OFFICE OF THE CHILD ADVOCATE
ANNUAL REPORT

FISCAL YEAR 2015 JULY 1, 2014 – JUNE 30, 2015

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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Executive Summary

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; recommend changes in procedures for investigating and overseeing the welfare of children; to develop and provide training to child welfare system professionals; and to staff CPAC.

OCA accomplishes its charge to represent children through the employment of four Deputy Child Advocates (DCAs), a substantial and dedicated pool of volunteer attorneys supervised by a Managing Attorney, and strong partnerships with the child-serving agencies in Delaware. During Fiscal Year 2015, OCA received 366 referrals, 241 attorney appointments were made, and 52 case reviews were completed to ensure the child welfare system was adequately protecting the children involved. OCA provided legal representation to a total of 830 abused or neglected children. One hundred forty-nine volunteer attorneys represented children through OCA during the fiscal year, with 34 new attorneys trained in 5 training sessions throughout the state. By the end of FY15, OCA was proudly partnering with 216 volunteer attorneys with at least 5 years’ experience representing children through OCA. Eighty-nine of the 216 are attorneys whom have 10 years of experience or more.

On the last day of the fiscal year, 657 children were in the legal custody of Delaware’s Department of Services for Children, Youth & Their Families (DSCYF). Of those, OCA was representing 323 (49%) of those children, the Court Appointed Special Advocate (CASA) program was representing 334 (51%), and no children were unrepresented at that time.

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 as 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 continued to support efforts to promote permanency and stability for older youth in foster care and those aging out of foster care, and its staff attended several national trainings 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.

Tania Culley, Esq. CWLS
Child Advocate
Legal Representation of Children

Legal representation of children is the Office of the Child Advocate's (OCA) primary focus. The agency is statutorily required to coordinate a program of legal representation on behalf of children. OCA utilizes four full-time Deputy Child Advocates (DCAs) and approximately 300 volunteer attorneys who are supervised by OCA’s Managing Attorney, and also partners with the Court Appointed Special Advocate Program (CASA), to represent the best interests of dependent, neglected, and abused children statewide.

OCA’s Volunteer Attorneys

During FY15, volunteer attorneys represented 370 children. Of those volunteer attorneys, 23 were new volunteers taking their first case. OCA trained 34 attorneys through five training sessions in FY15, including veteran volunteers who attended to heighten their understanding of the child protection system. By the end of FY15, OCA boasted a roster of 216 attorneys with at least five years of experience representing children through OCA, 89 of them with ten years of experience or more. Collectively, volunteer attorneys donated over 9,000 hours of their time to cases that closed in FY15. OCA staff spent over 1,100 hours training and supporting volunteer attorneys in FY15.

Child Representation Statistics

During FY15, OCA provided legal representation to 659 children statewide, most of whom were in the legal custody of the Department of Services for Children, Youth, and their Families (DSCYF). OCA received 366 referrals and made 241 new appointments in FY15. The bulk of appointments of OCA attorneys to new cases were in New Castle County (73%). Volunteer attorneys handled seventy
percent of new cases in New Castle County, and DCAs represented the remaining 30%. However, DCAs represented 73% of the new appointments in Sussex County and 44% in Kent County.

FY15 was particularly difficult for DCAs as a result of representing a fair number of children who had suffered a serious injury or near death incident. Several siblings of children who died as a result of abuse or neglect cases were also represented by DCAs. DCAs and their support staff spent about 16,000 hours on the representation of children in FY15. Of the new DCA appointments, seven were in serious injury cases. Of the 241 new appointments made in FY15, ten were for children who were the subject of parent custody disputes, 43 were for children involved in guardianship proceedings, and 183 were for children in the legal custody of DSCYF. The remaining five appointments were for youth who turned 18 and aged out of foster care, but for whom the Family Court extended its jurisdiction and re-appointed the youths’ attorney.

During FY15, 418 OCA cases were closed. Of those, 62 were guardianship cases, and 14 were parent custody disputes. The Court terminated its oversight in 19 cases where the Court retained extended jurisdiction. The remaining cases involved children in the custody of DSCYF, and those cases closed with a variety of permanency outcomes including adoption, aging out of foster care, guardianship, permanent guardianship, and reunification with parents.

At the end of FY15, OCA was actively representing 418 children. The majority, 323, were in the legal custody of DSCYF. Another 62 were the subject of guardianship proceedings while
14 were the subject of parent custody proceedings. Nineteen youth remained represented by attorneys after their 18th birthday under the extended jurisdiction of the Family Court.

By the end of FY15, OCA received 305 referrals in which attorneys were not appointed. Fifty-two 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. One hundred-ninety of those referrals resulted in child representation through the CASA. Forty referrals had no apparent dependency, neglect, or abuse issues and therefore there was no role for OCA. Forty-seven cases were accepted by OCA and were still under review at the close of the fiscal year. In FY15, OCA staff spent over 430 hours handling referrals and reviewing cases for attorney appointment and system improvement.

