



STATE OF DELAWARE

Child Protection Accountability Commission (CPAC)

Fiscal Year 2006
Annual Report
(July 1, 2005 – June 30, 2006)

Monitoring 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

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16 Del. C. § 912(b)

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An Overview

Protecting Delaware's children is a monumental task. It is a task that no one agency can do alone. Accordingly, a number of different entities, working together, are charged with establishing, maintaining and monitoring the health, safety and well-being of Delaware's abused, neglected, and dependent children.

The Division of Family Services ("DFS") is just one of the many agencies and organizations that comprise the child protection system, albeit one of the most critical. The Department of Justice, Family Court, law enforcement, the medical community, educators, child care providers, and others all work together to shoulder the responsibility of child safety and well-being.

The 1997 death of a four year old boy named Bryan Martin demonstrated the need for such multidisciplinary collaboration and accountability in Delaware. Following Bryan's death, Delaware enacted the Child Abuse Prevention Act of 1997 (16 Del. C., Ch. 9), which made significant changes to how Delaware investigates child abuse and neglect. Additionally, the Child Abuse Prevention Act made changes requiring Delaware to foster a child protection community of cooperation, accountability, and multidisciplinary collaboration.

Part of the Child Abuse Prevention Act's comprehensive strategy to realize a child protection system characterized by such traits was the creation of the Child Protection Accountability Commission ("CPAC" or "the Commission").

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 Office of the Attorney General, 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 serves as Delaware's Citizen Review Panel pursuant to the designation of the Department of Services for Children, Youth and Their Families in its state plan under the federal Child Abuse Prevention and Treatment Act ("CAPTA"). Amended in 1996, CAPTA mandates that, as a citizen review panel, the Commission shall, by examining the policies, procedures, and practices of state and local agencies, and where appropriate, specific cases, 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 are afforded a vast network of system partners working together to protect children 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 Attorney General’s Office provides legal representation to the Department of Services for Children, Youth and Their Families (“DSCYF”) in the civil arena and, in the criminal division, prosecutes those responsible for inflicting harm to children in Delaware. These pursuits 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 child.

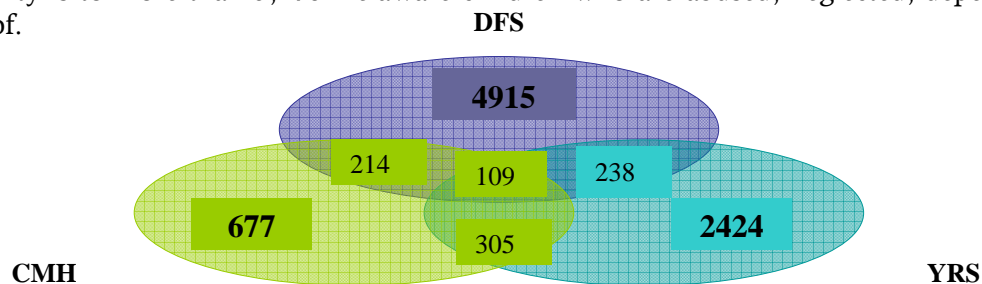
Delaware’s abused, neglected and dependent children who are placed in the legal custody of DSCYF or DFS are entitled to representation of their best interests throughout the custody proceedings. The Office of the Child Advocate and the Court Appointed Special Advocate Program are statutorily charged and publicly funded to provide that representation.

Intricately intertwined throughout these systems and others is the Division of Family Services, which is statutorily charged with investigating all institutional and intra-familial allegations of child abuse and neglect in Delaware, and then providing treatment services, when warranted, to those children and their families. DFS is a division of the DSCYF, which also houses two other operating divisions that directly impact Delaware’s abused, neglected and dependent children – the Division of Child Mental Health Services (“CMH”) and the Division of Youth Rehabilitative Services (“YRS”).

