The Honorable Jack Markell  
Governor

Tania M. Culley, Esquire  
Child Advocate

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

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The Office of the Child Advocate (OCA) was created in 1999 in response to numerous child deaths in Delaware resulting from child abuse. These cases pointed to deficiencies in the child protection system that could only be remedied through the collaborative efforts of Delaware’s many child welfare agencies. The General Assembly determined that an office to oversee these efforts, staff the Child Protection Accountability Commission (CPAC), and provide legal representation on behalf of Delaware’s dependent, neglected, and abused children was necessary. Pursuant to 29 Del. C. § 9005A, OCA is mandated to coordinate a program of legal representation for children, to periodically review all relevant child welfare policies and procedures with a view toward improving the lives of children, to recommend changes in procedures for investigating and overseeing the welfare of children, and to develop and provide training to child welfare system professionals.

OCA accomplishes its charge to represent children through four Deputy Child Advocates (DCAs), a substantial and dedicated pool of volunteer attorneys, and strong partnerships with the child-serving agencies in Delaware. During Fiscal Year 2012, OCA received 674 referrals and made 297 attorney appointments, completed 71 case reviews to ensure the child welfare system was adequately protecting the children involved, and provided legal representation for a total of 808 abused and/or neglected children. Three hundred seventy-eight volunteer attorneys represented children through OCA during the fiscal year, with 36 new attorneys trained in 7 training sessions throughout the state. By the end of FY12, OCA was proudly partnering with 189 volunteer attorneys with at least 5 years experience representing children through OCA, 29 of whom had 10 years of experience or more.

On June 30, 2012, 794 children were in the legal custody of Delaware’s Department of Services for Children, Youth & Their Families (DSCYF). OCA was representing 439 (55%) of those children, the Court Appointed Special Advocate (CASA) program was representing 350 (44%), and the remaining 5 children (1%) were unrepresented on the last day of the fiscal year. Throughout FY12, children were consistently represented within 40 days of entering DSCYF custody.

In addition to coordinating the legal representation of children, OCA participated in many initiatives to improve policies, procedures, practices and laws on behalf of children, primarily in the role of staff to CPAC. OCA staff worked diligently to deliver training on mandatory reporting of child abuse to child welfare professionals, as well as to raise awareness within the community, and to make this information widely available online. OCA also continued to support efforts to promote permanency and stability for older youth in foster care and those aging out of foster care, and was central to efforts to implement recommendations from Dean Ammons’ report on her investigation of the Dr. Bradley matter, resulting in legislation that will create a system-wide tracking mechanism for all cases of child abuse. OCA participated on numerous committees focused on issues such as educational success of children in foster care, girls with runaway behaviors, adoptive services, and the investigation and prosecution of child abuse cases, and also attended several national training and conferences on a variety of child welfare issues. OCA also supported its clients’ active participation in the Youth Advisory Council (YAC) and the Delaware Youth Opportunities Initiative (DYOI).

OCA is extremely grateful to all of the individuals and organizations that support the children served by OCA. The assistance and partnership of these entities is critical as OCA strives to fulfill its mission to safeguard the welfare of Delaware’s children through educational advocacy, system reform, public awareness, training, and legal representation of children.
LEGAL REPRESENTATION

Legal Representation of children is OCA’s primary focus. Statutorily required to coordinate a program of legal representation on behalf of children, OCA utilizes 4 full-time Deputy Child Advocates and about 370 volunteer attorneys, and also partners with the CASA Program, to represent the best interests of dependent, neglected, and abused children statewide.

OCA’s Volunteer Attorneys

Three hundred seventy-eight volunteer attorneys actively represented children during FY12, and 34 were new volunteers taking their first case. OCA trained 36 new attorneys during 7 training sessions in FY12, while a number of veteran volunteers also attended these trainings to refresh their understanding and to learn about updates to the child protection system. By the end of FY12, OCA boasted a roster of 160 attorneys with at least 5 years of experience representing children through OCA, and another 29 with 10 years of experience or more. In addition, two of OCA’s long-time volunteers were recognized by the Delaware State Bar Association for their achievement in and commitment to pro bono work.

Collectively, volunteer attorneys donated over 6,300 hours of their time to cases that closed in FY12. OCA staff spent nearly 1,050 hours training and supporting volunteer attorneys in FY12.