OCA worked closely with CASA throughout FY15 to ensure that all children in DSCYF custody received legal representation. On June 30, 2015, 657 children were in DSCYF custody, a 7% increase from the prior fiscal year. OCA was representing 323 (49%) of those children, CASA was representing 334 (51%), and no children were unrepresented on the last day of the fiscal year.

**Child Welfare Policy**

Child welfare policy is another area in which OCA acts to strengthen the system that serves children and families. Mandated under 29 Del. C. § 9005A to review periodically child welfare policies and procedures, 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 staff spent over 1,500 hours on efforts involving child protection policy and procedure in FY15, and another 1,300 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, conducting research and chairing committees. Each full-time staff member participates substantively on at least
one CPAC committee or initiative including CPAC’s Abuse Intervention, Child Abuse Medical Response, Data Utilization, Education, Legislative, Permanency for Adolescents, Substance Exposed Infants, Child Torture and Training Committees. See CPAC Annual Report for more details at [http://courts.delaware.gov/childadvocate/cpac/cpac_reports.aspx](http://courts.delaware.gov/childadvocate/cpac/cpac_reports.aspx)

OCA participated in the passage of several bills during FY15. House Bill 223 clarifies the Court review process for youth whose parental rights are vested in DSCYF but have been placed in a legal guardianship or permanent guardianship. The most significant bill for OCA was the transfer of the Child Abuse and Neglect (CAN) Panel from the Child Death Review Commission (CDRC) to CPAC’s purview. This bill transferred the responsibilities to investigate and review child abuse and neglect deaths and near deaths.

During 2015, Title 13 was amended to include Section 2522: Rights of children in DSCYF Custody, which codified the rights of youth while they are in the custody of the Division of Family Services. This initiative allows youth to be informed of their rights and empowers professionals to explain the rights to youth. The rights of children in DSCYF custody include knowledge, safety, and support.
Trainings, Conferences and Retreats

OCA staff attended several local and national multidisciplinary conferences, trainings and meetings throughout FY15. OCA also conducted numerous trainings that focused on improving skills and knowledge in navigating the many facets of child welfare.

Various OCA staff attended the 37th National Association of Counsel for Children Conference on Child Welfare, Juvenile, and Family Law, the 14th International Conference on Abusive Head Trauma, 31st International Symposium on Child Abuse, National Citizen Review Panel Conference, and One Child, Many Hands: A Multidisciplinary Conference on Child Welfare. These national conferences often incorporated a multidisciplinary Delaware team that not only benefited from learning new legal and investigative strategies for handling child welfare cases, but also built key professional networks that enhanced the child welfare response system upon return to Delaware.

OCA staff also attended and trained at a number of local trainings such as Protecting Delaware’s Children, Legal Permanency Options, and Strengthening and Protecting Families: The Intersection of Family Health Law and Domestic Violence. Ms. Culley facilitated Title IV-E training for OCA staff, and OCA partnered with CASA to provide Juvenile Expungement, Social Security Benefits and Sex Offender training to OCA and CASA staff.

OCA also held two retreats during FY15, one for all staff and another for attorneys. During the October 2014 retreat, OCA staff worked on team building and discussed many issues related to teens in foster care. Staff also discussed transitioning youth who are turning 18 from the child welfare system. Renewed by the retreat, staff focused on improved case management as well as policies and procedures within the office. During the May retreat, the OCA Attorneys focused on legal trends, serious injury cases, and ongoing legal training needs. The attorneys
returned with a plan for future legal training as well as a structured protocol for serious injury cases.

OCA staff continued to provide training on Mandatory Reporting of Child Abuse and the sexual abuse prevention program Stewards of Children. In FY15, OCA staff facilitated a total of thirty-six Mandatory Reporting trainings for professionals and Delaware residents. Ms. Begley and Ms. Morales worked diligently to make mandatory reporting training widely available in formats tailored to specific audiences such as educational professionals, medical professionals, and the general public. Overall, 22,053 people were trained during in-person and online trainings. OCA also conducted eleven Stewards of Children sessions in a variety of forums.

Ms. Ensslin worked diligently to educate the child welfare community about permanency solutions by presenting Best Practices for Finding Permanency for Children Experiencing Foster Care. Training was provided throughout the state to attorneys, professionals and foster parents.

