

State of Delaware

Child Protection Accountability Commission (CPAC)



Mission

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

2014 Annual Report

July 1, 2013 - June 30, 2014



The Honorable Jack Markell, Governor

State of Delaware



C. Malcolm Cochran, IV, Esquire, Chair

Child Protection Accountability Commission

State of Delaware

Child Protection Accountability Commission

c/o Office of the Child Advocate

900 King Street, Suite 210

Wilmington, Delaware 19801

(302)255-1730

(302)577-6831 (fax)



<http://courts.delaware.gov/childadvocate/>

Our Membership—FY14

<p>Secretary of the Department of Services for Children, Youth and Their Families 16 Del. C. §912(a)(1) The Honorable Jennifer Ranji, Cabinet Secretary</p>	<p>Secretary of the Department of Education 16 Del. C. §912(a)(8) Linda C. Wolfe, R.N., Director, School Support Services</p>
<p>Director of the Division of Family Services 16 Del. C. §912(a)(2) Victoria Kelly, Psy.D., Director</p>	<p>Director of the Division of Prevention and Behavioral Health Services 16 Del. C. §912(a)(9) Susan Cycyk, M.Ed., Director</p>
<p>Two Representatives from the Attorney General's Office 16 Del. C. §912(a)(3) Patricia Dailey Lewis, Esquire, Deputy Attorney General, Director, Family Division Kathleen Jennings, Esquire, Deputy Attorney General, Director, Criminal Division</p>	<p>Chair of the Domestic Violence Coordinating Council 16 Del. C. §912(a)(10) Eleanor Torres, Esquire, Executive Director</p>
<p>Two Members of the Family Court 16 Del. C. §912(a)(4) The Honorable Chandlee Johnson Kuhn, Chief Judge The Honorable Joelle Hitch, Judge</p>	<p>At-large Member - Medical Community 16 Del. C. §912(a)(11) Allan De Jong, M.D., Medical Director, Children at Risk, CARE Program, Alfred I. duPont Hospital for Children</p>
<p>One Member of the House of Representatives 16 Del. C. §912(a)(5) The Honorable Melanie George Smith, State Representative</p>	<p>At-large Member - Interagency Committee on Adoption 16 Del. C. §912(a)(11) Mary Lou Edgar, Member of the Interagency Committee on Adoption</p>
<p>One Member of the Senate 16 Del. C. §912(a)(6) The Honorable Patricia Blevins, State Senator</p>	<p>At-large Members - Law Enforcement 16 Del. C. §912(a)(11) Colonel Nathaniel McQueen, Jr., Superintendent, Delaware State Police Captain Robert McLucas, New Castle County Police Department</p>
<p>Chair of the Child Placement Review Board 16 Del. C. §912(a)(7) Carolyn Walker, Chair</p>	<p>At-large Members - Child Protection Community 16 Del. C. §912(a)(11) C. Malcolm Cochran, IV, Esquire, CPAC Chair Randall Williams, Executive Director, Children's Advocacy Center Janice Mink, Citizen Ellen Levin, Citizen</p>

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Executive Summary

In Fiscal Year 2014, the Child Protection Accountability Commission (CPAC or the Commission) met quarterly to identify system challenges and advocate for system reform, to evaluate and recommend changes in policy, and to make legislative recommendations. Between quarterly Commission meetings, CPAC's various committees and workgroups were engaged in substantive work, at the direction of the Commission, in a variety of areas, including: the ongoing review of practices followed by various system partners in their response to reports of abuse and neglect; the development of training in best practices for front line professionals who respond to reports of abuse and neglect; the improvement of educational outcomes for children in foster care; various legislative initiatives, including work on guardianship, child protection registry and other statutes; permanency for adolescents; infant safe sleeping; mandatory reporting of child abuse; data utilization, and others. CPAC also continued in its service as Delaware's Citizen Review Panel (CRP) and Children's Justice Act (CJA) Task Force. CPAC and the Child Death, Near Death, and Stillbirth Commission (CDNDSC) continued their collaborative statutory affiliation through Fiscal Year 2014, meeting jointly on two occasions during the fiscal year.

CPAC accomplished the following in FY14:

- ◇ Trained over 12,900 educators, healthcare providers and members of the public on their statutory, child abuse mandatory reporting obligations through onsite and online training;
- ◇ Established the Child Abuse and Neglect Best Practices Workgroup, which is dedicated to the development of best practices for investigating and prosecuting child abuse;
- ◇ Championed six legislative initiatives with support from CPAC Commissioners Senator Patricia Blevins and Representative Melanie George Smith;
- ◇ Worked to improve outcomes for adolescents in foster care by developing resources and training curricula on permanency options and extended jurisdiction;
- ◇ Revised the CPAC Data Dashboards to focus on 8 priority areas, which broadly represent the child welfare system and will enable CPAC to better focus system reform efforts;
- ◇ Gave partial scholarships to members of the multidisciplinary team to attend the 30th National Symposium on Child Abuse and the Thirteenth International Conference on Shaken Baby Syndrome/Abusive Head Trauma;
- ◇ Submitted the CJA Annual Report & Grant Application - Approved by the Administration for Children and Families on August 5, 2014;
- ◇ Advocated for the educational success of children in foster care by recommending revisions to Regulation 505 - High School Graduation Requirements and Diplomas to provide exceptions to graduation requirements for students in DSCYF custody; and
- ◇ Expanded CPAC's membership to include the Chair of CDNDSC, the Investigation Coordinator, a youth or young adult who has experienced foster care in Delaware, and a representative from the Public Defender's Office.

CPAC's Fiscal Year 2014 achievements were realized due to the leadership of its chair, C. Malcolm Cochran, IV, Esquire, and the Committee chairs, as well as the commitment of its agency representatives and CPAC staff.

Background & Purpose

Delaware's Child Protection Accountability Commission was established by an Act of the Delaware General Assembly in 1997 following the death of a four year old boy named Bryan Martin. Bryan's death demonstrated the need for multidisciplinary collaboration and accountability in Delaware's child protection system. As a result, Delaware enacted the Child Abuse Prevention Act of 1997 (16 Del. C., Ch. 9), which made significant changes in the way in which Delaware investigates child abuse and neglect. The Child Abuse Prevention Act also established an interdisciplinary forum for dialogue, and reform. That forum is CPAC, which endeavors to foster a community of cooperation, accountability and multidisciplinary collaboration. CPAC brings together key child welfare system leaders, who meet regularly with members of the public and others, to identify system shortcomings and the ongoing need for system reform.



The statutory duties of CPAC (16 Del. C. § 912(b)):

1. Examine and evaluate the policies, procedures, and effectiveness of the child protection 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 Prevention and Behavioral Health Services, 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.

