

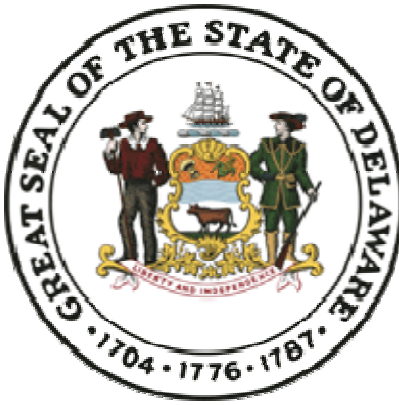
STATE OF DELAWARE

**Child Protection
Accountability Commission**



**Fiscal Year 2007
Annual Report**
(July 1, 2006 – June 30, 2007)

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The Honorable Ruth Ann Minner, Governor
State of Delaware

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

MISSION

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

State of Delaware
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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, 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 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. The Commission and its subcommittees then work together with their system partners to bring about the necessary reforms.

For instance, during Fiscal Year 2007 Child Abuse and Neglect 101 was introduced. The program is a product of the CPAC Training Subcommittee, intended to address a previously unmet need for basic child abuse and neglect training in the community. Similarly, in collaboration with the Child Death, Near Death, and Stillbirth Commission ("CDNDSC"), CPAC and its subcommittees have embarked upon numerous core improvements in areas including child protection caseloads and workloads, standardized definitions of child abuse, neglect, and dependency, safe sleeping practices, and the multidisciplinary use of history in decision making.

Also during Fiscal Year 2007, CPAC drafted and lobbied for the adoption of four major pieces of child welfare legislation. The first was a bill lowering the statutory maximum number of cases that may be handled by an individual caseworker within the Division of Family Services ("DFS"). The second bill was to revise and update statutes governing the mixing of delinquent and dependent children in foster care and other placements. The third was legislation extending the Family Court's jurisdiction over certain children in foster care to age twenty-one. The fourth addressed the standardization of definitions of child abuse, neglect and dependency throughout the Delaware Code. Though not complete, success was achieved in the General Assembly in each of these areas during Fiscal Year 2007. More work, and we believe more success, will follow next year.

Partnering with the Family Court, DFS and other system participants is at the core of the work of the Commission. Through the Adoption and Safe Families Act ("ASFA") Timelines Subcommittee, the Foster Care Subcommittee, and the Custody Subgroup, CPAC has promoted and tracked reform in numerous areas. For example, Family Court initiated its tracking of current ASFA compliance in Fiscal Year 2007, after several years of work to determine its compliance baseline. Following advocacy at CPAC, group care and other specialized foster care contracts were put into place by DFS for New Castle County to address the specialized needs of hard to place youth in DSCYF custody, while a multidisciplinary group of child welfare partners worked together to research and begin the drafting of statutes that will address custody and visitation matters among parents, children and third parties, including DSCYF.

While it is DFS that is charged with investigating child abuse and neglect, when the Commission examines a near death case, as Delaware's citizen review panel, the entire child welfare system is scrutinized. In Fiscal Year 2007, CPAC released two near death reports, along with recommendations for system improvement.

Much was accomplished in Fiscal Year 2007, but much more remains to be done for Delaware's children. CPAC will continue to discharge its duties in Fiscal Year 2008 by examining the policies and procedures of the child protective system and recommending change where needed; by advocating for necessary legislative reforms; 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)):

1. 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;
3. Advocate for legislation and make legislative recommendations to the Governor and General Assembly;
4. Access, develop, and provide quality training to staff of the Division of Family Services, Deputy Attorneys General, Family Court, law enforcement officers, the medical community, educators, day care providers, and others on child protection issues; and
5. Review and make recommendations concerning the well-being of Delaware's abused, neglected, and dependent children including, but not limited to, issues relating to foster care, adoption, mental health services, victim services, education, rehabilitation, substance abuse, and independent living.

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

Child Protection Today in Delaware

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 provides legal representation in the civil arena to DSCYF, which houses the child welfare agency, and in the criminal division 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.