Division of Family Services case managers 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 in a new worker unit for a period ranging from four months up to one year depending upon competency and regional needs. Such time frames allow the new worker to be exposed to the various functions within the Division of Family Services while carrying a caseload of no more than 7 cases.

By statute, fully functioning DFS investigation workers should carry no more than 14 cases and fully functioning DFS treatment workers, no more than 18. CPAC and its subcommittee on caseloads drafted and lobbied for these standards which are codified at 29 Del. C. 9015(b) (1) and (2).

In Fiscal Year 2006, the DFS received 7,548 reports of child abuse and neglect. As of June 30, 2006, the DSCYF was actively serving 8,016 children under the age of 21. Of those children, 677 were active only with the Division of Children Mental Health Services, 2,424 were active with just the Division of Youth Rehabilitative Services, and 4,915 were active with only DFS. Furthermore, 214 children were involved with both DFS and CMH, 238 with both DFS and YRS, 305 with CMH and YRS and 109 with all three operating divisions of the DSCYF¹. As such, CPAC’s statutory responsibility is to more than 5,476 Delaware children who are abused, neglected, dependent or at risk thereof.



¹ Data obtained from the June 2006 Venn Report produced by the Department of Services for Children, Youth, and Their Families.

Our Membership

The statutory duties of the Commission are many, but are of utmost importance, with one being no less significant than any other. To accomplish these extraordinary pursuits, CPAC requires numerous participants to not only maintain, but promote its objectives. As such, the Office of the Child Advocate was created in February 2000 and provides staffing for the Commission, among its countless other contributions. Similarly, CPAC relies heavily on its Commissioners, Proxies, and Designees to educate, advocate, and participate in all facets of the child protection system.

Accountability, to which each member of CPAC is held, is the motivating force behind the Commission's accomplishments. Bringing the members together in a public forum on a quarterly basis has allowed for candid, insightful, and productive discussions that led to numerous resolutions throughout Fiscal Year 2006, and numerous initiatives destined for completion in the next few fiscal years.

The partners who served on the Child Protection Accountability Commission during Fiscal Year 2006 are:

Statutory Role	Name/Title
Secretary of Services for Children, Youth and Their Families 16 Del. C. § 912(a)(1)	The Honorable Cari DeSantis Secretary, DSCYF Designee Mary Ball Morton Administrator, Office of Case Management, DSCYF
Director of the Division of Family Services 16 Del. C. § 912(a)(2)	Carlyse A. Giddons Director, DFS
Two Representatives from the Attorney's General Office 16 Del. C. § 912(a)(3)	The Honorable M. Jane Brady <i>Former Attorney General</i> The Honorable Carl Danberg Attorney General Peter Feliceangeli, Esquire Deputy Attorney General, Group Leader, Family Services Unit, Attorney General's Office
Two Members of the Family Court 16 Del. C. § 912(a)(4)	The Honorable Chandlee Johnson Kuhn Chief Judge, Family Court The Honorable Jennifer Mayo Commissioner, Family Court
One Member of the House of Representatives 16 Del. C. § 912(a)(5)	The Honorable Pamela Maier State Representative, House of Representatives
One Member of the Senate 16 Del. C. § 912(a)(6)	The Honorable Harris B. McDowell, III State Senator, Senate Designee The Honorable Patricia Blevins State Senator, Senate

