

Annual Report



Fiscal Year 2009

July 1, 2008—June 30, 2009



The Honorable Jack Markell, 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.

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16 Del. C. §912(a)(1)

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16 Del. C. §912(a)(2)

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16 Del. C. §912(a)(4)

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16 Del. C. §912(a)(3)

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16 Del. C. §912(a)(5)

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16 Del. C. §912(a)(7)

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16 Del. C. §912(a)(8)

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16 Del. C. §912(a)(9)

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At-large Member—Medical Community

16 Del. C. §912(a)(10)

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At-large Member— Interagency Committee on Adoption

16 Del. C. §912(a)(10)

Mary Lou Edgar, Member of the Interagency Committee on Adoption

At-large members—Law Enforcement

16 Del. C. §912(a)(10)

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Sergeant Randy Fisher—Designee, Division of State Police
Detective Patricia Davies—Designee, New Castle County Police Department
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16 Del. C. §912(a)(10)

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Executive Summary

Protecting children from abuse and neglect is a challenging obligation to fulfill in the best of times. Add a layer of economic decline and instability and this mission becomes overwhelming and seemingly insurmountable. In Delaware, however, 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 and even in the most difficult circumstances, achieve positive outcomes for children and their families.

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 2009 saw the continued collaboration of Delaware's child welfare system partners as they determined to what areas CPAC should devote its time, passion, and energy. With the combined enthusiasm of some of the most ardent of advocates, CPAC carved its path forward to include data-informed decision-making, improved identification of children at risk, early, targeted intervention, and minimized time in and sustained transitions out of foster care.

The ventures CPAC has chosen to undertake are in addition to the sustained efforts directed toward the realization of CPAC's statutory duties. For instance, through its Training Subcommittee, CPAC launched a child welfare training listserve and training webpage to facilitate the exchange of training-related child welfare information among Delaware's child welfare system partners. These same agencies committed significant time during Fiscal Year 2009 to the formulation and execution of plans to educate the system and the public at large about the work they do. The Department of Education ("DOE"), the Division of Family Services ("DFS"), the Division of Child Mental Health ("CMH"), and the Department of Health and Social Services ("DHSS"), all embarked upon the creation of basic training modules to assist users of their respective systems to understand what services they offer, how to access those services, and how interagency collaboration can be fostered.



The foundation for these training modules is Child Abuse and Neglect 101 ("CAN101") which was not held in Fiscal Year 2009 due to the economic instability felt by all. In light of this situation and with the hope of reaching an even broader audience with information about Delaware's child welfare system, consideration was given as to how CAN101 could be modified and offered in Fiscal Year 2010. Planning also began for the second CPAC/Child Death Near Death Stillbirth Commission ("CDNDSC") joint conference tentatively scheduled for March 24-25, 2010.

Fiscal Year 2009 also enjoyed the conclusion of the Third Party Custody Subgroup's work as House Bill 104 passed. After four years of research, discussion, debate, and drafting, the multidisciplinary group produced a comprehensive bill which modified the existing provisions in the Delaware Code relating to DSCYF custody and third party visitation and created two new chapters in Title 13 of the Delaware Code, designed to be more user-friendly than the previous format.

Improvement to Delaware's ability to track educational outcomes for children in foster care was also made as DSCYF and DOE initiated and fine-tuned data exchange. Child mental and behavioral health outcomes were addressed as the Mental and Behavioral Health for Children in Foster Care and Those Adopted out of Foster

Executive Summary (cont.)

Care Subcommittee promulgated sixty recommendations across ten areas:

Access to the Division of Child Mental Health Services; Crisis Services; Insurance; Coordination and Communication; Training, Education, and Dissemination of Information; Providers; Prevention and Early Intervention; Family Involvement and Support; Resources; and the Current Environment.

The multidisciplinary collaboration that was necessary to bring about these recommendations was also at play as extended jurisdiction, child abuse identification and mandatory reporting, the DSCYF, law enforcement, and Children's Advocacy Center Memorandum of Understanding, and Adoption and Safe Families Act timelines continued to be salient issues.

Solutions to these issues and others are what CPAC has sought throughout its history, and Fiscal Year 2009 was no different. Much was accomplished in Fiscal Year 2009, but more remains to be done for Delaware's children. CPAC will continue to discharge its duties in Fiscal Year 2010 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)):**

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.

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 maintains its fervent belief and will continue to bring attention to the need to reduce treatment caseloads to twelve.

In Fiscal Year 2009, DFS received 9,527 reports of child abuse and neglect. As of May 31, 2009, DSCYF was actively serving 7,622 children under the age of 21. DFS served 4,618 children, or 61% of the DSCYF total.