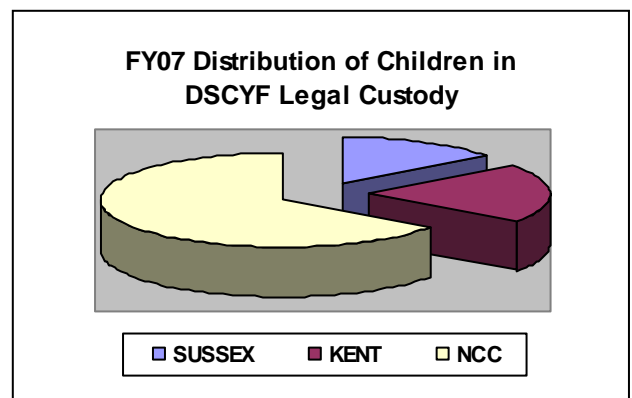
Intertwined throughout the system is DFS, which is charged by statute with investigating all institutional and intra-familial allegations of child abuse and neglect in Delaware. DFS is required to provide treatment services, when warranted, to children and families in need. DFS is a division of DSCYF, which also houses two other operating divisions that provides 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 2008, to reduce treatment caseloads to twelve.

In Fiscal Year 2007, DFS received 7,273 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 1,160 abused, neglected and dependent children in the legal custody of DSCYF. Those 1,160 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 and service providers. By county, 63% of these children are in New Castle County, 18% are in Kent, and 18% are in Sussex.



CPAC Membership

The Commission has numerous statutory duties, with no one duty more important than another. To accomplish its objectives, CPAC requires representation and active participation from all of its partners. These include CPAC's Commissioners, Proxies and Designees, who come from all parts of the child welfare system. The Delaware Child Advocate serves the Commission as its Executive Director, and OCA provides staffing that is essential if the Commission is to fulfill its statutory mission.

Accountability is the motivating force behind the Commission's accomplishments. Bringing the members together in a public forum on a quarterly basis allows for candid, insightful, and productive discussions, which have led to a number of reforms during Fiscal Year 2007, and numerous initiatives slated for completion in the next few fiscal years.

The partners who served on the Child Protection Accountability Commission during Fiscal Year 2007 are:

Statutory Role	Name/Title
Secretary of the Department of Services for Children, Youth, and Their Families 16 <u>Del. C.</u> § 912(a)(1)	The Honorable Cari DeSantis Secretary, Department of Services for Children, Youth, and Their Families Designee Mary Ball Morton Administrator, Office of Case Management, Department of Services for Children, Youth, and Their Families Designee Karen Triolo Administrator, Office of Case Management, Department of Services for Children, Youth, and Their Families
Director of the Division of Family Services 16 <u>Del. C.</u> § 912(a)(2)	Carlyse A. Giddins Director, Division of Family Services
Two Members of the Family Court 16 <u>Del. C.</u> § 912(a)(4)	The Honorable Chandlee Johnson Kuhn Chief Judge, Family Court The Honorable Jennifer Mayo Commissioner, Family Court The Honorable Joelle Hitch Judge, Family Court

<p>Two Representatives from the Department of Justice 16 <u>Del. C.</u> § 912(a)(3)</p>	<p>The Honorable Joseph R. Biden, III Attorney General</p> <p>The Honorable Carl Danberg <i>Former</i> Attorney General</p> <p>Peter Feliceangeli, Esquire Deputy Attorney General, Department of Justice</p> <p>Patricia Dailey Lewis, Esquire Director, Family Division, Department of Justice</p> <p>Designee Mariann Kenville-Moore Director, Victim Services, Department of Justice</p>
<p>One Member of the House of Representatives 16 <u>Del. C.</u> § 912(a)(5)</p>	<p>The Honorable Pamela Maier State Representative, House of Representatives</p> <p>Designee The Honorable Melanie George Marshall State Representative, House of Representatives</p>
<p>One Member of the Senate 16 <u>Del. C.</u> § 912(a)(6)</p>	<p>The Honorable Harris B. McDowell, III State Senator, Senate</p> <p>Designee The Honorable Patricia Blevins State Senator, Senate</p>
<p>Chair of the Child Placement Review Board 16 <u>Del. C.</u> § 912(a)(7)</p>	<p>William L. Murray Chair, Child Placement Review Board</p> <p>Designee Julia Pearce Executive Director, Child Placement Review Board</p>
<p>Secretary of the Department of Education 16 <u>Del. C.</u> § 912(a)(8)</p>	<p>The Honorable Valerie Woodruff Secretary, Department of Education</p> <p>Designee Joanne Miro Education Associate, Homeless Children, Department of Education</p> <p>Designee Dr. Martha Brooks Associate Secretary for Curriculum and School Improvement, Department of Education</p>