<p>Chair of the Child Placement Review Board 16 Del. C. § 912(a)(7)</p>	<p>William L. Murray Chair, CPRB</p> <p>Designee Julia Pearce Executive Director, CPRB</p>
<p>Secretary of the Department of Education 16 Del. C. § 912(a)(8)</p>	<p>The Honorable Valerie Woodruff Secretary, DOE</p> <p>Designee Joanne Miro Education Associate, Homeless Children, DOE</p>
<p>Director of Child Mental Health Services 16 Del. C. § 912(a)(9)</p>	<p>Susan Cycyk, M.Ed. Director, CMH</p>
<p>At-large Member – Medical Community 16 Del. C. § 912(a)(10)</p>	<p>Allan DeJong, M.D. Medical Director, Children at Risk, CARE Program, DuPont Hospital for Children</p>
<p>At-large Member – Interagency Committee on Adoption 16 Del. C. § 912(a)(10)</p>	<p>Mary Lou Edgar Member of IACOA</p> <p>Merrijane Pierce <i>Former</i> Member of IACOA</p>
<p>At-large Members – Law Enforcement 16 Del. C. § 912(a)(10)</p>	<p>Colonel Thomas F. MacLeish Superintendent, Division of State Police</p> <p>Designee Sergeant Randy Fisher Division of State Police</p> <p>Colonel David McAllister <i>Former</i> Chief, New Castle County Police Department</p> <p>Designee Sergeant Phillip Hill New Castle County Police Department</p>
<p>At-large Members – Child Protection Community 16 Del. C. § 912(a)(10)</p>	<p>The Honorable Peggy Ableman Judge, Superior Court</p> <p>C. Malcolm Cochran, IV, Esquire CPAC Chair</p> <p>John Humphrey <i>Former</i> Executive Director, Children’s Advocacy Center</p> <p>Janice Mink Co-Chair, Grassroots Citizens for Children</p> <p>Jennifer Barber Ranji, Esquire <i>Former</i> CPAC Chair</p>

Making a Difference

The achievements made during Fiscal Year 2006 are not CPAC's alone to claim. All those 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, service delivery breakthroughs, and the implementation of near death case review recommendations.

Training Endeavors

On October 7, 2005, the CPAC Education and Child Welfare Conference was held at Dover Downs in Dover, Delaware. Nearly 400 people participated in this one day summit comprised of members from every discipline within the child protection and education system: the Family Court, the Department of Education, the Department of Justice, the Department of Services for Children, Youth and Their Families, the Educational Surrogate Parent Program, the Office of the Child Advocate, school professionals, foster parents, the Court Appointed Special Advocate Program, and many more. Kathleen McNaught, Esquire, of the American Bar Association, provided the keynote address about working across systems to meet the educational needs of foster children. Additionally, Andrea Moore, Esquire, of Florida Children First, Inc., shared her perspective on how collaborative efforts can succeed despite frustrations and struggles so long as communication and advocacy exist. The conference was an astonishing success, providing eighteen workshops on subject areas that impact foster children and their education. The conference effected participants as well -- they left asking for more conferences of this caliber and detail.

Collaborative Initiatives

The first joint meeting between the Child Protection Accountability Commission and the Child Death Near Death and Stillbirth Commission ("CDNDSC") took place on September 19, 2005 at the Grassdale Conference Center in Delaware City, Delaware. Blake Jones, Ph.D., of the University of Kentucky, College of Social Work provided a presentation entitled, "Coordination of Child Death Review and Citizen Review Panels: Maximizing Opportunities to Prevent Fatal and Near Fatal Abuse and Neglect." Dr. Jones discussed the history of citizen review panels and the goals they seek to achieve. Dr. Jones also highlighted the benefits of CPAC and CDNDSC working together and the extraordinary reality that both groups were so committed to collaborating for changes that improve Delaware's child protection system.

In addition, the joint commissions examined the compilation of child welfare recommendations resulting from the various case reviews completed in Delaware to gain a better understanding of the categories and the best use of the information contained therein. The document is comprised of eleven broad categories: Division of Family Services (subdivided into Office of Child Care Licensing, Caseloads/Workloads, Casework, Hiring Practices and Supervision Issues, Investigation, Treatment), Family Court, Law Enforcement Agencies, Legal/Legislative, Medical Community, Multi-Disciplinary Coordination and Collaboration, Multidisciplinary Reporting and Investigation of Child Abuse and Neglect, Multidisciplinary Training, Multidisciplinary Use of Child Welfare History in Decision Making, Office of the Attorney General, and Well-Being.