CPAC's core statutory responsibility is to the more than 825 abused, neglected and dependent children in the legal custody of DSCYF. Of those 825 children, 25% are ages zero to 4; 19% 5 to 9 years of age; 18% are age 10 to 13; and 38% 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, 58% of these children are in New Castle County, 23% are in Kent County, and 19% are in Sussex County.



Accomplishments

Fiscal Year 2009 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.

CPAC Strategic Planning Retreat

By mid 2008, CPAC had accomplished many of its previously identified legislative and administrative initiatives. As such, on October 2, 2008, CPAC engaged in a strategic planning retreat to identify key issues toward which it should direct its efforts.

In so doing, participants reviewed CPAC's accomplishments over the past eleven years and gained insight from Dr. Richard Gelles, Dean and Chair of the of Child Welfare and Family Violence of the University of Pennsylvania's School of Social Policy and Practice. Dr. Gelles asked the group to consider advocacy for evidence-based decision-making, adequate provision of supports for the child welfare system, a DFS mission focused more narrowly on child safety, and working more efficiently and effectively to identify children at risk.

With this backdrop, members of CPAC concurred that DFS caseloads should remain one of CPAC's priorities as well as other initiatives currently underway. In addition, four areas of focus were agreed upon by the group to become part of CPAC's path forward:

- Data-informed decision-making
- Improved identification of children at risk
- Early, targeted intervention
- Minimized time in and sustained transitions out of foster care

For each area, existing or new Subcommittees were identified to carry out the action steps that were developed by the group. During Fiscal Year 2009, CPAC made initial strides towards the realization of its goals through numerous collaborations including those producing work described in other sections of this report. Efforts to accomplish CPAC's objectives as they relate to established issues and those identified at the retreat will continue in Fiscal Year 2010.

Training Endeavors

CPAC's Training Subcommittee embarked on a number of initiatives in Fiscal Year 2009. For instance, discussions began about the long-term goal of developing a single point of access for all child welfare related education and training. As such, the Subcommittee created a child welfare trainings listserv to facilitate the exchange of training-related child welfare information among Delaware's child welfare system partners. With almost 40 members from every corner of the state, information sharing among those interested in child welfare in Delaware has become one step easier.

As a natural extension of the child welfare training listserv, the Training Subcommittee's directory of child welfare training opportunities in Delaware was created. Listed under the Training section of the Office of the Child Advocate's website, the compilation of trainings and events of interest to child welfare professionals further advances one of CPAC's duties to access, develop, and provide quality training to system partners on child protection issues. Similarly, the development of introductory training on Delaware's Division of Child Mental Health Services and the Department of Health and Social Services, which began in Fiscal Year 2009 and will continue in Fiscal Year 2010, helps to quench the desire and need for child welfare system partners to understand how partnering agencies operate, what services are offered, and how best to collaborate to bring about positive outcomes for children and families involved with the system.

The aforementioned objectives are the driving force behind those who coordinated and facilitated Child Abuse and Neglect 101 (CAN101) as well as those who presented and those who participated. Due to the budget crisis Delaware faced in Fiscal Year 2009, registrations decreased and CAN101, while scheduled for two sessions, was not held. Planning has begun for future CAN101 sessions as well as for how the training can be innovatively re-packaged to reach a broader and fiscally sensitive audience.

Finally, the Training Subcommittee began preparations for the second CPAC/CDNDSC joint conference. Tentatively scheduled for March 24-25, 2010, CPAC and CDNDSC will partner with Family Court to once again bring relevant, critical, and enlightening child welfare information to Delaware's child welfare system.

Accomplishments (cont.)

Third Party Custody

Fiscal Year 2009 saw the conclusion of CPAC's Third Party Custody Subgroup's work. After four years, the multidisciplinary team, comprised of members of CPAC, the Delaware State Bar Association's Family Law Section, and GrandParents United, put forth House Bill 104 ("HB104") which was signed by the Governor on June 16, 2009. HB104 creates user-friendly chapters in Title 13 of the Delaware Code pertaining to third party visitation of children and DSCYF custody.

Accomplishments of HB 104 include a broader definition of relative to include "great-grandparent, grand aunt or uncle, and half brother or sister"; direction for all non-parents seeking custody of children to apply for guardianship; an application of Section 724, pertaining to the interviewing of children in civil matters, to all proceedings in Title 13 as well as to proceedings in Chapter 9 of Title 16; a requirement that the person filing for visitation with a child be a relative or have a substantial and positive prior relationship with the child; a limitation on parents whose parental rights have been terminated to file for visitation; the establishment of grounds for visitation, which include the child's best interests and an analysis of the parents' position on visitation; the creation of Title 13, Chapter 25 of the Delaware Code which sets out the grounds for DSCYF obtaining custody, the duties and rights of parents while their child is in DSCYF custody, and the duties and powers of DSCYF while having custody of a child.