Director of Child Mental Health Services 16 <u>Del. C.</u> § 912(a)(9)	Susan Ccyk, M.Ed. Director, Division of Child Mental Health
At-large Member – Medical Community 16 <u>Del. C.</u> § 912(a)(10)	Allan DeJong, M.D. Medical Director, Children at Risk, CARE Program, DuPont Hospital for Children
At-large Member – Interagency Committee on Adoption 16 <u>Del. C.</u> § 912(a)(10)	Mary Lou Edgar Member of Interagency Committee on Adoption
At-large Members – Law Enforcement 16 <u>Del. C.</u> § 912(a)(10)	Colonel Thomas F. MacLeish Superintendent, Division of Delaware State Police Designee Sergeant Randy Fisher Division of Delaware State Police Law Enforcement Vacancy Designee Detective Patricia Davies New Castle County Police Department
At-large Members – Child Protection Community 16 <u>Del. C.</u> § 912(a)(10)	The Honorable Peggy Ableman Judge, Superior Court C. Malcolm Cochran, IV, Esquire CPAC Chair Randall Williams Executive Director, Children’s Advocacy Center Janice Mink Citizen Alvin Snyder Citizen

Making a Difference

The achievements of Fiscal Year 2007 are not CPAC's alone to claim. All involved in the system, as well as in Delaware's communities, recognized the needs and took ownership of the opportunities to make a difference on behalf of the children of Delaware. To that end, the Commission facilitated training endeavors, collaborative initiatives, fiscal advocacy, and the completion and issuance of near death case reviews and recommendations.

Training Endeavors

In the Spring of 2006, CPAC's Training Subcommittee, consistent 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 and then developed training for both DSCYF staff and the community.

The subgroup unveiled its two-day curriculum on February 13, 2007 in New Castle County to over fifty participants. The program addressed the definitions of child abuse and neglect and other associated terminology, along with common legal issues encountered in the child welfare system. The training was offered again in Kent County on May 21 and 22, 2007, with the Sussex County session planned for early Fiscal Year 2008. During each of the two day trainings, participants had the opportunity to learn about child abuse and neglect through lectures and panel presentations, and by following a child's case through the child welfare system.

The CAN 101 training reached many community partners, including DSCYF staff, police officers, CASAs, attorneys, school personnel, nonprofit organizations, the domestic violence community, the faith community, the advocacy community, the medical community, the Department of Justice, and service providers. CAN 101, as both a multidisciplinary training tool and one for individual entities, ensures consistent and comprehensive education on child abuse and neglect.

Looking Ahead: Planning has begun for a joint multidisciplinary conference between CPAC and CDNDSC in the Spring of 2008. In addition, the CPAC Training Subcommittee hopes to improve and publicize the various training programs statewide, through the use of a comprehensive, user-friendly website.

Collaborative Initiatives

CPAC and CDNDSC continued their collaborative affiliation throughout Fiscal Year 2007. Meeting on October 6, 2006 and again on May 4, 2007, the two groups examined the progress made by the existing or newly formed 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 quickly discovered that removing the barriers

"I am of the opinion that my life belongs to the community ...and as long as I live, it is my privilege to do for it whatever I can."

George
Bernard
Shaw

and silos, and building upon best practice, while also protecting individual rights, would require intense dedication by smaller, more focused subgroups. Hence, the Chronology of History Subgroup and the Information Sharing Subgroup were created.

The Chronology of History Subgroup was charged with addressing the need for a comprehensive summary of previous case activity, information about a child, parental history, service provision information, case outcome information, and placement history. The group developed a suggested format for a Family and Child Tracking System (“FACTS”)¹ event that would be both electronically and manually updated at prescribed points in the life of a case. Such a process would make historical information more accessible, resulting in a greater likelihood that it would be reviewed and utilized by subsequent workers, child representatives, and other decision makers.

