris Brown in person and most importantly to her, with the help of

the Make-A-Wish Foundation, traveled to Atlanta, Georgia where she was reunited with her brother, Tony. In the end, Ciara comforted those of us who grieved her loss the most. She assured us that it was ok if God could not cure her cancer because He had shown her so many other things that she never imagined. She left this world young, beautiful, and at peace. Again, thanks to the many donations made by OCA volunteers, staff and various members of the community, we were able to provide financial support sufficient for Ciara's funeral and burial in Ellendale, Delaware. The donations were so generous that we were even able to secure funds for a beautiful headstone that will forever commemorate the angel Ciara who touched so many of our lives.