Children's Justice Act Task Force

The Children's Justice Act (CJA) provides grants to States to improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim. CPAC became the Children's Justice Act Task Force in FFY08. For more detail, please see **Page 16**.



Delaware's Citizen Review Panel

In 2004, CPAC was 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 (CRP). Amended in 1996, CAPTA requires that CPAC, in its role as CRP, 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. CPAC partners with CDNDSC in its reviews of specific cases. For more detail, please see **Page 17**.

Delaware's Child Protection System

With CPAC's assistance, Delaware has continued to refine and improve its interdisciplinary approach to the protection of children. The approach, often referred to as the multidisciplinary team (MDT), relies on the collaborative intervention of various system partners. An essential participant in the MDT approach has been the Delaware Children's Department, which is comprised of three service divisions—the Division of Prevention and Behavioral Health Services (DPBHS), the Division of Youth Rehabilitative Services (DYRS), and the Division of Family Services (DFS). Collectively these divisions are responsible for the provision of services to children who have suffered abuse, neglect, abandonment, delinquency, mental illness, and/or substance abuse.

As the child welfare agency, DFS is responsible for receiving and investigating reports alleging child abuse, neglect, or dependency. In FY14, DFS received 18,054 reports of child abuse, neglect or dependency, which was a 4% increase over the prior fiscal year and the largest number of reports ever received in a fiscal year by DFS. DFS screened in 8,222 (46%) of those reports, and substantiated 1,147 (14%) cases. These cases are often initiated when a child victim of abuse or neglect is first identified by a professional who interacts routinely with children, including members of the education, medical or law enforcement communities.

Multidisciplinary collaboration is frequently necessary. For reports that may involve a criminal offense against a child, DFS and law enforcement will investigate jointly. Whenever appropriate, cases will be referred to the Children's Advocacy Center of Delaware (CAC), where the MDT often formally convenes to conduct a forensic interview, medical examination and/or mental health screening. Death and near death cases are also referred to the CDNDSC. In an effort to ensure system wide coordination, all cases involving serious physical injury or allegations of sexual abuse are also monitored by Delaware's Investigation Coordinator - a function that CPAC advocated for, in the wake of the tragic events brought to light in the *Bradley* case. As a vital member of the MDT, the Criminal Division of the Department of Justice (DOJ) determines whether there is sufficient evidence to prosecute those responsible for inflicting harm on children. In July of 2013, at the recommendation of a joint committee of CPAC and CDNDSC, the DOJ established the Child Victims Unit, a specialty unit within the DOJ, which handles all felony level, criminal child abuse cases involving the death or serious physical injury of a child. The Unit combines expertise from both the Criminal and Family Divisions of the DOJ. The Family Division also provides legal representation to DSCYF in Family Court, and DOJ has designated several attorneys across its Divisions to pursue civil remedies against perpetrators of child abuse, including civil substantiations and licensure proceedings, thereby increasing the chances of protecting children where criminal remedies are either insufficient or unavailable.

Through frequent hearings, Family Court Judges were responsible for monitoring approximately 995 children in the legal custody of DSCYF during Fiscal Year 2014. Approximately, 27% of these children were 4 years of age or younger; 14% were 5 to 8 years of age; 14% were ages 9 to 12; and 36% were 13 to 17 years of age. By county, 57% reside in New Castle County, 24% reside in Kent County, and 20% reside in Sussex County. As of June 30, 2014, 613 children were in DSCYF custody, the lowest number since CPAC was established. These same children are entitled to representation in all judicial proceedings, which OCA and the Court Appointed Special Advocate Program (CASA) are responsible for providing. Roughly half of the children requiring representation are represented by or through the Office of the Child Advocate, and half are represented through the CASA program. To accomplish this task, OCA and CASA draw on a sizeable pool of volunteers. Children in DSCYF custody also receive extensive care and support from the education, foster care, adoption and medical communities. Thus, Delaware relies on the collective resources of the Family Court, DOJ, OCA and CASA, as well as the Children's Department, the service providers, and the community, to provide safety, well-being and permanency for its most vulnerable children.

Committees

CPAC accomplished many of its FY14 goals through the work of its six Committees.

The Abuse Intervention Committee

Charge: To provide measurable oversight of CPAC's Children's Justice Act (CJA) grant activities by planning and administering the Three-Year Assessment, monitoring the progress of recommendations identified in the Three-Year Assessment Report and recommending to CPAC future system priorities related to the investigative, administrative and judicial handling of cases of child abuse and neglect.

Membership: The Committee is chaired by Patricia Dailey Lewis, Esquire, Director of the Family Division at the DOJ. The membership includes representatives from the following agencies: Alfred I. duPont Hospital for Children, Bayhealth Medical Center, CAC, CDNDSC, Delaware Coalition Against Domestic Violence, Delaware Disabilities Council, DOJ, DSCYF, DFS, Domestic Violence Coordinating Council, OCA, and Nanticoke Memorial Hospital.

During the fiscal year, the Abuse Intervention Committee continued to provide oversight of CPAC's CJA grant activities. The Committee met on a quarterly basis to receive progress updates on the three priorities identified for the 2012-2014 grant period: support of training and education initiatives related to the investigation and prosecution of child abuse and neglect cases using a multidisciplinary team approach; creation of a committee to improve the investigation and prosecution of child abuse and neglect cases as well as offender accountability within the criminal justice system; and implementation of a plan to eliminate infant unsafe sleep fatalities due to abuse or neglect in the state.

From these priorities, CPAC established the following funding activities for the 12-month grant period: the Training Coordinator; ChildFirst™ Forensic Interviewing Training; Mandatory Reporting Training; the Protecting Delaware's Children Conference and the Child Abuse Multidisciplinary Team Advanced Training Course; MDT Scholarships to National Conferences; Cross-Education Training; Online Training System and Surveys; and Child Abuse and Neglect Report Line Publicity. Since many of these activities are related to training initiatives, CPAC identified workgroups under the CPAC Training Committee to carry out the planning and execution.

As Delaware's CJA grant task force, CPAC also submitted its Annual Progress Report and Grant Application to the Administration on Children, Youth and Families on May 30, 2014. In this report, the progress of the aforementioned funding activities was described in detail. The report is also available at the following link:

<http://courts.delaware.gov/childadvocate/docs/2014CJAApplication.pdf>.

In addition to the Administration on Children, Youth and Families, the Criminal Justice Council (CJC) provides oversight of CJA grant funds. Since October 1, 2012, the CJC, with assistance from the Administrative Office of the Courts, has supported OCA in the management of the grant. This requires that OCA, on behalf of CPAC, submit quarterly fiscal and progress reports to the CJC, as well as an annual grant application for the specific grant period. As a result of the collaboration that has developed between the federal and state agencies, and with the assistance of its Executive Director and staff, CPAC has improved the manner in which the CJA grant is administered in the State of Delaware.