The goal of the Information Sharing Subgroup was to develop policy recommendations related to information sharing among entities in order to protect children from abuse and neglect while recognizing the rights of the family and its individual members. The subgroup focused throughout Fiscal Year 2007 on what information can be shared and is needed to keep children safe; with whom the information can be shared; and the methods for sharing information. Through a review of federal and state laws, as well as agency policies and practices, the subgroup discovered what barriers existed and developed recommendations to address them.

Looking Ahead: The Joint Commission Subcommittee on the Multidisciplinary Use of History in Decision Making will continue its work, as it evaluates the recommendations produced by its subgroups. The Subcommittee hopes Fiscal Year 2008 will bring the implementation of concrete reforms that will facilitate the ready use of history in order to better safeguard Delaware’s children.

Fiscal Advocacy

During Fiscal Year 2007, CPAC engaged in advocacy on three critical fiscal issues, in an effort to improve service delivery to children, youth and their families in Delaware. First, the Commission drafted and lobbied for Senate Bill 113 (“SB113”), to amend Title 29 of the Delaware Code by reducing caseload standards for DFS caseworkers. Through the bill, CPAC proposed the three year reduction of treatment caseloads from eighteen to twelve, with a first year cost of \$693,000, along with the fiscally neutral reduction of investigation caseloads from fourteen to eleven. A more detailed discussion of the work of the Caseloads/Workloads Subcommittee can be found on page ten.

Additionally, CPAC drafted legislation and advocated for funding to extend the jurisdiction of the Family Court over certain children in foster care to age twenty-one. Senate Bill 103 (“SB103”) would establish a mechanism for Family Court to have continued oversight of services provided to certain children as they “age out” of foster care. The CPAC chair and members of the CPAC Extended Jurisdiction Subcommittee testified before the Joint Finance Committee in support of a DFS request for \$837,000 to assist in the transition of these children to adulthood. For more information about the work of the Extended Jurisdiction Subcommittee, please see page eleven.

In furtherance of its mandate to provide regular, multidisciplinary training, CPAC also advocated for \$100,000 to support the Finding Words™ program² along with additional multidisciplinary training opportunities, including plans for a Fiscal Year 2008 multidisciplinary conference.

¹ FACTS is the information management system in which all DSCYF case activity is documented.

² Finding Words™ is a multidisciplinary forensic interviewing training program intended for prosecutors, law enforcement officers, child protection caseworkers, and forensic interviewers. The goal of Finding Words™ is to teach

Looking Ahead: With tight financial times, CPAC was only successful in achieving fiscally neutral endeavors (such as the reduction of investigation caseloads). The Commission will continue its work on these important fiscal initiatives in Fiscal Year 2008.

Adoption and Safe Families Act (“ASFA”) Timelines

The ASFA Timelines Subcommittee continued its manual review of every Family Court file in New Castle County from calendar year 2002 through 2006, to evaluate Delaware’s compliance with ASFA timelines.³ Based on the data gathered, the compliance rates for achieving permanency were lower than anticipated and served as the impetus for a remarkable collaborative and dedicated effort by Family Court to address the matter. Specifically, through this Subcommittee the Family Court agreed to pilot a data tracking system with a subgroup of the judges. The pilot resulted in statewide support for the implementation of a uniform ASFA tracking system in Fiscal Year 2008.

Looking Ahead: As Family Court begins the implementation phase of its ASFA tracking system, the Subcommittee is committed to supporting the project’s success and partnering with the Court to analyze data and enhance outcomes for children in foster care.

Caseloads/Workloads

The mission of the Caseloads/Workloads Subcommittee is to evaluate the workloads of DFS workers, and to provide recommendations to CPAC for change, as appropriate. In so doing, the Subcommittee is to take into account the workloads of the Courts, the Department of Justice, OCA and others. The Subcommittee has considered, among other things: (i) a local workload study, (ii) the DFS portal of entry for acceptance and investigation of cases and, (iii) the transfer of DFS cases where specialized treatment is needed.