Following the review, the joint commissions decided to pursue information from each agency to which a recommendation pertained to ascertain what the issue was and what steps were taken to rectify the situation. In doing so, any gaps that were identified required the formation of action

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has..."

Margaret Meade

groups or subcommittees. Each agency reported back to the Office of the Child Advocate with their progress and the compilation was re-distributed to the group for consideration and feedback.

The joint commissions met yet again in May 2006 and identified four core areas for system improvement. 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 were the four areas the joint commissions determined to be the most critical to child safety. Where subcommittees or action teams did not already exist, such entities were formed. Members from both CPAC and CDNDSC pooled their resources, time and personnel, to ensure that the issues raised in these pivotal meetings would be addressed timely, thoroughly, and with children at the center of each discussion. Despite a statutory requirement for only annual meetings, the joint commissions have agreed to meet semi-annually for the foreseeable future.

Fiscal Advocacy

During Fiscal Year 2006, CPAC advocated in two critical fiscal areas due to the impact a lack of funding was having on Delaware's foster care population. First, the Commission supported a request for additional funding to correct DFS' child welfare deficit which was largely attributed to the expanding "special placement" line in the Division of Family Services child welfare budget. As a result of the increasingly difficult behaviors of the youth population in foster care and the lack of available and appropriate placement resources for this population, DFS has become responsible for purchasing individual placements outside of their existing contracts for children and youth with challenging needs.

Additionally, CPAC advocated vigorously for a sixteen bed group care facility in New Castle County because of the lack of such a resource in northern Delaware and the clear need for one for those children who cannot succeed in a foster family setting. In Fiscal Year 2006, children who required such a placement were being placed in other counties, outside the communities in which they were acclimated and connected to services, or in inappropriate foster care placements. Moreover, many were staying longer than thirty days in shelters or emergency placements due to a lack of more permanent placements. In short, DFS had insufficient foster care resources to meet the ever-growing and increasingly complex demands of Delaware's foster children, particularly adolescents in New Castle County. Accordingly, CPAC voted to lobby for sixteen beds for difficult youth in a group care facility for New Castle County and accepted the DSCYF recommendation that those beds be located in smaller facilities, not fewer than two group homes, with eight beds in each.

The Commission testified before the Joint Finance Committee and followed up with written correspondence regarding both these critical needs. The Commission was joined in its lobbying efforts by several other organizations and community providers. The efforts resulted in the General Assembly's approval of \$2.9 million deficit correction dollars, \$1.0 million of which DSCYF determined would be used for the New Castle County foster care placements to include group care.

Service Delivery Breakthroughs

On February 1, 2006, children between the ages of four and seventeen entering foster care began receiving mental health assessments via the Division of Child Mental Health Services. Within 72 hours of entering foster care, each child is screened by contracted staff who also conduct all appropriate collaterals, meet with the family, and ensure that the child receives appropriate mental health treatment when needed. CPAC has been striving, along with its community partners, to afford foster children this service for over four years. As of March 2006, 43 children had been referred.

Near Death Case Reviews

While the Commission, in its role as a citizen review panel, did not release any reviews in Fiscal Year 2006², the recommendations made in the Davis review were released late in FY05 to the various child protection partners. During Fiscal Year 2006, the system partners were given the opportunity to respond to and provide documentation of the progress made towards implementing the various recommendations.

The areas impacted by the Davis recommendations involve the Division of Family Services, Family Court, law enforcement agencies, legal and legislative, multidisciplinary coordination and collaboration, multidisciplinary reporting and investigating of child abuse and neglect, multidisciplinary training, multidisciplinary use of child welfare history in decision making, and the Attorney General's Office.

“Some day, maybe, there will exist a well-informed, well-considered, yet fervent public conviction that the most deadly of possible sins is the mutilation of a child’s spirit.”