Committees

The Data Utilization Committee

Charge: 1. To assess the voluminous data presented to CPAC on a quarterly basis, and determine: (a) if it is the right data and if it is relevant; (b) if there is other data needed to monitor the child protection system; and (c) if the data or analysis is outcome driven; 2. To develop dashboards for measuring Delaware’s child protection system which will be reported out to CPAC on a quarterly basis; and, 3. To use the dashboards to inform system improvement and CPAC initiatives.

Membership: The Committee is chaired by Rosalie Morales, OCA Program Administrator. The membership includes representatives from the following agencies: Child Placement Review Board (CPRB), Delaware State Police (DSP), DSCYF, DFS, Family Court, and OCA.

During FY14, the Data Utilization Committee revised the data dashboards that are regularly presented to CPAC to reflect system wide child welfare trends. The data was reorganized into eight dashboards: 1. Caseloads; 2. Processing of Child Abuse Cases; 3. Court Outcomes; 4. Permanency Outcomes; 5. Extended Jurisdiction; 6. Cross-Over Youth; 7. Educational Outcomes for Children in Foster Care; and 8. Re-Entry/Recurrence of Maltreatment. At each CPAC meeting, the Committee is responsible for providing quarterly reports of the data and presenting any trends identified.

For example, Dashboard 1 summarizes the average caseloads of DFS treatment and investigation workers, reflecting the fundamental way in which caseloads impact the quality of service. Historically, caseload standards have been a critical data point that CPAC has monitored since its inception in 1997. As reflected in Figures 1 and 2, the statutory caseload standard is 11 for investigation workers, and 18 for treatment workers:

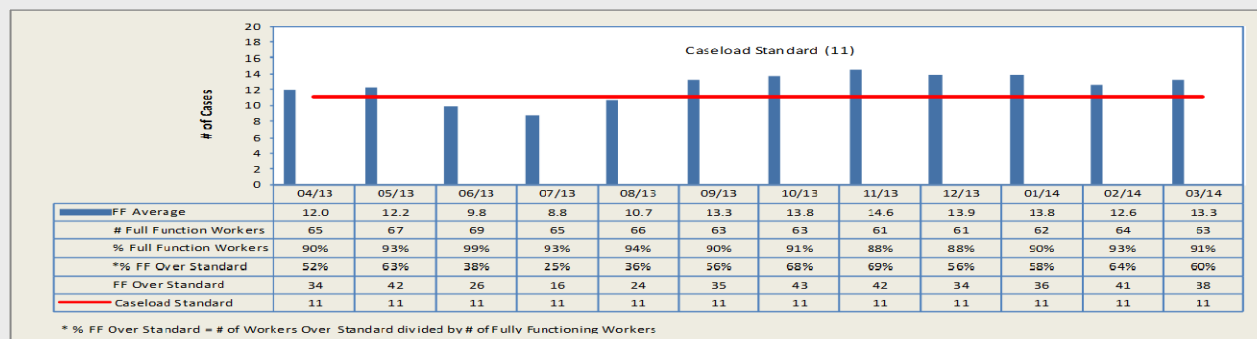


Figure 1. Statewide DFS Investigation Caseloads

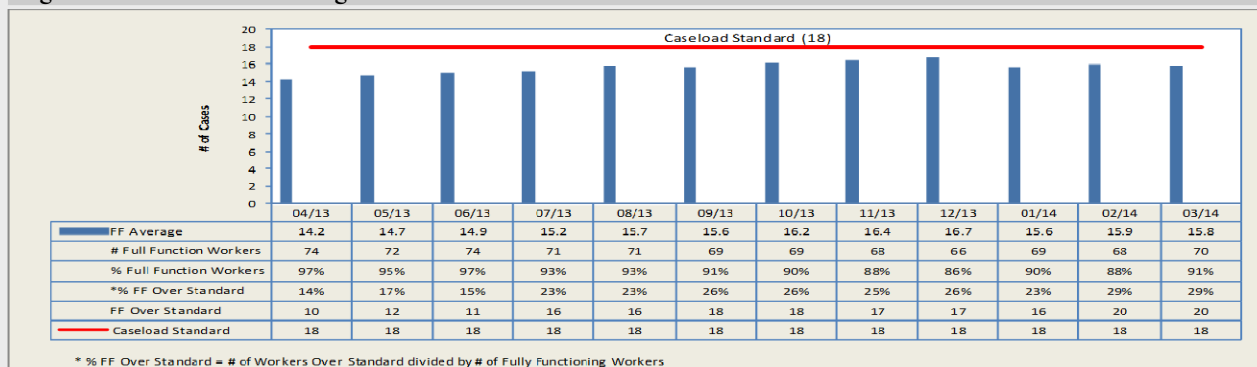


Figure 2. Statewide DFS Treatment Caseloads

Committees

In a second example, Dashboard 2 contains reports on data collected from various child welfare agencies, including the agency’s involvement in intra-familial versus extra-familial reports of child abuse and neglect, and the outcome(s) in these cases. Dashboard 2 also presents the number of hotline reports received by the DFS Child Abuse and Neglect Report Line, together with (in addition to the number of reports received) the primary allegation type and case outcome. In addition, the dashboard features the number of cases opened and the civil and criminal case outcomes of cases closed by the Investigation Coordinator, who monitors and helps to coordinate all child death, near death, and sexual abuse cases to ensure a comprehensive, multidisciplinary civil and criminal system response. Thus, as shown in Figure 3, over the period April-June 2014, the Investigation Coordinator initiated tracking on 98 extra-familial cases and 291 intra-familial cases. To ensure that other child welfare agencies have knowledge of these complex cases, the Investigation Coordinator’s statistics are compared with data provided by the following agencies: the CAC (when a forensic interview or medical exam is needed); the CDNDSC Child Abuse and Neglect Panel, which is responsible for reviewing deaths and near deaths of children who are victims of abuse and/or neglect; and the DOJ Child Victims’ Unit, which is responsible for prosecuting death and near death cases. In the next fiscal year, as complete data is received from child welfare system partners, CPAC anticipates that this dashboard will become highly relevant in helping to ensure best outcomes in the most high risk cases investigated and prosecuted in Delaware.

