Annual Report



Fiscal Year 2008

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MISSION

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

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Executive Summary

The protection of our children is a basic and compelling obligation that no agency should be expected to handle alone. In Delaware, a number of different entities, working together, are charged with establishing, maintaining, and monitoring the health, safety, and well-being of the state's abused, neglected, and dependent children.

The Department of Services for Children, Youth, and Their Families ("DSCYF"), the Department of Justice ("DOJ"), Family Court, the Office of the Child Advocate ("OCA"), law enforcement, the medical community, educators, child care providers, and others work together to shoulder the responsibility of ensuring child safety and well-being. The Child Protection Accountability Commission ("CPAC" or "the Commission") monitors Delaware's child protection system and promotes change where it identifies system needs or shortcomings, to help to ensure the health, safety, and well-being of Delaware's abused, neglected, and dependent children.

Established in 1997, CPAC fulfills its duties by holding quarterly meetings to facilitate multidisciplinary dialogue among the various state agencies and other system stakeholders. In these meetings, policy review, problem-identification, and decision-making occur. Numerous subcommittees have been formed to manage and address emerging trends and issues identified at CPAC meetings. CPAC's subcommittees meet between Commission meetings and throughout the year, as may be required. The Commission and its subcommittees then work together with their system partners to bring about the necessary reforms.

For instance, Fiscal Year 2008 saw the implementation of an Adoption and Safe Families Act ("ASFA") timelines tracking system by Family Court. The multidisciplinary, multiyear commitment to this project enabled its inception and will sustain it for years to come. Similarly, the Multidisciplinary Use of History in Decision-Making Subcommittee promulgated recommendations for concrete reform that will strengthen communication among system partners and facilitate the ready use of history in order to better safeguard Delaware's children. Additionally, CPAC member agencies persevered and continued to share ideas regarding revisions addressing custody and visitation matters among parents children, and third parties, including DSCYF.

These accomplishments highlight the dedication of Delaware's child welfare system to not only the identification of opportunities for improvement, but to their amelioration as well.



Addressing the growing number of youth fourteen years of age and older entering foster care was another opportunity for system partners to join forces in search of a solution. Members of DSCYF, OCA, the Child Placement Review Board ("CPRB"), and the DOJ developed strategies to curb the influx of dependent youth into the Division of Family Services ("DFS") system. Similarly, rectifying the caseload and workload struggles experienced by Delaware's child welfare system received much attention during Fiscal Year 2008. After CPAC's successful lobbying for reduced

Division of Family Services ("DFS") investigation caseloads in Fiscal Year 2007, alternative methods for handling treatment caseloads and workloads took center stage. Extensive research and exploration of national trends as well as the unique qualities of Delaware's child welfare system were integrated in the Subcommittee's assessment and eventual recommendations for alleviating caseload and workload issues for the Division of Family Services' treatment workers.

Streamlining guidelines and aligning them with practice were two of the outcomes of the passage of Senate Bill 171 ("SB171") which revised and updated the statutes governing the mixing of delinquent and dependent children in foster care and other placements. Additional legislative and fiscal advocacy efforts exercised by CPAC addressed four areas. CPAC strongly and successfully advocated that the DFS budget not be reduced by a staggering 5.4 million, thus avoiding the reduction of service provision by the child welfare agency. The Commission also strongly supported the addition of Behavioral Health Consultants to the Division of Child Mental Health Services' ("CMH") service array. These colocated mental health professionals would provide foster care placement support through collaboration, assessment, and referral. Despite strong support, due to its fiscal note, this initiative was not able to move forward.

Executive Summary (cont.)

Fiscal Year 2008 budgetary constraints were also responsible for the suspension of progress of Senate Bill 103 ("SB103"). Finances, however, did not curtail CPAC's on-going and ardent support for the proposed legislation which would extend the jurisdiction of Family Court over certain children in foster care to age twenty-one. A bleak financial outlook also short-circuited Commission's advocacy for training monies to assist in the fulfillment of its mandate to provide regular, multidisciplinary training.