Erik Ericson

Specifically, the Davis near death review touched on numerous topics including caseloads and workloads, risk assessments, contacts and compelling clients to cooperate. Recommendations were made regarding referrals to DFS, the use of history by judicial officers, the need for law enforcement officers to specialize in abuse and neglect, and to include the Wilmington Police Department as part of CPAC’s membership.

Additional suggestions for system improvement included consistent statutory definitions of neglect, revised Sentencing Accountability Commission (“SENTAC”) guidelines for crimes similar to those seen in the Davis review, increased multidisciplinary collaboration, information sharing, mandatory reporting, training, and the appropriate use and assessment of history.

As a change agent, the Davis review brought about responses from the child protection system which improved services and accountability to children across the state of Delaware and across the disciplines. For example, the Division of Family Services committed to filling and utilizing the trainee positions allocated to it pursuant to 29 Del. C. § 9015(b)(4) in an effort to alleviate high caseloads. Similarly, DFS assured CPAC that it would research short and long-term solutions for manageable workloads for DFS workers. The Division of Family Services also responded to the recommendation that more stringent policy guidelines should be in place for investigation contacts and the ability to compel cooperation should be considered. According to DFS, a policy addressing this issue has been in place since 1997, but it does not afford the Division the legal authority to compel a parent to cooperate with treatment, and a policy allowing such authority has been advanced and opposed more than once in recent years.

The Family Court also received recommendations made by the Near Death Subcommittee. When reviewing the Davis case, the subcommittee felt a need existed for the Family Court and the DSCYF to develop procedures for how Family Court should refer at-risk children that come to its attention to the Division of Family Services. Similarly, the subcommittee recommended that Family Court Commissioners and Judges, as statutorily mandated reporters, should notify DFS of all Protection from Abuse orders and “No Contact Orders” in which children are involved. Finally, the report recommended that judicial officers should review all related files on a family when making civil determinations regarding children, which will allow for the best possible decision on behalf of a child that first and foremost protects his/her safety.

² The CPAC Near Death Subcommittee completed another near death case review during Fiscal Year 2006; however, the report from that review was not completed or approved prior to the end of the fiscal year.

As Family Court protects the safety of children and their families, so do law enforcement agencies. The Davis report highlighted the need for the Wilmington Police Department to have supervisors and officers who are fully trained in investigating child abuse and neglect and committed to working and communicating with all members of the child protection system. Furthermore, the subcommittee felt that the Wilmington Police Department should be represented on CPAC.

The Near Death Subcommittee also recommended that the statutory definition of neglect be reviewed and standardized and should incorporate history as a basis for a finding of abuse or neglect. CPAC's Child Abuse and Neglect Subcommittee has implemented this recommendation and is described in the "Looking Ahead" section.

Numerous child protection agencies touched the Davis case, and the lack of coordination and collaboration among them resulted in communication breakdowns and a lack of information sharing. Partners need to understand the information sharing process, but also need a firm grasp on how different agencies will work together on child protection cases. DSCYF supports the System of Care approach, but additional collaboration is necessary. Consultation should occur with the medical community and other experts when investigating child abuse and neglect. Law enforcement, the Department of Justice, the education system, and all other child protection partners need to communicate with each other to ensure that children are safe and have all of their needs met while under the state's care.

In order for a child to come to the attention of DFS, someone has to make a hotline report. The Davis review found a number of problems in this area. For example, mandatory reporters did not call the hotline as required by 16 Del. C. § 911(a) and (b) and when they did call, the hotline may have benefited from more structured decision-making tools. In light of these recommendations, the agencies involved reviewed policies, memoranda of understandings, and stressed mandatory reporting annual training.