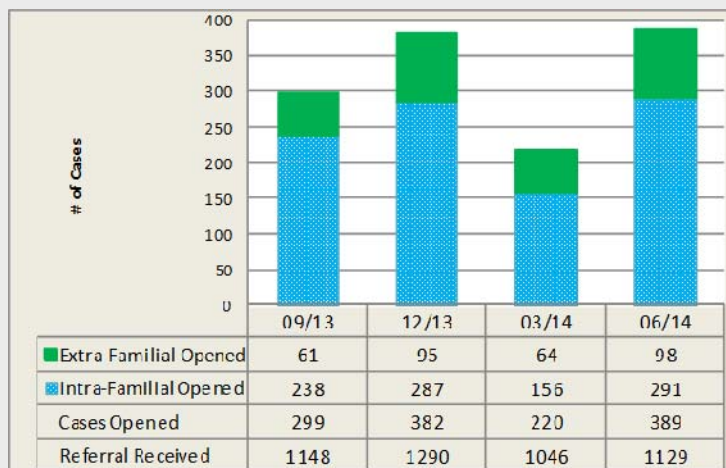


Figure 3. Investigation Coordinator Cases Opened During Quarter

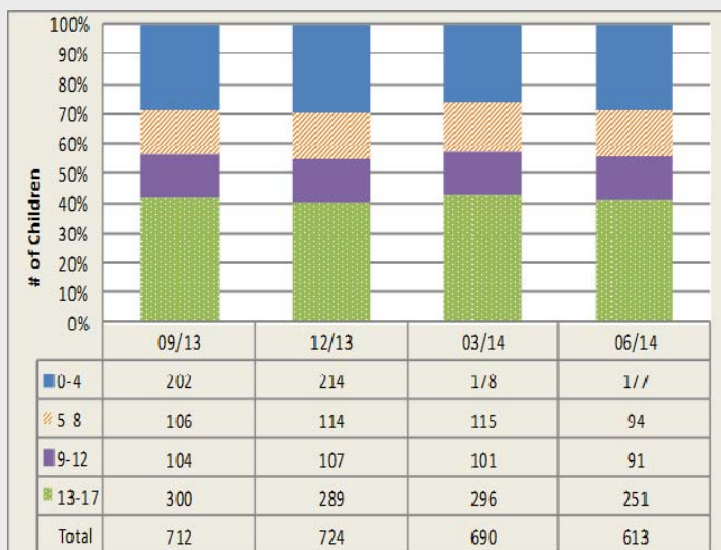


Figure 4. Ages of Children in DSCYF Custody at End of Quarter

Tracking court outcomes for all children in DSCYF custody is equally significant. Thus, Dashboard 3 includes profiles of children in DSCYF custody, the number of children represented by OCA and CASA, the time it takes for a child to be represented, and the timeline for cases from beginning to closure by Family Court. Thus, as shown in Figure 4, the number of children in foster care in Delaware has been declining. Further, as of the end of the fourth quarter of FY 2014, youth ages 13-17, represent most of the children in custody at 41%. The next highest percentage of children in custody is the 0-4 age range at 29%.

Committees

Work by the Data Utilization Committee is ongoing, and it is anticipated that in FY15 the 8 data dashboards will be adjusted and revised to ensure that CPAC is receiving data in a format that is useful in the development of informed, and evidenced based, policy.

The Education Committee

Charge: 1. Provide administrative oversight of the MOU between DSCYF and DOE by: (a) identifying and monitoring data points relative to educational success; (b) reviewing responsibilities, staff familiarity and effectiveness; (c) communicating; and (d) revising, implementing and training on the MOU, as needed; 2. Improve system collaboration between the child welfare and educational systems through training and enhanced communication. The curriculum and resource identification shall include training modules and resources on child welfare/education policies, collaboration, effective communication, and programs; and 3. Advocate for the educational success of children in foster care through the collection and analysis of data and the development of performance measures.

Membership: The Committee was chaired during FY 2014 by Linda C. Wolfe, Ed.D., R.N., Director of School Support Services for DOE. Its membership includes representatives from the following agencies: Brandywine School District, CASA, Charter Schools, CPRB, CFF, Delaware Youth Opportunities Initiative (DYOI), DOE, DOJ, DFS, DPBHS, Education Demonstration Project, Family Court, the Governor's Advisory Council for Exceptional Children, the Delaware House of Representatives, OCA, the Parent Information Center of Delaware, and the Red Clay Consolidated School District.

Each year, the Education Committee revisits its charge to ensure that it is current and reflective of the group's priorities for the upcoming year. Additionally, the Committee has established three long standing workgroups to accomplish its goals: MOU Implementation, Collaboration, and Data. In FY 2014, as a result of the work of the MOU Implementation Workgroup, the revised MOU between DSCYF and DOE was executed. The MOU was modified to address specific concerns with Child Abuse Reporting/Investigation, Best Interest Meetings, and Student Enrollment/Withdrawal for School Procedures. The MOU is available at: <http://kids.delaware.gov/>. DFS and DOE plan to provide MOU training to staff in the next fiscal year. The annual child abuse training for educators included these key changes. The training is now offered online and participation is tracked by DOE.

Similarly, to improve system collaboration, the Collaboration Workgroup has been responsible for developing practical tools and training opportunities for child welfare and educational professionals. In particular, to support schools in making education decisions for children in foster care, the group finalized its Student Information Sheet, which was piloted by the Woodbridge School District and other volunteer school districts. The document contains student centered information, such as the student's interests, abilities, and activities, and it has been used during Best Interest Meetings to aide in the determination of whether students in foster care should remain in their school of origin/home school or enroll in a new school. The Workgroup also developed a Frequently Asked Questions (FAQ) sheet on education issues for students in DSCYF custody. The FAQ provides the information on a wide range of topics, including eligibility for special education services; eligibility for a 504 Plan; the involvement of Educational Surrogate Parents, and many others. Upon review and approval by the Committee, the FAQ will be available on the OCA website.

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The Education Committee's Data Workgroup is charged with advocating for successful educational strategies for children in foster care, and with making recommendations for system improvement. The Workgroup has been collecting data to make comparisons among children in DSCYF custody and their peers for the following school years: 2010, 2011, 2012, and 2013. Project parameters have included: graduation rates, attendance rates, rate of special education identification, and proficiency testing. During FY 2014, the Workgroup, with significant help from DOE, expanded its data points to include: number of students enrolled; average daily attendance rates; number of special education students; a variety of disciplinary parameters; the number of students required to repeat the current grade; and several academic performance measures.

The Workgroup also recommended revisions to DOE regulations, to afford flexibility in the graduation requirements for students in DSCYF custody. The group is hopeful that the amendments to Regulation 505 will be approved in the next fiscal year.