Fiscal Year 2010 will see the provision of training on this critical piece of legislation for all child welfare system partners.



Education Initiatives

CPAC's Education Subcommittee was reactivated early in Fiscal Year 2009 and charged with implementing the DSCYF/Department of Education (DOE) Memorandum of Understanding and developing training on the same; developing a web-based and enduring training curriculum, similar to CAN101, to improve collaboration between the child welfare and education systems; and looking at educational outcomes for children in foster care and exploring ways to improve those outcomes.

The DSCYF/DOE Memorandum of Understanding (MOU) was signed by DSCYF and all public and charter schools in the winter of 2009. Development of training on the MOU is underway and will be offered to both DSCYF and DOE employees prior to the commencement of the 2009-2010 school year.

To develop an accessible and far-reaching training curriculum designed to improve collaboration between the child welfare and education system, the Education Subcommittee's Curriculum Workgroup was created. The Curriculum workgroup, comprised of educators, administrators, DSCYF frontline staff and program managers, created the *The Wonderful World of Education*, the first in a series of training modules geared toward a better understanding of educational registration and enrollment in Delaware. The development of a second module, *DFS101*, began and should be complete in early Fiscal Year 2010. Both modules will be ready for dissemination prior to the beginning on the 2009-2010 school year. The Workgroup has additional plans for trainings related to foster care, Response to Intervention, and special education, to name a few.

The Educational Success Workgroup was created by CPAC's Education Subcommittee to tackle data exchange and management between DSCYF and DOE. After a significant initial disparity, the two system partners were able to reconcile their information and begin to not only appreciate the size of their shared population, but the complexity and needs of it as well. The group continues to conduct quality assurance measures to ensure that the data is accurate and has begun developing baseline measures of educational success for students in foster care, such as attendance rates, graduation rates, drop-out rates, discipline, special education, and academic success.

Accomplishments (cont.)

Extended Jurisdiction

Throughout Fiscal Year 2009, CPAC continued its legislative advocacy for extending the jurisdiction of Family Court over youth in foster care turning 18 years of age. SB103, which did not pass in Fiscal Year 2008, sought to create a procedure by which youth in foster care turning 18 years of age and found to be amenable to such assistance would 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. The Extended Jurisdiction Subcommittee re-convened to consider how to restructure Senate Bill 103, whether or not the fiscal impact could be eliminated, and whether or not extending the jurisdiction of Family Court could be accomplished without legislation.

The steadfast commitment to extended jurisdiction's implementation was evident as interested parties creatively and collaboratively developed a new Senate Bill ("SB113"). SB113 was designed to provide a legal mechanism by which Family Court can review the appropriateness of services being provided to youth, ages eighteen to twenty-one, who have aged out of foster care and are receiving supplemental services from DSCYF. The legislation additionally proposes provisions that acknowledge that DSCYF custody ceases at eighteen years of age and that DSCYF is not obligated to pay for that which it is not already funded to pay, or for any service that is funded but for which funds have already been exhausted.

SB113 also intended to permit the Court to conduct review hearings as needed, allow OCA and CASA to represent youth in these proceedings, and clarify that while the Court cannot order continued foster care payments, it can review the appropriateness of such a support should a youth qualify.

As was the case in Fiscal Year 2008, the First State's budget crisis impeded the ability of the extended jurisdiction bill to move forward. However, with support from CPAC and advocates, plans are being made in the new fiscal year to pursue this agenda once again.

Adoption and Safe Families Act ("ASFA") Timelines

With steadfast commitment, Family Court continued to fine-tune its ASFA timelines tracking database with the addition of personnel to manage the database and the utilization of Court Improvement Project funds to put forth

a request for proposals to create a web-based tracking system. The ASFA Timelines Subcommittee and Family Court continued their discussions about what type of data was being collected, what data should be collected, and what story the data was telling. The collaboration that CPAC has enjoyed with Family Court will continue as decisions are made about data sharing and analysis and the new, cutting edge database.



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

Also invested in better outcomes for children in foster care, CPAC's Mental and Behavioral Health for Children in Foster Care and Those Adopted out of Foster Care Subcommittee advanced its recommendations on how mental health and behavioral health services are delivered to children in and adopted out of foster care and the continuum of providers, services, and resources for same.

The Subcommittee promulgated sixty recommendations across 10 areas: Access to the Division of Child Mental Health Services; Crisis Services; Insurance; Coordination and Communication; Training, Education, and Dissemination of Information; Providers; Prevention and Early Intervention; Family Involvement and Support; Resources; and the Current Environment.