Delaware's fiscal situation did not prevent the system from moving forward in other areas. Understanding the impact of mental health and behavioral health supports on children in foster care and their care providers, CPAC created the Mental and Behavioral Health Services to Children in Foster Care and Those Adopted out of Foster Care Subcommittee. The group researched and evaluated mental and behavioral health service provision in Delaware and plans to issue its findings and recommended blueprint for such service provision to children in, and adopted out of, foster care in early Fiscal Year 2009.

CPAC was also able to sponsor, along with the Child Death, Near Death, Stillbirth Commission ("CDNDSC"), a

multidisciplinary conference in May 2008. More than 400 child welfare professionals participated in 25 workshops addressing the prosecution, treatment and prevention of child abuse. Equally successful, was the continuation of Child Abuse and Neglect 101 ("CAN101"). Intended to address the need for basic child abuse and neglect training in the community, CAN101 made its way to Sussex County for the first time in Fiscal Year 2008 and revisited New Castle and Kent counties, reaching many people from a plethora of disciplines.

Much was accomplished in Fiscal Year 2008, but more remains to be done for Delaware's children. CPAC will continue to discharge its duties in Fiscal Year 2009 by examining policies and procedures of the child protective system and recommending change where needed; by advocating for necessary legislative reform; by accessing, developing, and providing child protection training; and by reviewing and making other recommendations as may be needed to promote the well-being of Delaware's abused, neglected, and dependent children.



Background and Purpose

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



CPAC's overall statutory mission is to monitor Delaware's child protection system to ensure the health, safety, and well-being of Delaware's abused, neglected, and dependent children.

16 Del. C. § 912(b).

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

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

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

Delaware's Child Protection System

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

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

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

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

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

By statute, fully functioning (completely trained and case-carrying) DFS investigation workers should carry no more than eleven cases, and fully functioning DFS treatment workers no more than eighteen. Over the years, CPAC has drafted and lobbied for these standards, which are codified at 29 Del. C. §9015(b)(1) and (2). CPAC will continue its lobbying efforts in Fiscal Year 2009, to reduce treatment caseloads to twelve.

In Fiscal Year 2008, DFS received 8,512 reports of child abuse and neglect. As of June 30, 2007, DSCYF was actively serving 8,069 children under the age of 21. DFS served 4,688 children, or 58% of the DSCYF total.

CPAC's core statutory responsibility is to the more than 980 abused, neglected and dependent children in the legal custody of DSCYF. Of those 980 children, 27% are ages zero to 4; 18% 5 to 9 years of age; 19% are age 10 to 13; and 37% are age 14 to 17 years of age. The children in DSCYF custody require the resources of Family Court, the Department of Justice, the Office of the Child Advocate and the Court Appointed Special Advocate Program, as well as DFS, service providers, and the community. By county, 61% of these children are in New Castle County, 21% are in Kent, and 18% are in Sussex.



The Road We've Traveled

Fiscal Year 2008 saw continued collaboration among Delaware's child welfare system partners. Commitment to furthering the knowledge of individuals within the system in addition to improving how child welfare services are delivered in the first state, was evident through the accomplishments and progress made in numerous areas under CPAC's purview.

Adoption and Safe Families Act ("ASFA") Timelines

The ASFA Timelines Subcommittee continued to gather data in an effort to evaluate Delaware's compliance with timelines for the occurrence of child welfare proceedings prescribed by the Adoption and Safe Families Act of 1997. The Subcommittee completed its manual review of every Family Court file in Kent and Sussex counties through 2006 and continued its analysis of such files in New Castle County as well. The group's work culminated in the implementation of a uniform tracking system by Family Court in December 2007.

The tracking system was developed by Family Court to capture all the information the ASFA Timelines Subcommittee determined to be critical in addition to data points not previously identified. Family Court demonstrated the tracking system to the Subcommittee and the Commission, and also obtained, through grant funding, a statistician to maintain, improve, and extract information from the database.

The Subcommittee will meet in Fiscal Year 2009 to review the data Family Court has collected, examine any prevalent trends, assess the progress with New Castle County data collection, and plan for the merging of the Subcommittee's data and Family Court's tracking system.