“Stop thinking in terms of limitations and start thinking in terms of possibilities”

Terry Josephson

The Caseloads/Workloads Subcommittee examined ways in which a workload study could be completed in Delaware to determine not only what the current child protective workload is, but also how many hours are required to manage a case per month. After consulting with several states about their workload studies, the group concluded that the resources needed for a comprehensive study, of the type conducted in other states, are not available in Delaware. As an alternative, the Subcommittee adapted a 2004 Delaware caseworker time allocation study and workload studies from other states to approximate the workload and the time needed per month to manage both an investigation case and a treatment case. Given this data, along with information on the impact of federal and state mandates that have targeted child safety, permanency and well-being, the Subcommittee recommended that investigation caseloads be set no higher than eleven, and that treatment caseloads be set at twelve. These standards will require the addition of thirty-one new treatment positions, but no new investigation positions, at current workload levels.

the teams to work together throughout the investigation, from receipt of the initial report to the interview of the child and to prosecution, when appropriate.

³ The Adoption and Safe Families Act of 1997 requires that child welfare proceedings occur within specified time frames, to ensure timely permanency for children.

The Caseloads/Workloads Subcommittee also researched how other states handle the portal of entry for referrals. The research indicates that Delaware is in the top tier of states in terms of the percentage of total reports accepted for review, which the group determined to be of importance in monitoring child safety in Delaware. Narrowing the portal of entry for acceptance and investigation of cases by DFS was determined not to be in the best interests of Delaware's children. After considering the workload study and the portal of entry, the Subcommittee issued an interim report to support legislative action. It then began considering privatization of child welfare services, and the workloads of other system partners.

The work of the Subcommittee culminated in the introduction of Senate Bill 113 ("SB 113"). As originally introduced, SB 113 sought to reduce investigation caseloads from fourteen to eleven with no fiscal impact and to reduce treatment caseloads from eighteen to twelve with a fiscal note of \$692,800 in Fiscal Year 2008 and \$1,774,700 in Fiscal Year 2009. As a result of the fiscal impact, the bill provided a three year phased-in fiscal plan, which was consistent with federal and state mandates for safety, permanency and well-being. The plan would also allow for privatization, if determined appropriate, rather than requiring an increase in state positions.

With Delaware's current tight fiscal climate, SB113 passed with an amendment removing the references to treatment caseloads (and hence the fiscal impact). The bill, as adopted, successfully lowers investigation caseload standards from fourteen to eleven.

Looking Ahead: While lowering DFS investigation caseloads from fourteen to eleven was a significant accomplishment, the work of the Caseloads/Workloads Subcommittee is not complete. The treatment caseloads bill was re-submitted and placed in position for consideration next year, as Senate Bill 180 ("SB180"). Much focus will be placed on the passage of this legislation, and on the development of recommendations regarding privatization of child welfare services generally in Delaware.

Child Abuse, Neglect and Dependency Definitions

The first near death report, issued by CPAC in 2005, included a recommendation that the statutory definitions of neglect be reviewed and standardized throughout the Delaware Code, and a recommendation that history be included as a basis for findings of abuse or neglect⁴. The Definitions Subgroup was created to address these objectives as well as the standardization of the definitions of abuse and dependency. In the course of its work, the group looked at the wording of each definition and sought to define other terms such as care, custody and control, exploitation, mistreatment, maltreatment, sexual abuse and emotional abuse all as they relate to acts committed against children. The result of the extraordinary effort of the Definitions Subgroup was House Bill 266. Among the highlights of the legislation are provisions allowing for consideration of history when making a determination as to whether a child is dependent or neglected. Further, the definition of "neglect" allows for findings of neglect based on chronic and severe abuse of alcohol, with an exception built in for those who are compliant with treatment. Lastly, the term "adequate care" was replaced with "necessary care" although the definition remains the same.

The subgroup's work has concluded, but its impact will be far reaching. Consistent and uniform definitions eliminate confusion about the magnitude of child maltreatment and allow for the collection of data that better gauges the scope of the problem and the effects of prevention and treatment programs.

⁴ In the Matter of John Davis, Jr. Child Protection Accountability Commission. State of Delaware. May 3, 2005.