Similarly, the Near Death Subcommittee recommended additional training as a result of the Davis review. For instance, CPAC members were urged to pool their resources to address reporting of abuse and neglect; detecting child abuse and neglect; DFS hotline responses to reports of child abuse and neglect; communication among the child protection system partners; child welfare and domestic violence; the importance of child welfare and history; and investigative techniques where there is more than one suspected perpetrator. CPAC's Training Subcommittee looks forward to an active year in Fiscal Year 2007 with trainings already planned and well under way as described in the next section.

Finally, the Davis report highlighted the need for changes in the way the child protection system accesses and analyzes child welfare history. A Multidisciplinary Use of History Subcommittee was chartered in May 2006 in response to the suggestions made in this area with the hope of significant research, discussion, and recommendations in Fiscal Year 2007.

Looking Ahead

The members of CPAC bring numerous and varied concerns to the attention of the child protection partners. Each issue begs for a solution, but none is easily resolved. For this reason, in Fiscal Year 2006, the Commission focused its energy on those areas it felt required more immediate consideration.

Collaboration is on-going among system partners to bring about change in areas such as Adoption and Safe Families Act Timelines, Caseloads/Workloads, Child Abuse and Neglect Definitions, Third-Party Custody/Visitation, Extended Jurisdiction, Foster Care, Mixing, Training, and the Use of History in Decision Making, and concerted efforts throughout Fiscal Year 2006 have resulted in remarkable progress in each area with attainable goals set for FY07.

Adoption and Safe Families (“ASFA”) Timelines

The ASFA Timelines Subcommittee pulled every Family Court file in Kent and Sussex Counties for children who entered foster care in calendar years 2002, 2003, and 2004. The variables needed to track ASFA compliance were then entered into an Excel tracking system. For New Castle County, files for children who entered foster care in 2002 were pulled and entered into the Excel tracking system. The work of this subcommittee continues with the goal of obtaining funds to implement a joint system, with Family Court, to track ASFA compliance within the next year. Tracking compliance with ASFA guidelines ensures not only the common goal of safety, permanency, and well-being for children, but may also help attain a secondary goal of providing data to support requests for additional resources to achieve the best outcomes for Delaware’s children.

Caseloads/Workloads

Given the significant attention caseloads and workloads have received from CPAC since its statutory inception, when the matter was raised yet again before the Commission in Fiscal Year 2006, there was no hesitancy in reconvening the Caseloads/Workloads Subcommittee. The mission of this subcommittee is to evaluate the caseloads and workloads of the Division of Family Services’ workers and provide recommendations for change to CPAC, as appropriate. In so evaluating these caseloads and workloads, consideration is to be given to the workloads of the Courts, the Attorney General’s Office, the Office of the Child Advocate and others. The subcommittee is looking at the following issues: (1) a local workload study; (2) DFS’ portal of entry for acceptance and investigation of cases; and (3) DFS’ transfer of cases for treatment services with special consideration being given to the differences between low/moderate risk, high/very high risk and foster care cases.

These topics have been discussed across the country and four Delaware representatives had the opportunity to gain knowledge, experience, and initiatives while attending a national forum in New Mexico on child protection workload studies, state and federal child welfare funding, caseload management, paperwork reduction, the conceptualization of child welfare versus child protection, class action lawsuits to establish manageable workloads and the “portal of entry.” All four participants shared a renewed sense that Delaware is on the cutting edge of many of these issues, but the Division of Family Services is being asked to do an impossible job. The Department of Services for Children, Youth and Their Families should be commended for the outstanding job it has done with regard to turnover. Now it is time to address workload. The Caseload/Workload Subcommittee will research the topics with which it has been charged and will submit a report with recommendations in Fiscal Year 2007.

Child Abuse and Neglect Definitions

The first near death report issued by the Child Protection Accountability Commission included a recommendation that the statutory definitions of neglect be reviewed and standardized throughout the Delaware Code. The Definitions subcommittee was created to address this objective as well as the standardization of the definitions of abuse and dependency. In so doing, the group has 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 group continues to work towards concurrence on legal descriptions of abuse and neglect recognizing that 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 programs.