Child Representation Statistics

During the course of FY12, OCA provided legal representation to 808 children statewide, most of whom were in the legal custody of DSCYF. OCA received 674 referrals and made 297 new appointments in FY12.

The bulk of new cases to which OCA attorneys were appointed in FY12 were in New Castle County (69%). Most of those cases were handled by volunteer attorneys (84%), with the remaining 16% being handled by DCAs. In contrast, DCAs handled 75% of the new appointments in Sussex County, and 33% of new appointments in Kent County. Overall, 13% of OCA’s new appointments in FY12 were for Kent County, and 18% were for Sussex (Chart 1). DCAs and their support staff spent over 8,850 hours on the representation of children in FY12.

Of the 297 new appointments made in FY12, 12 (4%) were for children who were the subject of parent custody disputes, 30 (10%) were for children involved in private dependency/neglect proceedings, and 248 (84%) were for children in the legal custody of DSCYF. The remaining 7 appointments were for youth who

Law Firms That Hosted OCA Trainings in FY12:

- E.I. duPont de Nemours & Company
- Morris Nichols Arshe & Tunnell LLP
- Potter Anderson & Corroon LLP
- Skadden, Arps, Slate, Meagher & Flom, LLP
- Young Conaway Stargatt & Taylor LLP

Chart 1. Attorney Appointments by County - FY12

- New Castle, 69%
- Kent, 18%
- Sussex, 13%

205, 53
39, 13
53, 18

205, 69%
turned 18 and aged out of foster care, but for whom the Family Court extended its jurisdiction, and re-appointed the youths’ attorneys to continue to represent their interests.

Three hundred twenty-six OCA cases concluded in FY12. Of those, 14 were private cases involving dependency or neglect of children, and 15 were parent custody disputes. Three cases where the court retained extended jurisdiction over youth after they turned 18 were closed in FY12 when the Court ended its oversight for various reasons. The remaining cases involved children in the custody of DSCYF, and those cases closed with a variety of outcomes (see Chart 2).

At the end of FY12, OCA was actively representing 500 children. The majority, 439, were in the legal custody of DSCYF. Another 36 were the subject of dependency/neglect proceedings, while 16 were the subject of parent custody proceedings. Nine youth remained represented by attorneys after their 18th birthday under the extended jurisdiction of the Family Court.

By the end of FY12, 389 referrals had been made to OCA to which attorneys were not appointed. Seventy-one of those referrals resulted in case reviews to ensure the child welfare system was adequately protecting the children involved and appropriately responding to the needs of those children and their families. Two hundred forty-four of those referrals resulted in child representation through the CASA Program, while another 22 were resolved before an attorney or a CASA could be appointed. Fifty referrals had no apparent dependency, neglect, or abuse issues and therefore there was no role for OCA. Two cases were still pending disposition at the close of the fiscal year. In FY12, OCA staff spent over 780 hours handling referrals and reviewing cases for appointment and system improvement.

OCA worked closely with the CASA Program throughout FY12 to ensure that all children in DSCYF custody received legal representation. On June 30, 2012, 794 children were in DSCYF custody, a 4% decrease from the prior fiscal year. OCA was representing 439 (55%) of those children, CASA was representing 350 (44%), and the remaining 5 children (1%) were unrepresented on the last day of the fiscal year. All 5 of the children who were unrepresented at the end of the fiscal year received representation within 40 days of entering DSCYF custody. Throughout FY12, children were consistently represented within 40 days (see Chart 3).
Child Welfare Policy is another area in which OCA acts to strengthen children and families and the system that serves them. OCA is mandated, pursuant to 29 Del. C. § 9005A(2), to periodically review child welfare policies and procedures with a view toward expanding the rights of children. OCA is also to recommend changes in procedures for investigating and overseeing the welfare of children, and to develop and provide training to child welfare system professionals. 29 Del. C. § 9005A(4), (9).

OCA staff spent over 1,100 hours on efforts involving child protection policy and procedure in FY12, and another 960 hours on such efforts while fulfilling their duties as staff to CPAC.

In its role as staff to CPAC, OCA supports CPAC and its committees by ensuring compliance with the Freedom of Information Act (FOIA), preparing minutes and agendas, scheduling meeting times and locations, facilitating communications, and in some cases even chairing committees. Each full-time staff member participates substantively on at least one CPAC committee or initiative. In FY12, OCA also staffed the third Protecting Delaware’s Children Conference, a joint initiative of CPAC and the Child Death, Near Death, Stillbirth Commission (CDNDSC), working to identify local and national presenters on a wide variety of topics, as well as coordinating the logistics of the event in conjunction with the CDNDSC.