Throughout FY15, OCA staff focused on offering continued education opportunities through the Learning Management System (LMS), an online program that allows professionals to take courses in a variety of topics and obtain continuing legal and professional credits when applicable. At this time, Child Abuse and Neglect 101, Mandatory Reporting, Delaware’s Child Protection Registry, Extended Jurisdiction, Youth Involvement in Court, and The Family Court Called – You’ve Been Appointed: Family Court Appointments in Guardianship and TPR Cases are available. OCA is striving to add additional courses during the next fiscal year. Training can be accessed at by going to the OCA legal education page at http://courts.delaware.gov/childadvocate/attorneys/legaltraining.aspx

Committees, Task Forces and Initiatives

In addition to providing training, OCA’s staff was highly committed to child welfare policy through a number of committees, task forces and initiatives throughout the state.
During FY15, Ms. Culley participated as an Executive Committee Member of DYOI. The Executive Committee made decisions about the strategic plan and direction of the Delaware Youth Opportunities Initiative (DYOI). As a part of the Executive Committee, Ms. Culley along with you who have experienced foster care, visited the White House for a private showing of the 2014 movie “Annie” with the case members.

Ms. Culley also participated as the Co-Chair of the 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 regarding agendas to prioritize on behalf of youth in foster care. An equally important task of the DYOI Policy Working Group was to teach youth how to become self-advocates and advance policy. The Policy Working Group determined that youth involvement in court and client-directed representation were priorities during FY15 and assembled committees to focus first on youth involvement in Court. Sadly, DYOI was not able to obtain funding to continue and transitioned open projects and initiatives to other agencies and committees, including several CPAC Committees.

Ms. Ensslin participated in DYOI as a member of the Physical and Mental Health Working Group. The Physical and Mental Health Working Group was working to ensure access to comprehensive, coordinated and insured physical and mental health care to youth who are in and transitioning from foster care. During FY15, the Working Group was taking steps to help youth construct a sex education and teen pregnancy prevention program that would be accessible and cohesive throughout the state's agencies.

Ms. Ensslin participated in a number of committees and initiatives with a focus on permanency for children experiencing the foster care system including the Interagency Committee on Adoption (IACOA), serving as the Co-Chair of that committee, the IACOA Community Education on Adoption Sub-Committee, and the CPAC Permanency for Adolescents Committee’s Permanency Options Workgroup. As part of the Permanency Options Workgroup Ms. Ensslin developed a training on the permanency options that was first presented to foster parents in May with plans to expand that training to GALs/CASAs, DFS workers, and private agency workers. Ms. Ensslin also became more involved in
initiatives protecting substance exposed children by participating on Delaware’s Fetal Alcohol Spectrum Disorder (FASD) Task Force and the CPAC/CDNDSC Committee on Substance Exposed Infants/Medically Fragile Children.

Ms. DeBonte participated in DYOI as a member of the Employment and Transportation Working Group. The Employment and Transportation Working Group worked to provide employment opportunities to youth between 14 and 21 in foster care by assisting them in developing marketable skills, enhancing their ability to job search and interview effectively and teaching them the value of developing good work ethics to obtain and retain gainful employment. During FY15, the Working Group organized a state-wide Job Shadow Day which gave approximately 20 youth the opportunity to learn what it takes to be a state legislator, a social worker, a nurse, and many more professions.

Ms. Culley participated in a number of other committees and initiatives involving the child welfare system including the Child Death Near Death Stillbirth Commission Executive Committee, Delaware Background Check Taskforce EO42 and Juvenile Justice Collaborative (JJC) Executive Committee. Ms. Culley also participates on a variety of CPAC Committees including Permanency for Adolescents and Torture and is a part of the CPAC APPLA Work Group.

Ms. Hirst participated in a number of committees and initiatives with a focus on educational needs of children experiencing the foster care system including the Family Court Education Demonstration Project, the School to Prison Pipeline, and the CPAC Education Committee and its three workgroups.

Ms. Morales participated in a number of committees and initiatives with a focus on preventing and tracking child death and serious injury cases in the State of Delaware. She participated on the CDNDSC Panels in all three counties, Division of Family Services’ (DFS) Advisory and Advocacy Committee, Child Abuse Committee at Beebe, Child Advocacy Committee at Bayhealth Medical Center, Stewards of Children Steering Committee, Domestic Violence Coordinating Council’s Children and Domestic Violence Subcommittee, and Children’s Advocacy Center Board Meetings. Ms. Morales also participates and staffs
numerous committees and workgroups within CPAC including Education, Training and Abuse Intervention.

Ms. Sipple continued to staff and participate in the CPAC Permanency for Adolescents Committee, CPAC Legislative Committee, and CPAC Data Utilization Committee. During 2015, Ms. Sipple co-chaired the CPAC Permanency for Adolescents APPLA workgroup with Trenee Parker from the Division of Family Services. This workgroup led a qualitative study of the cases where APPLA was the chosen permanency plan for children under the age of 13.