Third Party Custody Statutes

CPAC's multidisciplinary team continued to work on its Fiscal Year 2005 charge to develop user-friendly statutes regarding custody and visitation matters between parents and third parties, including the DSCYF. The group has worked dutifully over the last three years to develop a framework, and continues to be focused on the difficult task of crafting the various statutory sections. The Custody Subgroup has been mindful of the federal law and guidelines already in place, applying in their work both the 2007 Delaware Child and Family Services Review findings and the Adoption and Safe Families Act of 1997.

CPAC anticipates that this comprehensive new statute will be introduced to the legislature during Fiscal Year 2009.

Caseloads/Workloads

The Caseloads/Workloads Subcommittee fulfilled its charge in Fiscal Year 2008. In so doing, the Subcommittee evaluated the workloads of DFS caseworkers and made recommendations to CPAC regarding workload impacts, the DFS portal of entry for acceptance and investigation of cases, and the transfer of DFS cases where specialized treatment is needed.

The final recommendations promulgated by the Caseloads/Workloads Subcommittee are:

- CPAC recommends that the DFS treatment caseload standard be eventually lowered from 18 to 12 through a phased-in implementation of these standards beginning with Fiscal Year 2009. Legislation and a fiscal plan have been drafted in the form of SB180.
- CPAC recommends that the Subcommittee provide feedback to the Family Court regarding opportunities for improvement which the Court will then internally review.
- CPAC recommends that the portal of entry for the screening and investigation of suspected child abuse and neglect in Delaware remain as it is, and that the child protection community continue to educate professionals and the public on the reporting of suspected child abuse and neglect.
- 4. CPAC's Caseloads/Workloads Subcommittee recommends that concurrent with a reduction of DFS treatment caseloads from 18 to 12, the Division of Family Services, along with its stakeholders and system partners, foster its Public/Private Community Partnerships with the goal of contracting out all the intact family treatment cases to the private sector. In order to effectuate this change, the Subcommittee recommends once the fiscal climate improves which will enable funding of this recommendation, that a workgroup be convened, comprised of child welfare system stakeholders and those with relevant expertise, to establish the guidelines by which the PPCP will operate in Delaware.

The reduction of DFS treatment caseloads from 18 to 12 was addressed with the introduction of Senate Bill 180 ("SB180"). Despite strong support and advocacy by CPAC and its system partners, SB180 was not passed in Fiscal Year 2008 due to the challenging state financial climate.

The Road We've Traveled (cont.)

Training Endeavors

Training by system partners was offered throughout the state and throughout the Fiscal Year in order to educate those within and those interfacing with Delaware's child welfare system.

Fiscal Year 2008 began with Child Abuse and Neglect 101 ("CAN101"), a comprehensive, multidisciplinary training on child abuse and neglect, finding its way to Sussex County. The two-day curriculum on September 19 and 20, 2007 as well as on February 27 and 28, 2008 in New Castle County and June 17 and 18, 2008 in Kent County, reached many community partners, including DSCYF staff, police officers, CASAs, attorneys, school and daycare personnel, medical professionals, and the advocacy community thus ensuring consistent and comprehensive education on child abuse and neglect.

Similarly, CPAC partnered with the Child Death, Near Death & Stillbirth Commission ("CDNDSC") to sponsor a two-day conference 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 welfare system. The pairing of the national and local perspectives fostered information sharing, collaboration, and ingenuity over the course of the two-day conference.

Mental and Behavioral Health for Children in Foster Care and Those Adopted Out of Foster Care

The Mental and Behavioral Health Services to Children in Foster Care Subcommittee, an outgrowth of both the CPAC Foster Care Subcommittee and the Mental Health Assessments Subcommittee, worked diligently throughout Fiscal Year 2008 to research, evaluate, and develop recommendations regarding how mental and behavioral health services are delivered to children in and adopted out of foster care in Delaware.

The Subcommittee was charged with examining how mental health and behavioral health services are delivered to children in and adopted out of foster care, assessing the continuum of



providers, services, and resources for same, and making recommendations as necessary for change.

The Subcommittee, through a variety of presentations, gathered information about Delaware's mental and behavioral health system. Representatives from the Division of Medicaid and Medicaid Assistance, service providers, the Division of Child Mental Health Services, and the Child Welfare League of America provided valuable information and suggestions for a child mental and behavioral health provision blueprint in Delaware.