The multidisciplinary composition of the Subcommittee lent itself to candid, informed, and enlightening discussions leading to the creative solutions proposed for improvements to mental and behavioral health services delivery to children in foster care and those adopted out of foster care. The next step for this Subcommittee is to prioritize the recommendations and determine how best to implement them.

Accomplishments (cont.)

Abuse Intervention Subcommittee

In Fiscal Year 2009, CPAC's Abuse Intervention Subcommittee, through its Medical Subcommittee, finalized the development of and launched *Child Abuse Identification and Reporting Guidelines for Delaware Medical Providers*. The inaugural training was co-presented by a local physician and a DFS staff person on March 24, 2009 at Kent General Hospital to doctors, nurses, and social workers with great success. CDNDSC, the facilitator for the training, has and continues to schedule hospitals and private family practices to participate in the training in Fiscal Year 2010.

In addition to disseminating information regarding child abuse identification and reporting, the Abuse Intervention Subcommittee finalized the DSCYF, law enforcement, and Children's Advocacy Center Memorandum of Understanding, bringing to an end years of collaborative contemplation and revision and ushering in an updated and thoroughly-informed partnership among the three agencies most closely tied to child abuse investigation in Delaware. With DSCYF, the Children's Advocacy Center, and every law enforcement jurisdiction invested, the Subcommittee has undertaken plans to provide training to everyone impacted by this important agreement.

With two of the Abuse Invention Subcommittee's major undertakings accomplished and the Children's Justice Act three year plan approved by CPAC and submitted to the Administration for Children and Families, CPAC clarified the Subcommittee's future purpose to include: on-going training of medical professionals regarding child abuse and neglect, the execution of the aforementioned Memorandum of Understanding and its concomitant training, embarking upon a public awareness campaign addressing mandatory reporting, and determining the status of both the use and sharing of history across disciplines.

Collaborative Initiatives

CPAC and CDNDSC continued their collaborative affiliation throughout Fiscal Year 2009. Meeting on December 5, 2008 and again on April 14, 2009, the two groups examined the progress made by the existing action groups and/or subcommittees and determined what new areas needed their attention. In addition to the public awareness campaign regarding safe sleeping practices, the Commissions, based upon the recurrent theme in child welfare recommendations in Delaware, staunchly supported the development of training for medical

providers on child abuse identification and reporting in Delaware.

With the achievement of the child abuse identification and reporting training module, the joint commissions recognized the opportunity to again determine where their focus should be. Based upon a review of CDNDSC panel reviews and OCA's Child Welfare Recommendations Compilation, the joint commissions resolved to continue their efforts to educate medical providers and educators, as well as the general public, about child abuse identification and mandatory reporting and to tackle the need for a more effective and efficient risk assessment tool for Delaware's child welfare system. The former issue was referred to CPAC's Abuse Intervention Subcommittee to address while the latter will be tackled in Fiscal Year 2010 via both commissions' participation on CPAC's newly formed Risk Assessment Subcommittee.



Opportunities

A shift has occurred in Delaware's child welfare system. No longer is there a singular focus on fixing the system. Delaware has graduated to a place where there are numerous opportunities to foster and build upon the work that is done in Delaware. The child welfare system is no longer searching for what our practice should look like, but what it can look like. Movement of this magnitude is attributable to the steadfast commitment to collaborative, innovative, and respectful initiatives embarked upon by those with vested interest in positive outcomes for children and their families.

Through established partnerships and with seemingly inexhaustible creativity, Delaware has demonstrated that progress can be made in child welfare. Building upon these cornerstones, Fiscal Year 2010 will bring the exploration of new approaches to ensuring the health, safety, and well-being of Delaware's abused, neglected, and dependent children. The impact that evidence-based decision-making, improved identification of children at risk, child mental and behavioral health reform, and training agendas will have on the child welfare system will be significant and exciting. Intervening early and effectively in the lives of families in crisis may prove to relieve the system of its deeper end responsibilities as families become more self-sufficient earlier in their involvement with the child welfare system.

Self-sufficiency may also become more attainable for youth aging out of foster care as CPAC, advocates, youth, and families work to provide the supports necessary to build a foundation from which youth graduating from the foster care system can succeed.

Fiscal Year 2010 will certainly see efforts by Delaware's child welfare system to reach its goals both more efficiently and effectively in light of these economic times. Outcomes, however, will not be sacrificed. The First State's child welfare partners' commitment to children and families is too strong to accept anything but forward progress. CPAC, by and through its commissioners and the entities they represent, will continue to raise awareness, educate, and foster advocacy throughout Delaware and throughout Fiscal Year 2010 and beyond for a superior child welfare system.



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