As mentioned previously, the expanded data points that have been identified by the Education Committee are captured in the new CPAC dashboards under Education Outcomes for Children in Foster Care and presented to CPAC at its quarterly meetings. The dashboard features sixteen charts, which depict the aggregate data provided by DOE for the 2012 and 2013 school years. In FY15, CPAC hopes to make the dashboards available on the OCA website on a quarterly basis.

Among the more significant findings:

- ◇ Students in DSCYF custody received special education services at a higher rate than all students. Specifically, for the 2013 school year, 41% of 11th grade students in DSCYF custody received special education services as compared to 12% of all students.
- ◇ 26% of students in DSCYF custody had at least one disciplinary incident in elementary school, as compared to 12% of all students. Additionally, students in DSCYF custody were twice as likely to have received a suspension (whether in school, or out of school) as compared to all students.
- ◇ In the last two school years, the graduation rate remained the same for all students. For students in DSCYF custody, however, the graduation rate dropped by 13% in the two-year period, which was a difference of four students.

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- ◇ Students in DSCYF custody had higher drop out rates than all students.
- ◇ Disparities were found in the proficiency testing for Math and English/Language Arts (Figure 5). For example, 70% of all 9th grade students were proficient in math, while only 37% of 9th grade students in DSCYF custody were proficient in math. Further, for students in DSCYF custody, their proficiency in math decreased as they progressed to the next grade level. For English/Language Arts, 9th grade students generally were less proficient. However, for students in DSCYF custody, there was a 14% decrease in proficiency for English/Language Arts between middle school and 9th grade.

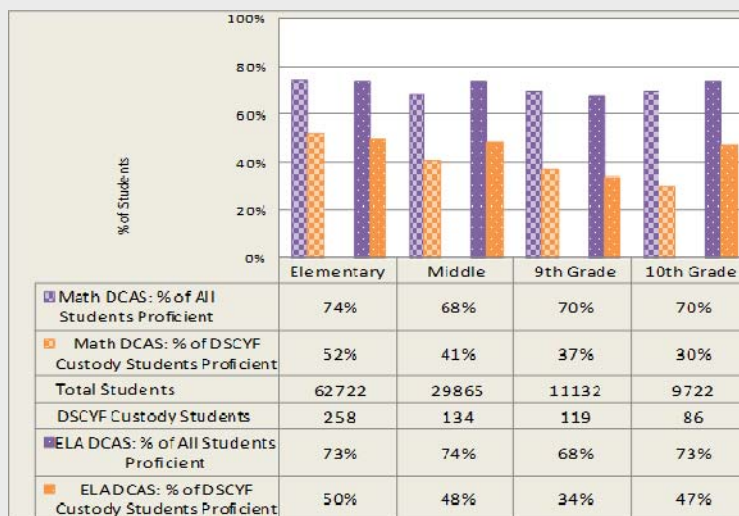


Figure 5. 2013 % of Children in DSCYF Custody Proficient in Math and English/Language Arts

The Legislative Committee

Charge: To review proposed legislation related to child protection and make recommendations to the full Commission for action.

Membership: The Committee is led by co-chairs, Tania Culley, Child Advocate, and Amanda Sipple, OCA Office Manager. The membership includes representatives from the following agencies: DOJ, DFS, Family Court, the Delaware House of Representatives, OCA and PCAD.

During FY 2014, the Legislative Committee met four times and vetted legislation proposed by CPAC Committees. The Legislative Committee also reviewed all bills introduced in the Delaware General Assembly that were within CPAC's purview. The Committee then made recommendations to CPAC as to which bills it should support and which it should oppose. On May 28, 2014, CPAC convened its Annual Legislative Meeting and reviewed 6 bills. It voted to support 3 bills and abstain from 3 others. The most significant bill it supported, which was championed by CPAC in the previous fiscal year, was House Bill 376. The bill clarifies the duties of the Investigation Coordinator in the child protection system as including the authority to track each reported case of abuse or neglect, and the responsibility to more intensively monitor each reported case of death, serious physical injury, and sexual abuse of a child within the Investigation

Committees

Coordinator's independent tracking system. The bill also included confidentiality and immunity clauses designed to protect the information and records obtained by the Investigation Coordinator. CPAC also supported House Bill 290, which grants the Family Court discretion in sentencing a child to waive or suspend any required fines, court costs or penalty assessments. Finally, Senate Bill 197, received support from CPAC since the bill delineates a three-pronged approach to addressing human trafficking in Delaware, including the trafficking of children.

Additionally, CPAC Commissioners Senator Patricia Blevins and Representative Melanie George Smith introduced six bills recommended by CPAC. These included Senate Bill 99, which was enacted and involves DSCYF assessments of dependent children placed with non-relatives. The bill clarifies that the Family Court makes the final determination of non-relative placement after receiving an assessment from DSCYF.

House Bill 251, was passed and clarifies the circumstances under which guardianship may be rescinded, thus addressing the impact of the Delaware Supreme Court's decision in *Tourison v. Pepper* 51 A.3d 470 (Del. 2012). The bill also delineates the circumstances under which a parent may not consent to guardianship and allows parents to petition for modification of permanent guardianship orders regarding visitation, contact or sharing of information. Senate Bill 181 makes several changes to the Child Protection Registry including: requiring hearings for children prior to placement on the registry; adding new child abuse crimes; establishing criteria for early removal and a creating a mechanism for the removal for persons placed on the registry as children. The bill also added a Limited Purpose Hearing for those entered on the registry as a result of a criminal conviction.

Other CPAC recommended legislation included: House Bill 253, which created the Stop Child Abuse license plate. Proceeds from the sale of the license plates will go to the Protecting Delaware's Children Fund to support the yearly media campaign during Child Abuse Prevention Month. Senate Bill 182 established a check off box for donations to the Protecting Delaware's Children Fund on Delaware's individual income tax returns. Lastly, Senate Bill 230 expanded representation on CPAC to include the Chair of the Child Death, Near Death and Stillbirth Commission, the Investigation Coordinator, a youth or young adult who has experienced foster care in Delaware, and a representative from the Public Defender's Office.



Committees

The Permanency for Adolescents Committee

Charge: To improve outcomes for adolescents in foster care by developing best practices, policies, procedures and statutes which create lasting connections for adolescents, that exit them in a timely fashion from foster care with appropriate caregivers, that reduce the number of children with a goal of Alternative Planned Permanent Living Arrangement (APPLA), that pursue legal strategies for keeping connections, and that have appropriate placements for youth that create stability and success while in foster care. This Committee is not to duplicate the work of others, but should instead complement or fill gaps which still exist in Delaware's child protection system.