Third Party Custody Statutes

CPAC has convened a multidisciplinary team to develop user-friendly statutes regarding custody and visitation matters between parents and third parties, including the Division of Family Services. The group worked dutifully throughout Fiscal Year 2006 to develop a framework leading to the tedious task of crafting the various statutory sections. Work will continue in FY07.

Extended Jurisdiction

The child protection community used to operate under the assumption that once a child had the goal of “alternative permanent planned living arrangement,” all of the youth’s needs were being met. However, with the lack of sufficient independent living resources and funding, coupled with the reckless desire of many teens to be free of the ties of foster care, youth are not prepared to be on their own at the age of majority. More disheartening is that on the day of their eighteenth birthday, many of the services and supports that may have been in place for a youth disappear and no one has any power to bring about a different outcome. As a result, CPAC voted in Fiscal Year 2006 to change those circumstances.

The Extended Jurisdiction Subcommittee labored intensely to arrive at a solution for those youth who need continued Family Court oversight after they reach the age of majority. The subcommittee’s work was long and arduous, given the task of not only contemplating legislation but assessing what resources exist in Delaware for the 18-21 year old populations. The subcommittee’s work came to a conclusion in Fiscal Year 2006, with CPAC voting to pursue legislation to extend Family Court’s jurisdiction over foster children until the age of twenty-one, when the foster child needs further assistance in transitioning to adulthood based upon their amenability to services, their physical and mental health, the status of their education, the status of their housing, the status of their employment, and any other special needs they may have.

The subcommittee reviewed extended jurisdiction in other states around the country and analyzed the advantages and disadvantages, as well as the fiscal and workload impacts. Action plans have been outlined and the group is charged with drafting legislation in Fiscal Year 2007.

Foster Care

The Foster Care Subcommittee has focused on the lack of suitable foster care placements particularly for teenagers and youth with difficult to manage behaviors. There are simply not enough resources for the growing number of children entering Delaware’s foster care system. This

“Let us resolve to speed the hour when child protection professionals, defense attorneys, judges, and legislators join forces in enacting and enforcing statutes that treat every child abuse victim with deserved dignity and fairness.”

Victor Vieth

year alone, there were more than 100 additional children in foster care as compared to last year. Despite a request for proposals being released and responded to, inadequate slots were available for the ever-growing population. The Division of Family Services struggles to place youth who are dually diagnosed, medically fragile, delinquent, or have a history of multiple placements thus creating a deficit-driver totaling more than \$2 million. Furthermore, policy changes are, partially, responsible for the current fiscal situation as DFS is serving children that they have not historically served without a corresponding provision of funds to meet the needs of those same children.

Over the course of Fiscal Year 2006, the number of children classified as difficult to place increased from approximately 20 per month in January of 2006 to 37 per month by May 1, 2006. This population consumes a great deal of resources, both within DFS, DSCYF, and the community. Without the proper supports for these children and youth, their safety and well-being cannot be ensured, much less their treatment and preparation for the future. Provisions for the special placement population include not simply “slots,” but extensive training, a culture of acceptance of varied and atypical behavioral patterns, community connections, individualized and group-oriented mental health treatment, the ability and willingness to match resources with the youth’s presenting needs, and interdivisional collaboration, communication, and contracting in the name of best interests.

The Division of Family Services plans to release a Request for Proposals for \$1.0 million in placement services to meet the needs of these youth. CPAC advocated for these services to be in the form of one or more New Castle County group homes servicing sixteen or more children. The Department of Services for Children, Youth and Their Families recommended no fewer than two group care facilities, with no more than 8 beds each.

As difficult placements continue to capture the attention of the Commission, the Foster Care Subcommittee will maintain its inquiry into the status of these youth as well as the resources available and those being acquired on behalf of this population.