Additionally, testimony was taken from those who interact with the system about their experiences navigating, accessing, and receiving services from Delaware's mental and behavioral health system. Barriers identified include, but are not limited to, an insufficient provider pool, scarce (7%) DFS referrals to CMH, and the reality that children in and adopted out of foster care have much greater and more complex needs than the rest of the population. The Subcommittee also learned that not only is the population about whom they are researching and advocating the smallest group of children receiving mental health services, but the one that uses the greatest amount of resources as well.

With the conclusion of months of presentations and testimony, the Subcommittee plans to advance the recommendations which have arisen from the wealth of information gathered in the form of a final report to be issued in early Fiscal Year 2009.

The Road We've Traveled (cont.)

Collaborative Initiatives

In addition to the joint conference, CPAC and CDNDSC continued their collaborative affiliation throughout Fiscal Year 2008. Meeting on October 12, 2007 and again on April 18, 2008, the two groups examined the progress made by the existing action groups and/or subcommittees on the four core areas identified by the joint commissions in Fiscal Year 2006: DFS Caseloads/Workloads, Standardized Definitions of Neglect throughout the Delaware Code, Safe Sleeping Practices/Sudden Infant Death Syndrome, and Multidisciplinary Use of History in Decision-Making.

The Joint Commission Subcommittee on the Multidisciplinary Use of History in Decision-Making was established to address one of the core areas identified by the joint commissions. Made up of representatives of numerous system partners, the group forged new paths through the work of its subgroups, the Chronology of History Subgroup and the Information Sharing Subgroup.

The Chronology of History Subgroup, addressing the need for a comprehensive summary of previous DFS case activity, child-specific information, parental history, service provision, case outcome information, and placement history, developed a framework for a new Family and Child Tracking System ("FACTS") event in which the aforementioned information would be either manually or electronically entered. The subgroup recommended that DSCYF/DFS submit a budget initiative for this FACTS upgrade; however, due to fiscal constraints, the recommendation could not move forward in Fiscal Year 2008.

Like the Chronology of History Subgroup, the recommendations of the Information Sharing subgroup addressed the need to share information among entities in order to protect children from abuse and neglect while recognizing the rights of the family and its individual members. The group suggested that DFS provide the appropriate school personnel with defined, pertinent information regarding children they report to the Child Abuse Report Line. Furthermore, the group suggested that DFS share similar information with the Department of Public Health ("DPH") when DPH is involved with the child who is subject to an abuse/neglect report. Finally, the need to ensure timely feedback to reporters was reinforced through the subgroup's final recommendations.

The Multidisciplinary Use of History in Decision-Making Subcommittee proposed that possible collaboration

regarding child safety in relation to the Delaware Information Health Network be explored as well as how other child welfare system partners utilize history in decision-making.

CPAC's commitment to interagency and interdisciplinary collaboration was also evident as Delaware's child welfare system pulled together to proactively address the threats to child welfare service provision in the face of potential budget cuts.

In April 2008, representatives of DSCYF, Family Court, OCA, the DOJ, the CPRB, and the child advocacy



community joined forces to examine and address the demands and opportunities facing the child welfare system.

After a review of the number of children in the legal custody of DFS, the percentage of those whom are fourteen years of age and older, and the reasons for their entry into foster care, the multidisciplinary group discussed strategies to reduce the number of youth who enter foster care due to parental refusal of custody at criminal hearings. In addition to discussion of front-end solutions including the utilization of Family Court liaisons, child support enforcement, and strengthening the abandonment statute to include the abandonment of youth fourteen years of age and older, the child welfare system partners engaged in a dialogue about back-end strategies, specifically, DFS board extensions and what criteria should be applied when determining which youth are eligible.

The Road We've Traveled (cont.)

Fiscal and Legislative Advocacy

During Fiscal Year 2008, CPAC engaged in advocacy on five critical issues. The Commission vigorously and successfully lobbied for the DFS budget to not be reduced by a staggering 5.4 million dollars for Fiscal Year 2009 thus avoiding the inevitable reduction of service provision by the child welfare agency. CPAC's efforts, in partnership with DFS and other system partners, resulted in the legislature increasing DFS' Fiscal Year 2009 budget by 4 million dollars.