Membership: The Committee is led by co-chairs, Dr. Victoria Kelly, Director of DFS, and Judge Peter B. Jones from Family Court. The membership includes representatives from the following agencies: CFF, CPRB, CASA, Delaware Youth Opportunities Initiative (DYOI), DOJ, DFS, DPBHS, Family Court, OCA, the Public Defenders Office (OPD) and the Youth Advisory Council (YAC).

During the fiscal year, the Permanency for Adolescents Committee created three workgroups: Extended Jurisdiction, Juvenile Expungements, and Permanency Options. The first workgroup began meeting in January 2014 to establish best practices for Extended Jurisdiction. Since the first meeting, the group has created a Best Practices Sheet, Youth Pamphlet, and Release of Information Form. The second workgroup has been meeting since February 2014 to revise the Juvenile Expungement Statute. The Workgroup finalized its changes to the statute and presented its revisions to CPAC. CPAC declined to champion the bill; however, the bill was still introduced. The last workgroup under this Committee began meeting in September 2013 to develop a user friendly guide to help foster parents and other caregivers with understanding the different permanency options. After finalizing its Permanency Options Cheat Sheet, the Workgroup began developing a training program for professionals and the community, including foster parents. The Committee plans to feature training on Extended Jurisdiction and Permanency Options at the Protecting Delaware's Children Conference in March 2015, and to provide online training.

In addition to its workgroups, the Committee continues to evaluate statistics for youth with the permanency plan of APPLA, crossover youth, and youth entries into DSCYF Custody via the juvenile justice or mental health systems. Through continued evaluation of statistics involving adolescents, the Committee can effectively seek changes that will have a positive impact on the system, for adolescents.



Committees

The Training Committee

Charge: To ensure the training needs of the child protection system are being met through ongoing, comprehensive, multi-disciplinary training opportunities on child abuse and/or neglect.

Membership: The Committee is chaired by Rosalie Morales, OCA Program Administrator. The membership includes representatives from the following agencies: CAC, CDNDSC, DSP, DSCYF, Family Court, and OCA.

CPAC's statewide training initiatives are monitored and evaluated by five workgroups under the Training Committee: Mandatory Reporting; ChildFirst/MDT; Joint Conference; Cross-Education; and Child Abuse and Neglect (CAN) Best Practices.

The first workgroup under the CPAC Training Committee is responsible for providing oversight of the existing mandatory reporting training programs for educators, medical professionals, general community and professional audiences, law enforcement and the DOJ. With the assistance of the Training Coordinator, the work group maintains the number of professionals trained, evaluates and/or revises the programs, and develops curricula for other disciplines as needed. In terms of coordination, the DSCYF Center for Professional Development has been responsible for coordinating the mandatory reporting trainings for general/professional audiences and school personnel. Generally, mandatory reporting training programs do not require the use of CJA grant funds unless onsite training is requested by medical professionals. In such cases, a medical expert is paid a nominal fee to co-present the training with DSCYF or OCA staff. Since the statutory obligations to complete the training are unique for law enforcement and the DOJ, the training programs are directly provided by law enforcement agencies and/or DOJ. Police officers are obligated to complete the training as a requirement of initial employment per 11 Del. C. § 8404(a), and every Deputy Attorney General in the Criminal and Family Divisions is required to complete the training every three years per 29 Del. C. § 2511(a)(3).

Since July 2014, DSYCF and OCA staff have provided onsite training to 220 professionals using the mandatory reporting training for general audiences, entitled *How to Identify and Report Child Abuse and Neglect in Delaware*. The evaluation results revealed the following: 1. 94% of respondents correctly identified who is required to report child abuse or neglect in Delaware; 2. 82% of respondents correctly identified where to report suspicions of child abuse or neglect; 3. 94% of respondents correctly identified the types of cases that must be reported to DFS; and 4. 62% of respondents correctly identified that failure to report may result in civil penalties and an investigation by the DOJ. Additionally, 127 participants completed the online training, and the results revealed the following: 1. 95% of respondents correctly identified who is required to report child abuse or neglect in Delaware; 2. 74% of respondents correctly identified where to report suspicions of child abuse or neglect; 3. 100% of respondents correctly identified the types of cases that must be reported to DFS; and 4. 95% of respondents correctly identified that failure to report may result in civil penalties and an investigation by the DOJ. In comparing the evaluations, online training participants appeared to need clarification about where to report child abuse or neglect, and the Workgroup will be tasked with addressing this in the online training curriculum in the future. Nevertheless, the online evaluation results have improved dramatically over the last year. The training has been available on OCA's online training system since April 2013 and can be located at: <http://ocade.server.tracorp.com>.

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Per the requirement of 14 Del. C. § 4123, fulltime teachers must receive one hour of training every year in the detection and reporting of child abuse. For this purpose, CPAC has partnered with DSCYF to develop the school training. During the fiscal year, DSCYF and OCA staff have provided onsite training to 548 professionals using *How to Identify and Report Child Abuse and Neglect in Delaware: 2013-2014 School Training*. The evaluation results revealed the following: 1. 86% of respondents correctly identified who is required to report child abuse or neglect in Delaware; 2. 81% of respondents correctly identified where to report suspicions of child abuse or neglect; 3. 97% of respondents correctly identified the types of cases that must be

reported to DFS; and 4. 74% of respondents correctly identified that failure to report may result in civil penalties and an investigation by the DOJ. Additionally, approximately 11,649 teachers and other school staff participated in the online training, which is located on DOE's Blackboard course management system. Each year, DOE is responsible for providing the Workgroup with the number of professionals trained, while CPAC maintains and collects the evaluation results through Survey Monkey. The evaluation results for the online training revealed the following: 1. 65% of respondents correctly identified who is required to report child abuse or neglect in Delaware; 2. 69% of respondents correctly identified where to report suspicions of child abuse or neglect; 3. 96% of respondents correctly identified the types of cases that must be reported to DFS; and 4. 83% of respondents correctly identified that failure to report may result in civil penalties and an investigation by the DOJ. Based on the evaluations results, the online training will need to be clarified to address key points, including who is required to report, and where to report.

For initial employment and as part of the license renewal process, professionals covered under the Medical Practice Act and other healthcare providers are required to complete training on the recognition of child sexual abuse, physical abuse, exploitation, and domestic violence, as well as the reporting obligations under the Medical Practice Act and section 903 of Title 16. In December 2012, CPAC partnered with the Department of Professional Education at the Medical Society of Delaware (MSD) and the Delaware Division of Professional Regulation (DPR) to revise the medical training, *Child Abuse Identification and Reporting Guidelines for Delaware Medical Providers*, and to obtain approval for CME credit. This same training was used to train 367 medical professionals online in FY 2014. The evaluation results revealed the following: 1. Improved understanding of the child abuse and neglect indicators was rated excellent/very good by 76% of respondents; 2. Knowledge of how and where to report child abuse and neglect was rated excellent/very good by 83% of respondents; 3. Improved understanding of the duty to report child abuse and neglect was rated excellent/very good by 83% of respondents; and, 4. Improved understanding of the duty to report under the Medical Practice Act was rated excellent/very good by 79% of respondents. The online training is available at:

<http://ocade.server.tracorp.com>. The Workgroup plans to revise this training in December 2014 to prepare for the next round of license renewals for physicians.