Also in its role as staff to CPAC, in FY12 OCA again contracted with DSCYF to administer the federal Children’s Justice Act (CJA) grant funds and to coordinate the activities funded by the grant, including the Child First conferences on the forensic interviewing of children. OCA also continued to supervise the CPAC Training Coordinator, who took on a greater role in coordinating and implementing training activities and leading training initiatives through CPAC. OCA worked with child welfare system partners throughout FY12 to train numerous members of the community on child abuse recognition and mandatory reporting obligations. Within this training, information about additional resources to protect children is also shared, such as Prevent Child Abuse Delaware’s Personal Safety Program and the Stewards of Children sexual abuse awareness and prevention training. OCA worked diligently to make mandatory reporting training widely available online, in formats tailored to specific audiences such as education professionals, medical professionals, and the general public, making the information more easily accessible for everyone.

In a similar vein, OCA also partnered with other child welfare agencies and professionals to implement Delaware’s Mandatory Reporting Outreach campaign, designed to raise awareness in the community about the signs of child abuse and how to report suspected abuse. In furthermore of the campaign, OCA obtained magnets and posters with the Stop Child Abuse logo to be distributed at various events throughout the state, and helped arrange for public service announcements to play on local radio stations throughout the month of April, which is Child Abuse Awareness month.
Moreover, OCA’s Program Administrator and the CPAC Training Coordinator became qualified facilitators of the Stewards of Children training, a statewide initiative with a goal of reaching 35,000 Delawareans and teaching them how to protect children from sexual abuse. All OCA staff attended a Stewards of Children training session in FY12.

With so much emphasis on raising awareness and educating the public on their duty to report child abuse, prompt implementation of Delaware’s new risk assessment tool became critical. OCA staff were integral to the design and implementation of the Structured Decision Making (SDM) risk assessment model by DSCYF through countless meetings and model testing. OCA also participated in pilots that were conducted, many of which were aimed at testing users’ fidelity to the model as they evaluated sample child abuse reports. SDM was implemented in the child abuse reporting phase in FY12, and OCA will continue to participate in the roll-out of the model as DFS prepares to implement it at the investigation and treatment phases. OCA has also been a valued partner in assisting DSCYF in implementing a differential response system to reports of child abuse, which will enable DFS to provide more tailored and community-based services to in-tact families, thereby preventing the out-of-home placement of children from low risk families.

OCA also continued to focus on the vulnerable populations of adolescents in foster care and youth aging out of foster care. Staff members participated on CPAC’s Permanency for Adolescents Committee, which sought to identify and address gaps in the system that create barriers to achieving permanency for older teens. This group strove to address such issues as youth entering foster care as a result of juvenile justice system involvement; reinstatement of parental rights; juvenile criminal record expungement; juvenile sex offender registration; and subsidized guardianships.

In addition to this Committee, Child Advocate Tania Culley also participated as Co-Chair of the Delaware Youth Opportunities Initiative’s (DYOI) Policy Working Group. The DYOI Policy Working Group was designed to coordinate the policy recommendations of other DYOI working groups and make recommendations to the DYOI Community Partnership Board as to what agendas to move forward on behalf of youth in foster care. An equally important task of this Working Group was to teach youth how to become self-advocates and how to move policy forward. That goal was realized when the youth involved with the Working Group successfully drafted and obtained passage of House Joint Resolution 18. The Resolution called for a group to study the implications of extending foster care to age 21, an initiative which the foster youth members of the Policy Workgroup identified as a priority for Delaware. Ms. Culley took an active role in assisting with the resolution, but more importantly, she facilitated the active participation of the youth members of the group. The final report of the HJR18 study group will be submitted to the General Assembly in FY13, and hopefully legislation to extend foster care to age 21 in Delaware will follow.

During FY12, OCA became regular attendees at the Youth Advisory Council (YAC), and supported the youth involved with YAC in a variety of activities. One such activity was a trip to Washington, D.C., where the youth had the opportunity to tour the capitol, visit the Supreme Court, and meet with Delaware’s Senators Carper and Coons.
Another activity in which OCA supported YAC was the foster care mural project. A local artist was commissioned to work with youth from YAC on a mural illustrating their journey through the foster care system, and sending the message that there is a “light at the end of the tunnel.” The mural was hung in a courtroom in the Sussex County Family Courthouse.