Concurrently, this subcommittee is monitoring the number of children in the legal custody of DFS as it relates to the legal representation of children. The Foster Care Subcommittee hopes to collaborate with the Office of the Child Advocate to gain perspective on various system partners’ workload issues, to ensure that every child’s placement is accurately reflected, to advocate for fair compensation for service provision, and to further its education on the foster care system.

Finally, the Foster Care Subcommittee plans to review the recommendations set forth by the Governor’s Task Force to ensure those measures have been put in place or resources are such that they can be implemented as envisioned.

Mixing

The Division of Family Services, now being responsible for placement of all children within the Department of Services for Children, Youth and Their Families, including those who have completed treatment in the Divisions of Youth Rehabilitative Services and Child Mental Health, raised concerns regarding mixing of delinquent and dependent populations to CPAC during Fiscal Year 2006. The current statute contains language that is not consistent with current practice when placing juvenile offenders, thereby creating situations where the Division of Family Services is inadvertently out of compliance with the mixing law. CPAC referred the matter to the Legislative Subcommittee which, in turn, formed a Mixing Subgroup, for review. The subgroup hopes to revise the statute and looks forward to legislative activity in Fiscal Year 2007.

Training

The goal of the Training Subcommittee is to ensure annual comprehensive, multidisciplinary training on child abuse and/or neglect by pooling the resources of all CPAC member agencies. The subcommittee was revived in part due to the success of the CPAC Education and Child Welfare Conference held in October of 2006, and in part due to the CPAC statutory mandates for training reiterated in the Davis near death review. During the latter half of Fiscal Year 2006, the subcommittee formulated a plan to offer multidisciplinary training on child abuse and neglect, develop regular multi-disciplinary CPAC conferences bi-annually, and to better coordinate the various trainings conducted by child protection partners throughout the state. The child abuse and neglect training package, called "CAN 101," will carry with it the objective that it be utilized not only as a multidisciplinary training tool, but one for individual entities, ensuring consistent and comprehensive training on child abuse and neglect. This training package will be unveiled in Fiscal Year 2007. In Fiscal Year 2007, the subcommittee also hopes to improve and publicize the sharing of various trainings statewide and finalize plans for the next CPAC conference in FY08.

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 charge which this state's legislators did not underestimate when enacting the Child Abuse Prevention Act of 1997. The Act envisioned representatives from all aspects 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.

The Child Protection Accountability Commission has risen to this challenge and more, advocating for countless improvements to Delaware's child protection system. Fiscal Year 2006 brought to fruition mental health screenings for every child entering DFS custody to determine his or her need for mental health treatment. It also brought CPAC's first multidisciplinary conference which focused on partnerships between child protection and education professionals to promote better outcomes for children and laid the groundwork for the revitalization of CPAC's training subcommittee.

Bringing child protection professionals together is how initiatives and recommendations are born, grown, and achieved. The joint meetings between CPAC and CDNDSC in Fiscal Year 2006 were examples of such, as were the advocacy efforts of CPAC for child welfare funding for group home services and deficit correction dollars. As Delaware's citizen review panel, child protection professionals also offered their expertise to provide feedback on the recommendations and implementation strategies regarding the near death review of the Davis case.

Implementing recommendations takes time and the resolution of some may not occur until some point in the future. The same holds true for many of the issues CPAC has chosen to embark upon. Tracking compliance with ASFA to ensure safety and permanency for children in foster care, for instance, and lowering caseloads and workloads for the dedicated partners working in the child protection system are just two areas where CPAC continues to strive toward better outcomes. Additionally, the subcommittees of CPAC hope to increase resources for children in foster care and improve the laws regarding child abuse and neglect definitions, third party custody and visitation, extended jurisdiction, and mixing. In the midst of all these changes, CPAC is committed to providing on-going training to all partners involved in the protection of Delaware's children.

The Child Protection and Accountability Commission looks forward to a productive year in Fiscal Year 2007, abundant with candid discussions, diverse educational opportunities, legislative activities, and, most importantly, better protected children.