In addition to training professionals about identification and reporting of child abuse, CPAC has continued to focus on providing ongoing comprehensive training to those who investigate, prosecute or otherwise respond to reports of child sexual abuse, death, and near death cases. In particular, the ChildFirst/MDT Workgroup is tasked with planning and

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implementing the ChildFirst™ Forensic Interviewing Training or a modified three-day curriculum for First Responders. The last ChildFirst™ session was held on October 14-18, 2013 at the Embassy Suites in Newark. The Workgroup added three additional lectures to the curriculum: a discussion of the multidisciplinary team approach and MOU between DSYCF, law enforcement, CAC, and DOJ; the relevance of the first responder minimal facts interview; and the importance of the medical examination, which was presented by CPAC Commissioner, Allan De Jong, M.D. These additions were well received by the participants. The course was attended by forty professionals from DFS, DOJ, New Castle County Police, Wilmington Police, the Delaware State Police, and CASA. A certificate of completion was awarded to ninety-seven percent of the attendees in October. In total, thirty-nine attendees completed the overall course evaluation, and, of those, thirty-seven or 95% rated the course as “Very Effective.” Despite the success, in the next fiscal year, CPAC intends to pursue discussions with the Gundersen National Child Protection Training Center to collaborate on a three-day curriculum. It will include the core components of the ChildFirst™ program with the exception of the forensic interview protocol since the Workgroup has not found value in training on the protocol. Information about Delaware’s ChildFirst™ Program can be found at: <http://courts.delaware.gov/childadvocate/childfirstdelaware.stm>.

The third workgroup under the Training Committee is responsible for planning and organizing the Protecting Delaware’s Children Conference. The next Joint Conference is scheduled for March 3-4, 2015 at the Dover Downs Hotel and Casino (Figure 6). The conference will feature an Advanced Training Course on day one for professionals involved in the investigation and prosecution of child abuse, and, on both days, the main conference workshops will be organized into 5 learning tracks: Trauma Focused; Investigation; Legal; Domestic Violence; and Child Welfare Trends (e.g., child trafficking, torture). The Save the Date is available on the OCA website at: <http://courts.delaware.gov/childadvocate/pdccseries.stm>. The brochure and registration information will be posted there as well.

The Training Committee’s fourth workgroup, Cross-Education, was created after CPAC was assigned two training recommendations from the now inactive CPAC Mental and Behavioral Health Services to Children in Foster Care Committee, and from the Independent Review of the Earl Bradley case (the “Ammons Report”). The first recommendation, forwarded from the CPAC committee, pertained to the creation of Child Mental Health 101. In addition, the following recommendation was forwarded via the Ammons Report: Agencies, Boards and Commissions charged with child protection responsibilities should be cross-educated on what each respective entity does as a matter of course. Thus, the Cross-Education Workgroup was tasked with ensuring that fundamental cross-education training, on the roles and responsibilities of individual agencies, is available in different venues. Since the Workgroup began meeting, the



Figure 6. Save the Date - 2015 Protecting Delaware’s Children Conference

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following agencies have developed training programs: CAC, Child Placement Review Board (CPRB), Division of Prevention and Behavioral Health Services, Division of Youth Rehabilitative Services, OCA, and Prevent Child Abuse Delaware. During the fiscal year, OCA engaged in a cooperative learning opportunity with students from the Delcastle Technical High School to provide narration for these programs. Upon completion of the voice narrations, these training programs will be made available on OCA's online training system.

The Workgroup was also responsible for planning Child Abuse and Neglect 101, which was held on October 29-30, 2013 at the Buena Vista Conference Center in New Castle, DE. The training topics included: child maltreatment definitions, indicators and risk factors, statistics, impact of abuse on victims, and response to trauma. The training also featured a panel discussion by professionals representing agencies typically involved in the investigation, treatment and prosecution of child abuse and neglect cases. The panelists discussed the roles and responsibilities of their individual agencies. Forty eight professionals attended the two day training program from the following agencies: CDNDSC, CPRB, DOJ, the Division of Public Health, OCA, YMCA of Delaware, and other community providers. In total, forty-five participants completed the overall course evaluation, and 68% strongly agreed that they acquired new knowledge and/or skills. The training program was recorded by Delcastle Technical High School students and is available on OCA's online training system at: <http://ocade.server.tracorp.com>.

The last workgroup under the Training Committee is charged with developing and publishing best practice guidelines for the investigation of child sexual abuse, death and near death cases and providing regular training opportunities and demonstrative tools for professionals involved in the investigation or prosecution of serious child abuse cases. The Workgroup began meeting in December 2013 and recommended revising the MOU between DSCYF, CAC, DOJ, and the Delaware police departments to incorporate these best practices. CPAC and CDNDSC approved the Workgroup's recommendation on December 6, 2013. Since that date, a smaller working group has been researching national best practices and making revisions to the MOU. In FY 2015, a draft of the guidelines will be presented to the Workgroup for input and revisions.



Children's Justice Act Task Force

The Child Abuse Prevention and Treatment Act (CAPTA) requires that states establish both a multidisciplinary Citizen Review Panel (CRP) and a Children's Justice Act (CJA) Task Force. In Delaware, CPAC serves as the federally mandated Citizen Review Panel and CJA State Task Force. Further information about each will be provided over the next few pages.

The Children's Justice Act Task Force

Background

The Children's Justice and Assistance Act of 1986 was a set of amendments to CAPTA, which were enacted to encourage states to adopt reforms to improve the legal and administrative handling of child abuse cases, particularly cases of child sexual abuse. The CJA amended the Victims of Crimes Act of 1984 to add to the funding available under the Crime Victim's Fund and required that specified portions of such funds be used for CJA Grants to states. CPAC became the CJA Task Force in FY 2008.

Statutory Requirements

The CJA provides grants to states to improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation. This also includes the handling of child fatality cases in which child abuse or neglect is suspected, along with some cases of children with disabilities and serious health problems who also are victims of abuse and neglect. To be eligible for CJA funds, states are required to establish and maintain a multidisciplinary task force (the "Task Force"). The Task Force is responsible for making policy and training recommendations to carry out the objectives of the grant, and for conducting a comprehensive evaluation every three years of the state's child welfare system, and for making recommendations for improvement of those systems.