OCA’s Jen Donahue paints a mural with youth in foster care

OCA also serves on the Governor’s Steering Committee on the Protection of Children, a group that focuses on implementing the recommendations put forth by Dean Ammons in her report on the Dr. Bradley matter. As a result of the Steering Committee’s hard work, legislation was passed in FY12 creating an Investigation Coordinator position, which will establish a structure for system-wide tracking of all cases of child abuse and neglect, promoting accountability and cooperation throughout the system. The Steering Committee continues to work on multidisciplinary collaboration training and legislation, along with background check consolidation and regulation for organizations involved with youth.

OCA spent time in the General Assembly during FY12, advocating for the Investigation Coordinator legislation and supporting the youth who were promoting HJR 18. OCA also spent a good deal of time in the legislature ensuring that other laws that benefit children moved forward.

OCA continued to meet quarterly with DFS to improve multi-disciplinary collaboration and communication on such issues as case decisions, placement issues, training, and system successes and challenges. In addition, OCA performed case reviews on child abuse/neglect cases referred to OCA to ensure the child welfare system was adequately protecting the children involved, and to determine whether there were any breakdowns in the system’s response to the needs of those children and their families. OCA continued to enter policy concerns from these case reviews into its Child Protection Policy Concerns database in order to identify trends in Delaware’s child protection practice.

In addition to its other policy work, OCA participated on various CPAC Committees and other workgroups focused on improving services to children and advocating for children’s rights, including CPAC’s Education, Abuse Intervention, and Investigation and Prosecution of Child Abuse Committees, the Child Death, Near Death, Stillbirth Commission and its Child Abuse and Neglect (CAN) Panel, the Interagency Committee on Adoption, the DFS Runaway Girls Committee, and the Child Placement Review Board Task Force.

OCA staff attended, and in some cases presented at, numerous local and national multidisciplinary conferences and meetings throughout FY12, including Delaware’s Juvenile Justice Conference and the Protecting Delaware’s Children Conference, as well as a national Child Fatality Review invitational meeting, the Children’s Justice Act annual meeting, the Citizen Review Panel annual meeting, the National Leadership Summit on School-Justice Partnerships, the National Convocation on the Commissions for Children, and the 18th National Conference on Child Abuse and Neglect.
**DONATIONS**

Donations to OCA help give OCA’s clients opportunities to participate in meaningful and memorable experiences – experiences that other children often take for granted but that children in foster care are rarely able to enjoy. Donations also help these children find joy during the holidays, a time of year that often intensifies their feelings of sadness and loss. In FY12, community members again outdid themselves in their generous donations to OCA.

Many of OCA’s clients were “adopted” and provided with an abundance of gifts during the FY12 holiday season by organizations such as the Christiana Rotary Club, the KMC Girls Gymnastics Team, the Crossroads Presbyterian Church, and the Eastpoint Community Church. Members of these organizations rallied to collect thoughtful, individualized gifts from the wish lists of these children. In addition to these organizations, one of OCA’s staff members recruited several friends, whose families also pitched in to fulfill the children’s holiday wishes. Gifts included toys, games, clothes, shoes, sports equipment and apparel, electronics, art supplies, jewelry, toiletries, and more. Over 200 OCA clients benefited from the extraordinary kindness of these organizations and families.

In FY12, OCA strengthened its partnership with the Christiana Rotary Club by attending a meeting during which OCA staff and Rotary members discussed opportunities for the Rotary’s Transform One Unique Child’s Heart (TOUCH) Program, which is responsible for the Rotary’s holiday donations to OCA, to expand its giving by providing OCA’s clients with needed items at other times throughout the year, rather than limiting the program to just the holidays. OCA staff, volunteer attorneys, and Rotary members also enjoyed an evening reception honoring all those involved with the TOUCH Program, and furthering the discussion of the program’s expansion. OCA looks forward to its continued partnership with the Christiana Rotary as the two continue to bring joy to children during the holidays, and look for additional ways to help children in foster care throughout the year.