**Publications and Awards**


Ms. Culley was honored by The Delaware chapter of the American Society for Public Administration (DAPA) for her leadership, commitment and dedication to public service with the DAPA Public Service Award. Award honorees are selected from all areas in local, state and federal government and nonprofit organizations. The child welfare system and OCA have benefitted from Ms. Culley’s tireless work to achieve changes and her example as a role model for others in public service.

**Law Clerks and Interns**

OCA benefitted from the assistance of two law clerks throughout FY15. These law clerks helped the DCAs with record reviews, memos, and preparation for court hearings. In addition, OCA benefitted from four social work interns. During FY15,
law clerks and interns have contributed invaluable assistance to the OCA staff through research, policy work and record reviews. One social work intern, worked to compile information from various sources to create a Child Abuse and Neglect (CAN) database. This database, once finalized, will allow OCA to extract and provide invaluable data to assist in policy work involving child victims of death or near death incidents.

**Youth Activities**

During FY15, OCA staff attended Youth Advisory Council (YAC) meetings and supported the youth involved with a variety of activities, including attending the YAC holiday skating party.

YAC spent a week during the summer of 2014 painting a mural as a gift to the New Castle Family Courthouse. OCA staff participated as chaperones during the week and were able to attend the unveiling and dedication at the New Castle Family Courthouse. This is the third such mural painted by youth who have experienced foster care, and there is now one in each Family Courthouse in the state.

**OCA Partnerships**

OCA continued to meet with DSCYF to improve policies and procedures in the child welfare system, particularly those focusing on permanency, and to develop future policy and legislative agendas. Quarterly meetings with DSCYF helped to advance issues such as case management decisions, caseloads, placements, advanced training, permanency, and system challenges. Annual meetings with the Division of Management Support Services (DMSS) were held to discuss IV-E funding requirements and Medicaid and social security policy matters affecting youth in DSCYF custody.

In addition, OCA performed case reviews on child abuse and neglect cases referred to OCA
to ensure the child welfare system is 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, CASA and the Family Court continued their partnership by not only maintaining a rich database on every youth in DSCYF custody but also by reviewing representation and volunteer statistics on a regular basis and managing volunteer pools based on those reviews. During 2015, OCA worked in partnership with Family Court to standardize orders appointing attorneys for children in Family Court proceedings and to explore how OCA can serve as a resource for attorneys appointed by Family Court. OCA and Family Court regularly analyze the needed trainings for the child welfare system and have collaborated on many policy initiatives, particularly involving education and juvenile justice.

Grants and Donations
In its role as staff to CPAC, OCA partnered with the Criminal Justice Council (CJC) to administer the federal Children’s Justice Act (CJA) grant funds and to coordinate the activities funded by the grant, including the ChildFirst™ Conferences that offer training on the forensic interviewing of children. Ms. Morales continued to supervise the CPAC Training Coordinator which is funded through the grant, who took on a greater role in coordinating and implementing training activities as well as leading initiatives through CPAC. Ms. Morales and Ms. Begley 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. As a result, the information is easily accessible for everyone. Overall, more than 22,053 people were trained during in person and online trainings.

OCA received many generous donations from individuals and organizations in the community who seek to help OCA provide necessities, as well as life experiences, to the children OCA serves. These donations help ensure OCA’s clients enjoy the same experiences other children may take for granted, especially during the holidays.
Many of OCA’s clients were “adopted” and provided with an abundance of gifts during the FY15 holiday season by organizations such as the Christiana Rotary Club through the Rotary’s Transform One Unique Child’s Heart (TOUCH Program), the Crossroads Presbyterian Church, Digital Legal, and the Eastpoint Community Church. Members of these organizations went above and beyond to collect thoughtful, individualized gifts from the wish lists of OCA children. Gifts included toys, games, clothes, shoes, educational items, sports equipment and apparel, electronics, art supplies, jewelry, toiletries, and more. More than 300 children were provided extraordinary kindness through the charity of these community partners.

Together, the Bankruptcy, Carpenter Walsh, Melson-Arsht, and Terry Carey Inns of Courts continued their tradition of assisting OCA to provide special opportunities and memories for children during the holidays and throughout the year by donating gifts for OCA’s clients, as well as making generous monetary contributions of over $1500. In addition, a community member has donated monies to OCA to support older youth who are experiencing foster care.

During FY15, OCA used the monetary donations from community members and agencies to help several children experience opportunities they may not otherwise be afforded while in foster care. Children were provided support to attend specialized summer camps, including a fashion camp, join a competitive basketball team, music lessons and participate in various high school graduation events. Youth were provided items such as clothing and shoes, gifts for special accomplishments such as graduating high school and starting college. Donations in the form of gift cards allowed youth to choose clothing, shoes, sports equipment and school supplies that fit their unique personalities. These are but a few examples of how donated funds were used to help OCA’s clients in FY15. OCA is extremely grateful to the organizations that make it possible to continue providing Delaware’s most vulnerable youth with experiences such as these.
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