



Annual Report

Fiscal Year 2016

July 2015 – June 2016

Office of the Child Advocate courts.delaware.gov/childadvocate

Administrative Office
900 King Street, Suite 210
Wilmington, DE 19801

Dover
400 Court Street
Dover, DE 19901

Georgetown
6 West Market Street, Suite 1
Georgetown, DE 19947

Contents

Executive Summary	2
Legal Representation of Children	3
OCA Volunteer Attorneys	3
Child Representation Statistics	3
Child Welfare Policy	4
Training, Conferences, and Professional Development	5
Committees, Task Forces, and Initiatives	6
Law Clerks and Interns	7
Youth Activities	7
OCA Partnerships	7
Donations	8
Pro Bono Honor Roll	9

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 assist the Office of the Investigation Coordinator in accomplishing its goals; to assist CPAC in investigating and reviewing deaths and near deaths of abused and neglected 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 2016, OCA received 280 referrals, 303 attorney appointments were made, and 57 case reviews were completed to ensure the child welfare system was adequately protecting the children involved. OCA provided legal representation to a total of 715 abused or neglected children throughout the year. Two hundred seventy-five volunteer attorneys represented children through OCA during the fiscal year, with 18 new attorneys trained in four training sessions throughout the state. By the end of FY16, OCA was proudly partnering with 181 volunteer attorneys with at least five years' experience representing children through OCA. One hundred five of the 181 are attorneys who have ten years of experience or more.

On the last day of the fiscal year, 718 children were in the legal custody of Delaware's Department of Services for Children, Youth and Their Families (DSCYF). Of those, OCA was representing 372 (52%) children and, the Court Appointed Special Advocate (CASA) program was representing 346 (48%).

In addition to coordinating the legal representation of children, OCA together with its staff of social workers, policy advisors, and data analysts 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.

In addition, this past fiscal year OCA assumed the responsibility, as staff to CPAC, to investigate and coordinate the reviews of all Delaware children who died or nearly died from child abuse or neglect. OCA also welcomed the relocation of the Office of the Investigation Coordinator, which is responsible for monitoring the civil and criminal response systems to child deaths, serious physical injury, and sexual abuse. Finally OCA became the recipient of the Casey Family Programs Education grant charged with improving educational outcomes for children experiencing foster care.

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 are 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 has been a central focus of Office of the Child Advocate (OCA) since 2000. 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 275 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.



NATIONAL ADOPTION DAY CEREMONY

OCA Volunteer Attorneys

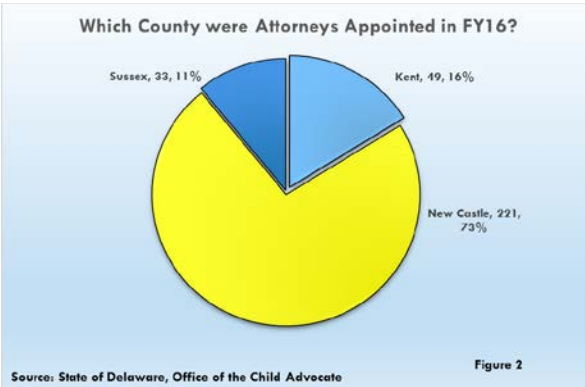
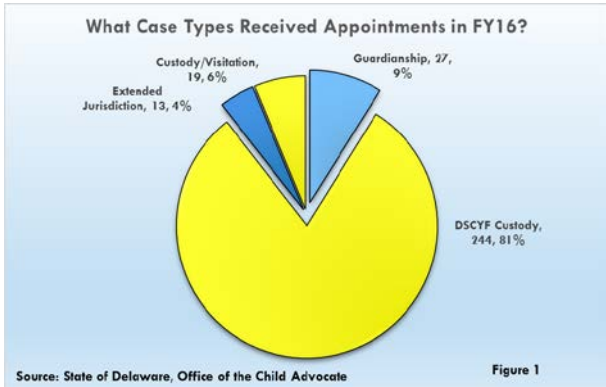
During FY16, 375 volunteer attorneys represented 511 children. Of those volunteer attorneys, 18 were new volunteers handling their first case. OCA's Managing Attorney trained 22 attorneys through four training sessions in FY16, including veteran volunteers who attended the training to refresh their knowledge of the child protection system. By the end of FY16 OCA had a dedicated volunteer pool of 275 of which 181 had at least five years of experience. One hundred five of the 181 volunteers had ten years of experience. Collectively, nearly 6,500 hours of volunteer attorney time was dedicated to cases that closed in FY16. OCA staff spent just under 1,000 hours training and supporting volunteer attorneys in FY16 as well as supporting 44 attorneys appointed directly by Family Court.