Looking Ahead: In Fiscal Year 2008, partners will need to update forms, resources, and training presentations to include the new definitions.

Extended Jurisdiction

The child protection community previously operated under the assumption that once a child in DSCYF custody had the goal of “another permanent planned living arrangement” (“APPLA”), all of the youth’s needs were being met. The 2007 Federal Child and Family Services Review concluded, however, that Delaware’s children in foster care are often ill-prepared to live independently upon achieving the age of majority. Not infrequently, on the day of their 18th birthday, necessary services and supports that have been in place for these children for years are discontinued, without appropriate transition. The judiciary in Delaware is currently without the power to bring about a different outcome.

The Extended Jurisdiction Subcommittee has labored for several years to arrive at a solution for those youth who need continued Family Court oversight after they reach the age of majority. CPAC asked the Subcommittee at the conclusion of Fiscal Year 2006 to draft legislation to extend Family Court oversight in these cases. The Subcommittee reviewed extended jurisdiction statutes in other states and analyzed the advantages and disadvantages, as well as the fiscal and workload impacts.

The result of this process was Senate Bill 103, which establishes a procedure by which youth in foster care turning 18 and found by the Family Court to be amenable to such assistance would have the ability to request the extension of jurisdiction by the Family Court and DSCYF. The assistance would be intended to supplement the young adult’s own efforts in transitioning from adolescence to adulthood. The bill was drafted to ensure compliance with the Federal Chafee legislation by complementing the individual efforts of the young adult (addressed in the bill as an “emancipated assisted person”) in making successful transitions in areas of housing, medical coverage, education, employment and training, among others. To further assist the young adult, the bill would allow for ongoing involvement of a guardian *ad litem* through either the OCA or the CASA program.

“The gem cannot be polished without friction.”

Chinese Proverb

The Extended Jurisdiction Subcommittee struggled with numerous issues, including how to interact with individuals who are not children, but who are not yet able to function independently; criteria for qualification for services; what services would be provided and by whom; under what circumstances would services be terminated; and what the fiscal limitations would be. CPAC agreed to support a DFS request for \$837,000, to assist in attending to the needs of this group.

Members of CPAC, its Chair, and its Executive Director testified before the Joint Finance Committee and lobbied for the passage of the legislation. When the bill stalled due to fiscal constraints, the members of CPAC rallied to determine what steps could be taken to move the legislation forward. The Commission explored the evolution of the fiscal projections, as well as data collection and performance measurement components.

Ultimately, Senate Bill 103 was not adopted before the end of the legislative session, but the Extended Jurisdiction Subcommittee and CPAC remain committed to the passage of this law.

Looking Ahead: The Extended Jurisdiction Subcommittee is working with the General Assembly, as well as the agencies these provisions impact, to resolve the issues and concerns that led to the delay in the bill’s passage.

Foster Care

In Fiscal Year 2007, the Foster Care Subcommittee focused on the need for additional foster care resources--particularly for difficult to place populations--understanding caseload issues, and exploring resource needs as they relate to the 2001 Governor's Task Force recommendations.

Following up on CPAC's Fiscal Year 2006 advocacy for group home services for youth in foster care in New Castle County, the Foster Care Subcommittee continued in its effort to secure this piece of the resource continuum. In particular, challenging and complex youth remain difficult to place and resources are such that DFS has not always been in a position to provide placements best suited to the needs of this population, particularly in New Castle County. As a result, by early 2007 fifty-eight teens from New Castle County were residing in Kent and Sussex county placements, relatively far from their families and communities, due to lack of placement resources in New Castle County.

CPAC, and its Foster Care Subcommittee, engaged in dialogue on the issue with DSCYF, which, recognizing the need, approved the issuance of a request for proposal in the amount of \$1,000,000 to secure the additional specialized resources needed for New Castle County. The Chair of CPAC participated as a member of the bid review team, and in the process of selecting the prevailing group care and other adolescent foster care proposals for New Castle County.

During Fiscal Year 2007, members of the Subcommittee collaborated with DFS and the Office of the Child Advocate to reconcile discrepancies between the number of children in foster care and the number of children in the legal custody of DFS. Determining the meaning of each number has allowed for a greater understanding of the true impact of each system partner's workload and the ensuing need for additional resources.