CPAC's CJA Task Force Accomplishments in FY 2014

- ◇ The Training Coordinator (a position funded under the CJA) maintained the Child Welfare Training Calendar; provided technical support to users of OCA's online training system; provided mandatory reporting training to educators and general professional audiences; chaired the Cross-Education Workgroup; staffed the Abuse Intervention Committee, Training Committee, and ChildFirst – MDT Work Group, and provided administrative support for the Protecting Delaware's Children Conference, ChildFirst™ Delaware, and Child Abuse and Neglect 101.
- ◇ CPAC expanded its Task Force and approved the creation of a new workgroup to develop best practice guidelines for the investigation of child sexual abuse, death and near death cases.
- ◇ Partial scholarships were provided to members of the MDT to attend the 30th National Symposium on Child Abuse in March 2014 and the Thirteenth International Conference on Shaken Baby Syndrome/Abusive Head Trauma in September 2014.
- ◇ The ChildFirst™ Forensic Interviewing Training was held on October 14-18, 2013 and 40 first responders were trained.
- ◇ Over 12,900 educators, healthcare providers and members of the public were trained on their mandatory reporting obligations.

Reports

The 2014 CJA Annual Report & Grant Application is available at: <http://courts.delaware.gov/childadvocate/CJAtaskforce.stm>.

Citizen Review Panel

Citizen Review Panel

Background

In 1996, Congress amended CAPTA and required states that receive grants for Child Abuse and Neglect Prevention and Treatment Programs to establish Citizen Review Panels (“CRP”) by July of 1999 in order to continue receiving funding. The amendments allowed states to designate one or more existing entities established under State or Federal law, such as child fatality panels. From 1995 through 2004, CDNDSC served as Delaware’s CRP. Then, in 2004, CPAC was designated as the CRP.

Statutory Requirements

Although CAPTA defines the functions of the CRP broadly and generally, it requires panels to meet at least quarterly and to maintain confidentiality. More importantly, the purpose of CRPs is to evaluate the child protection agency’s performance in four key areas: the state CAPTA Plan; coordination with Title IV-E foster care and adoption programs; review of child fatalities and near fatalities, and; to require responses to the recommendations from those reviews. CAPTA also mandates that CRPs examine the policies, procedures and practices of the child protection agencies and gives panels the authority to examine specific cases, where appropriate.

Child Fatalities and Near Fatalities

CDNDSC, through its Child Abuse and Neglect (CAN) Panel, is responsible for investigating and reviewing the facts and circumstances of all cases of child death or near death due to abuse and/or neglect. Within six months of the incident, a thorough Initial Review of the relevant facts and circumstances of the near death or death is completed, while protecting the integrity of any criminal prosecution of the case. Upon the conclusion of the criminal investigation, a Final Review is conducted to discuss information not available to the Panel during the first review. During an Initial and/or Final Review of a case, the Panel may develop recommendations based on one of two reasons: 1. it is determined that system practices or conditions impacted the child death or near death incident; or 2. the system practices or conditions are not the proximate cause of the death or near death incident, but relate to the facts or circumstances of the case and impact the safety or mortality of children. CDNDSC captures these recommendations along with the facts and circumstances of the case in either a Confidential Memo for Initial Reviews or a Public CAPTA Report for Final Reviews. These documents are then submitted to CDNDSC for approval at its Commission Meetings. Once the reports and any corresponding recommendations are formally approved, CDNDSC staff disseminates the recommendations within 60 days to its child welfare partners. Additionally, CPAC staff maintains a database of the approved recommendations and agency responses, as CPAC is required under CAPTA to do so. Lastly, CDNDSC and CPAC meet twice a year to discuss recommendations from these reviews and to develop a path forward.

Opportunities for the Future

In Fiscal Year 2014, CPAC accomplished much as both a federally mandated CRP and CJA State Task Force. As the CRP, CPAC staff participated in CAN Panel reviews and monitored sixty-three recommendations from child death and near death reviews that were approved by CDNDSC and forwarded to child welfare partners for a response. Further, at its Joint Commission Meeting on May 16, 2014, CPAC and CDNDSC staff identified 4 themes from those reviews: multidisciplinary team response, compliance with policy in DFS investigations, child torture and drug-exposed newborns. In response, the Joint Commissions approved the creation of the Joint Committee on Child Torture, as well as other short and long-term solutions.

In its State Task Force role, CPAC submitted its Annual Progress Report and CJA Grant Application to the Administration on Children, Youth and Families in May 2014. As a result, CPAC was able to establish its funding priorities for the next year, which included the Training Coordinator and Multidisciplinary Training and Education. With these goals established, the Abuse Intervention Committee will continue to meet quarterly to provide oversight of these activities. In addition, to remain eligible for CJA grant funds, CPAC will conduct a Three-Year Assessment in FY15 to establish the state's priorities for the next three year period (2015-2017). At the same time, the Training Committee, with the support of its workgroups and the Training Coordinator, will carry out the training initiatives identified in the federal grant application, including unveiling the three-day curriculum for ChildFirst™ and the work of the CAN Best Practices Workgroup. The next Protecting Delaware's Children Conference is also scheduled for FY15.

The remaining CPAC Committees have identified future goals of their own. In Fiscal Year 2015, the Data Utilization Committee will present quarterly reports to CPAC, which establish system issues and/or trends in the data submitted by child welfare partners. Meanwhile, the Education Committee plans to make progress with its recommendations to support the educational success of children in foster care and to provide additional resources to child welfare and educational professionals.

The Permanency for Adolescents Committee will continue to address the barriers for achieving permanency, and work with the Legislative Committee to support related legislation.

Over the next year, CPAC, through its various committees, will prioritize these goals while maintaining its commitment to current initiatives. CPAC will also continue its collaborative affiliation with CDNDSC by monitoring and/or implementing recommendations from the state's child death and near death reviews. Finally, CPAC will strive to foster the collaborative relationships between its child welfare partners to ensure safety, well-being and permanency for all children in Delaware's child protection system.



CPAC Staff

Executive Director
16 Del. C. § 912(b)
Tania M. Culley, Esquire
Child Advocate
Office of the Child Advocate

CPAC Staff
16 Del. C. § 912(a)
Rosalie Morales, MS
Program Administrator
Office of the Child Advocate

Amanda Sipple
Office Manager
Office of the Child Advocate

Jessica Begley
Training Coordinator
Child Protection Accountability Commission

CHILD PROTECTION ACCOUNTABILITY COMMISSION

C/O OFFICE OF THE CHILD ADVOCATE

900 King Street, Suite 210

Wilmington, Delaware 19801