CPAC also advocated for behavioral consultants as recommended in the 2001 Governor's Foster Care Task Force Report. The DSCYF initiative would employ behavioral consultants, co-located with DFS employees, to assist with placement stabilization of children living in foster care. With a fiscal note of \$187,500, the behavioral consultants initiative was removed from the Fiscal Year 2009 budget request despite the fervent support for its eventual approval.

Similarly, CPAC advocated for extending the jurisdiction of Family Court in the form of Senate Bill 103 ("SB103"). SB103 creates a procedure by which youth in foster care turning 18 years of age and found to be amenable to such assistance have the ability to request the extension of jurisdiction of the Family Court and the Department of Services for Children, Youth and Their Families to supplement their own efforts to transition from adolescence to adulthood. Unfortunately, Delaware's fiscal climate prohibited the passage of SB103, but steadfast commitment remains to ensuring its implementation.

In furtherance of its mandate to provide regular, multidisciplinary training, CPAC requested, but did not receive legislative approval, for the Fiscal Year 2009 budget to include \$100,000 for CPAC to support the Finding Words™ program along with additional multidisciplinary training opportunities.

On March, 22, 2008, Senate Bill 171 ("SB171") was signed by Governor Minner. SB171 revised and updated many provisions of Delaware's mixing law, including specifying how a court order for mixing should be obtained, allowing for the provisional mixing of certain children so that needed placements are not delayed,

more closely specifying the category of delinquents for whom a court order for mixing is required to include more serious offenses, permitting designees of division directors to certify the mixing requirement, and bringing the standard for mixing in line with the practicalities of the decisions. These changes will streamline the law, making it less cumbersome, while adding new protections and preserving significant safeguards for the safety of children.



The Path Forward

Delaware's child protection system has come a long way. CPAC and its invested system partners have dismantled antiquated manners by which at-risk families were served and crafted new, innovative mechanisms to afford protection to the First State's children.

The collaboration between CPAC and Family Court has increased exponentially over the past decade. Their investment in the children who reside in foster care has been remarkable and is evidenced by the ASFA Timelines tracking system implementation and the on-going partnership between the Family Court and the ASFA Timelines Subcommittee. Information will continue to be shared in order to build the most efficient, permanency-focused court review system possible.

The system's ability to meet the ASFA Timelines depends, in large part, on the structure in which child protection takes place. The Third Party Custody Statutes Subgroup aims to enhance and create the guidelines necessary to meet the needs of at-risk children, while recognizing the rights of the family and its individual members and the need to meet federal funding requirements. CPAC anticipates that this comprehensive statutory update will be introduced and passed in Fiscal Year 2009.

Fiscal Year 2009 will also bring with it new opportunities to advocate for other necessary modifications to Delaware's child protection system. Reducing DFS treatment caseloads from 18 to 12 is a critical step towards managing the workload associated with child protection in Delaware. Concurrent with the caseload reduction will be the proposal that Public/Private Community Partnerships be explored to provide intact family treatment services to at-risk Delawareans. Advocacy for these steps toward a less unwieldy and more community-based child protection system will include fiscal lobbying, building of political will, and community investment.

Commitment to change often takes place only after those responsible for making the change are educated about the need for adjustment and the possible mechanisms for change. CPAC hopes to partner again with CDNDSC to offer a joint conference focusing on prevention, identification, and treatment of child abuse and neglect. Furthermore, CPAC envisions opportunities to expand upon CAN101 by offering similar trainings focused on Delaware's education system and mental health services for children, respectively.

Mental and behavioral health will be one of the focal points of Fiscal Year 2009 as the recommendations of the Mental and Behavioral Health for Children in Foster Care are released. CPAC anticipates both broad and specific proposals for change and is confident in the abilities and commitment of Delaware's child welfare system to effectuate the necessary reforms.

While Delaware's children deserve much more than what the current child protection system is able to provide them, the service provision they experience is the envy of the nation. The road Delaware's child welfare system has traveled to arrive at the dawn of Fiscal Year 2009 in its current state has not been without its barriers. However, the journey has been a joint venture of enlightenment, encouragement, and accomplishment; all leading to the next steps which must be taken to ensure a brighter future for Delaware's children and a stronger community in which to nurture them.



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