The Subcommittee then reviewed the 2001 Governor's Task Force report on Foster Care and determined that resources to support foster parents remained an issue.⁵ Supporting foster parents is critical to retaining them, and the supports identified in the Governor's Task Force Report that were viewed as most important in this regard were behavioral specialists and after hours crisis support. The Foster Care Subcommittee explored the cost and learned that CMH was unsuccessful in its Fiscal Year 2007 request for funds for these services, notwithstanding support for the request from DFS. Since the additional supports deemed necessary for successful foster parenting are mental health related, CPAC determined that the best path forward would be to re-focus the mission of the Foster Care Subcommittee. As restructured the new subcommittee has been combined with the Mental Health Assessments Subcommittee, and will focus on mental health and behavioral issues that arise for children in foster care. The new subcommittee will be called the Mental and Behavioral Health Services to Children in Foster Care Subcommittee.

Mental Health Assessments for Children in Foster Care

In the spring of 2006, DSCYF began providing mental health assessments to every child who enters foster care between the ages of four and seventeen. These assessments, provided by a contracted agency, screen children for mental health treatment and, if indicated, refer them to an appropriate outpatient mental health provider. In Fiscal Year 2006 seventy-five children were identified for screening. One third were not screened for various reasons, but ninety-four percent of the children screened were recommended for outpatient mental health treatment. Ninety-two percent entered

⁵ The 2001 Governor's Foster Care Task Force report can be found at:
http://governor.delaware.gov/publications/0601foster_care.shtml

treatment prior to discharge from the screening project, and preliminary data through early calendar year 2007 indicates that seventy-three percent of the children are continuing through treatment, attending, on average, 7.8 sessions.

The Subcommittee, through advocacy and commitment from those involved in the child welfare system, accomplished its goal of affording mental health assessments to children in foster care. Doing so, however, has opened the door to other issues. A DFS policy change has eliminated DFS payment for certain mental health services, causing tension in all segments of the child welfare system. Recognizing the need for pro-active, comprehensive mental health services for children in DFS custody, CPAC established the Mental and Behavioral Health Services to Children in Foster Care and Those Adopted Out of Foster Care Subcommittee. The Subcommittee has been charged with two objectives. First, it is to examine how mental and behavioral health services are delivered to children in foster care and those adopted out of foster care and make recommendations as necessary for change. Second, the Subcommittee is to examine the continuum of providers, services and resources for these children and make recommendations as necessary for change. There was great passion expressed about and much enthusiasm for participation on this Subcommittee, as many hope to make a difference in the way mental health services are delivered to children in foster care and those adopted out of foster care in Delaware.

Mixing

During Fiscal year 2006, DFS raised with CPAC a variety of concerns regarding the mixing of children who have been found to be delinquent with those who are in DFS custody because they are dependent. In particular, DFS voiced concern regarding the provisions of Delaware's "mixing statute," portions of which were unclear or inconsistent with current practice in allowing dependent and delinquent children to reside together. CPAC referred the matter to its Legislative Subcommittee which, in turn, formed a Mixing Subgroup, for review.

Over the course of Fiscal Year 2007, the Mixing Subgroup diligently pursued resolution of concerns raised by all system partners as well as those voiced by concerned citizens, including the exclusion of residential treatment centers from the mixing requirements. Ultimately, the group drafted legislation that addressed every issue, and garnered unanimous support from all of CPAC's member agencies.

Senate Bill 171 ("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.

SB171 passed the Senate and is awaiting consideration in the House. Once passed, the proposed changes will streamline the law, making it less cumbersome, while adding new protections and preserving significant safeguards for the safety of children, as intended.

Near Death Case Reviews

The Commission completed both the second and third of the three near death case reviews it committed to examining as Delaware's Citizen Review Panel. The Ford and Green (pseudonyms were used) reviews raised a number of concerns including, among others, the use of history in decision-making, the impact caseloads/workloads have on assessments of child safety, non-compliant families, the lack of child abuse and neglect training for medical professionals, and the need for multidisciplinary collaboration among child welfare professionals.