Delaware’s Inns of Court continued their tradition of support to OCA by donating holiday gifts for OCA’s clients, as well as making generous monetary contributions. Together, the Bankruptcy, Melson-Arsht, Pro Bono, and Rodney Inns donated over $1,700 to OCA during the FY12 holidays. The Inns of Court have been long-standing supporters of OCA’s quest to make the holidays a special time for its child clients, and have now expanded their reach with these monetary gifts, which enable OCA to provide special opportunities and memories for children throughout the year, and not just during the holidays.
During FY12, OCA used the monetary donations from community members to help several children take advantage of extraordinary opportunities and to fulfill their dreams. One youth had such an opportunity when donated funds enabled her to participate in her school’s trip to South Africa, where she learned about the diverse culture of the country, and also spent time with various service organizations working on such issues as poverty, AIDS prevention, and education. She expressed her gratitude for the monetary donations in an insightful thank-you letter to OCA and her attorney, in which she wrote, “I have dreamed of going to a foreign country and to have the opportunity...to help people while there makes the trip even more amazing...This trip not only benefits me, but also allows me to benefit the lives of underprivileged children in the country. So when you think about it with your contribution you are touching many lives, not just mine.”

OCA helped another youth obtain a saxophone and lessons, so he could participate in his school’s marching band. This dedicated young man wrote an eloquent thank-you letter to his supporters, stating “I have started practicing and my band director thinks I can play better than his experienced woodwind players... Your consideration and donation really makes me feel special because I have something that not too many children across the nation are able to have and for this, I am very grateful.”

Several children were able to play sports or attend camp thanks to donated funds, including one young woman who was able to attend the prestigious National Youth Leadership Forum on Medicine in Washington, D.C. Several other youth received help paying for their high school proms. Two children received new bikes, and two young boys were able to experience the magic of the Harlem Globetrotters and the Franklin Institute. Donations were also used to help OCA clients with expenses such as bus passes and contact lenses, as well as to purchase graduation and birthday gifts. These are but a few examples of how donated funds were used to help OCA’s clients in FY12. OCA is extremely grateful to the organizations that make it possible to continue providing Delaware’s most vulnerable youth with experiences such as these.

The generosity of the community in which OCA works was exemplified yet again in FY12, when a fire tragically destroyed the pre-adoptive home of two long-time OCA clients. OCA worked together with DFS and A Better Chance for Our Children adoptive services agency to raise money to help the family get back on its feet. OCA received nearly $4,000 in donations from its volunteer attorneys. The bulk of the funds came from attorneys and other staff at the law firm of Young Conaway Stargatt and Taylor, which coordinated an internal donation solicitation on behalf of the family. OCA and the family were overwhelmed by the compassion and goodwill of these attorneys, and the money went a long way in helping the family rebuild, resulting in the successful adoption of the two little girls.

OCA was also the beneficiary of the generosity of the Jennersville, PA YMCA, which conducted a coat drive in FY12 and then provided OCA, among other organizations, with a multitude of new winter coats for its clients. OCA looks forward to establishing more partnerships like this for the benefit of the children it serves.
Gared Sullenger passed away unexpectedly on March 2, 2012. He was a peaceful and kind soul that endured and triumphed over a great deal of adversity in his life. He was one of the most humble, appreciative, and sweet individuals to have touched our lives.

Gared was fortunate to have settled in with a loving foster family, the McBrooms, that he claimed as his own, and who claimed him as their own in return. While in the McBroom’s home, Gared thrived. He began gardening, tending to the animals on the family farm, and raising his own chickens and dogs. All the while, he enjoyed what nature had to offer. He also enjoyed attending weekly farm auctions with his foster father, Rod, where he became a skilled negotiator. He even learned to speak in the noted rapid style of auctioneers, and would break out into auction negotiations upon request!

Gared also doted on his niece, Lilly, who was born in January 2010. He always reminded us he was an uncle and tried to be as helpful as he could—although he understandably refused to change dirty diapers.

Gared attended Milford High School where he was a star pupil in the school’s greenhouse. Although he was quiet and reserved in school, he had many friends and admirers. He was remembered as being incredibly respectful, helpful, and enthusiastic. He will be missed.

Written by Eliza Hirst, Esquire
Fiscal Year 2012
OCA Pro Bono Honor Roll


* Attorney has been a volunteer for at least 5 years
** Attorney has been a volunteer for at least 10 years
OFFICE OF THE CHILD ADVOCATE STAFF

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