After completing the Ford review, the Near Death Subcommittee recommended that DFS staff be routinely trained in how to use history in the decision-making process and that DFS and law enforcement work together to hold offenders accountable when Protection From Abuse orders are violated. As a result, CPAC, through its Training Subcommittee, created a multi-disciplinary training program on child abuse and neglect, CAN 101, and all the disciplines were urged to identify ways in which non-compliant families can be compelled to cooperate to ensure child safety.

Areas of concern identified in the near death reviews also included the importance the current risk assessment tool is given by DFS staff. Other areas highlighted by the reviews included patterns of chronic neglect shown by dysfunctional families and others served by the child welfare community. In particular, the near death reviews brought to light the risks that exist to abused or neglected children who remain in their own homes, and the need for the system to do things differently in order to reduce these risks.

The third near death review focused on different issues. The Green children were infants shaken by their father on a number of different occasions, without detection by the medical professionals involved. The Green review shed light on the lack of child abuse and neglect preparation and on-going training provided within the medical community. The review also revealed the continued necessity of information-sharing across disciplines, as well as the need for education about Shaken Baby Syndrome, its risk factors, symptoms, and consequences.

System partners learned from completing the near death reviews that improvement is needed in every corner of the child protection system. Recommendations were made not only for the DFS, but for law enforcement, the legal system, the medical community, and the Office of the Attorney General. Incorporating the lessons learned from these tragedies into future policies, practice, and procedures will help to prevent similar events from occurring in the future.

"How wonderful it is that nobody need wait a single moment before starting to improve the world."

Anne Frank

Third Party Custody Statutes

CPAC convened a multidisciplinary team in Fiscal Year 2006 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 two years to develop a framework, which has been followed by 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.

Looking Ahead: Work will proceed in Fiscal Year 2008 as the group continues to draft this comprehensive new statute.

Conclusion

Monitoring Delaware's child protection system to ensure the health, safety, and well-being of Delaware's abused, neglected, and dependent children is a Herculean task--one the General Assembly did not underestimate when it enacted the Child Abuse Prevention Act of 1997. The Act envisioned representatives from all segments of the child protection system sharing thoughts, innovations, and recommendations as the Commission examined the effectiveness of the system responsible for protecting Delaware's most vulnerable citizens.

CPAC has risen to this challenge and more, advocating for countless improvements to Delaware's child protection system. Fiscal Year 2007 brought to fruition basic child abuse and neglect training for Delaware's citizens statewide. It also witnessed on-going collaboration between CPAC and CDNDSC as the two entities continued to advocate and work toward manageable caseloads and workloads for the child welfare system, standardized definitions of child abuse, neglect, and dependency throughout the Delaware Code, safe sleeping practices, and the multidisciplinary use of history in decision making.

CPAC also fulfilled its mandate as it drafted legislation and advocated for funding to reduce the caseloads of DFS investigation and treatment caseworkers. Additionally, CPAC drafted and lobbied for statutory changes regarding the mixing of delinquent and dependent populations, and new legislation and funding to extend Family Court's jurisdiction over children in foster care to age twenty-one. CPAC also requested monies to support Finding Words™ and other multidisciplinary training opportunities while successfully lobbying for the passage of legislation standardizing the definitions of child abuse, dependency and neglect.

The multidisciplinary work undertaken by and on behalf of CPAC brought about significant improvements in Fiscal Year 2007. For example, group care in New Castle County has expanded to meet the needs of teens in foster care; children between the ages of four and seventeen have continued to receive mental health assessments and a dialogue has been started regarding other means by which the delivery and continuum of child mental health services in Delaware could be advanced. Third party custody and visitation legislation has been discussed and researched, and is being drafted to incorporate ASFA, case law, and practice into the work product.

CPAC, as Delaware's citizen review panel, completed both the second and third of the three near death case reviews. Incorporating the lessons learned from these tragedies into future policies, practice, and procedures will hopefully impact the child welfare culture and help to prevent similar events from occurring in the future.

The Commission looks forward to a productive Fiscal Year 2008, abundant with candid discussions, diverse educational opportunities, legislative activities, and, most importantly, better protected children.

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