Child Representation Statistics

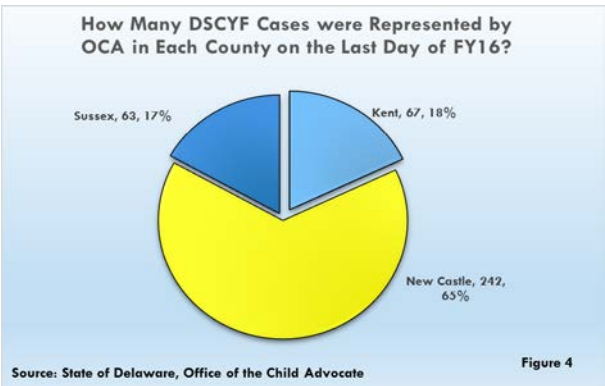
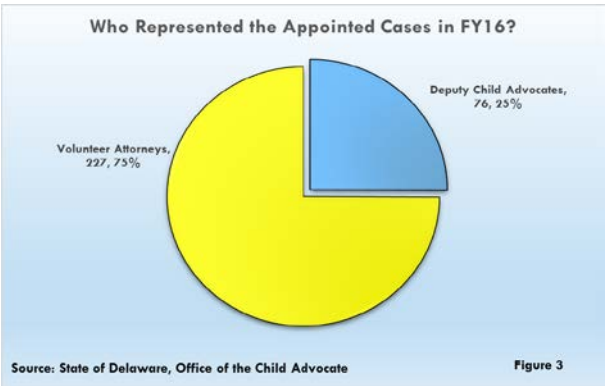
During FY16, OCA provided legal representation to 715 children statewide. On the last day of the fiscal year, 718 children were in the legal custody of the Department of Services for Children, Youth, and their Families (DSCYF). OCA received 280 case referrals and filed 303 new attorney appointments. Of these appointments, 27 (9%) were for guardianship cases, 244 (81%) were DSCYF custody cases, 13 (4%) were for extended jurisdiction, and 19 (6%) were in custody and visitation disputes (figure 1).

Two hundred twenty-one (73%) attorney appointments were made in New Castle County, 49 (16%) in Kent and 33 (11 %) in Sussex (figure 2). Seventy-six (25%) new cases were assigned to DCAs and 227 (75%) new cases were assigned to volunteer attorneys (figure 3).

DCAs and their support staff spent over 11,000 hours on the direct representation of children in FY16. Of the new DCA appointments, 13 were to children who suffered near death injuries as a result of child abuse or neglect. At the end of FY16, OCA was actively representing 431 children. The majority, 372 (86%), were in the legal custody of DSCYF. Of the 372 DSCYF cases, there are 67 (18%) youth in Kent, 242 (65%) in New Castle County and 63 (17%) in Sussex (figure 4). Another 35 (8%) were the



subject of guardianship proceedings while 12 (3%) were the subject of parent custody proceedings. Twelve (3%) youth remained represented by attorneys after their 18th birthday under the extended jurisdiction of the Family Court.

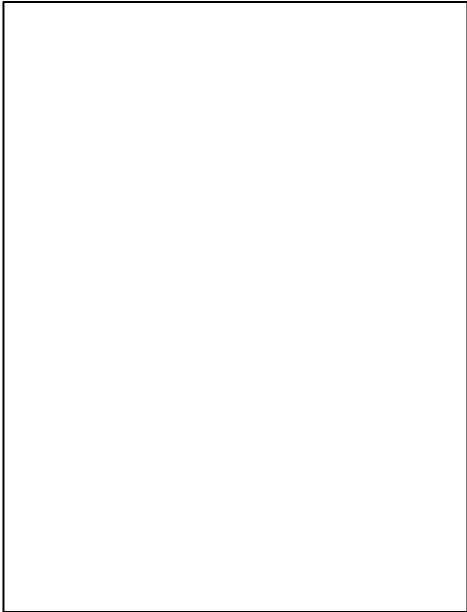


OCA partners with CASA to ensure that all children in DSCYF custody receive legal representation. On June 30, 2016, 718 children were in DSCYF custody. This was a 7% increase from FY15 and a 15% increase since FY14. This increase in caseloads was challenging for both agencies to manage. As a result of increased caseloads, the time to representation slowed. In previous years the average time to representation was less than 10 days, while this year the average time was within 40 days. Despite this challenge, OCA and CASA secured legal representation for all children and at the end of the fiscal year no children were unrepresented. On the last day of the fiscal year, OCA represented 372 (52%) and CASA represented 346 (48%) youth.

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 1,000 hours on efforts involving child protection policy and procedure in FY16, and another 1,700 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 Child Abuse Medical Response, Data Utilization, Education, Legislative, Permanency for Adolescents, Substance Exposed Infants, Child Torture, and Training Committees.



OCA STAFF AT A FUNDRAISER

OCA participated in the passage and signing ceremony of several bills during FY16. During 2015, Title 13 was amended to include Section 2522: Rights of Children in DSCYF Custody. This new law requires 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. The bill was signed into law in August of 2015. OCA staff has continued to educate youth and professionals about these rights throughout the year.



ADOPTION CEREMONY

In 2015, House Bill 136 transferred the responsibilities to investigate and review child abuse and neglect deaths and near deaths to CPAC. One full-time employee, a Child Abuse and Neglect Specialist transferred to OCA with the program. In addition, a Medical Abstractor was contracted.

In 2016, House Bill 248 transferred the responsibility of the Office of the Investigation Coordinator (IC) to OCA together with its staff. This transfer included a comprehensive review of all opened and closed cases since the IC's inception in 2013. Over the past fiscal year, the IC worked to refine its case management process and develop policies and procedures that are structured to positively foster Delaware's multidisciplinary team.

In January of 2016, OCA also became the recipient of a Casey Family Programs grant, to improve educational outcomes for children experiencing foster care. In collaboration with the CPAC Education Committee, a strategic plan was implemented. Its two main goals are to implement school programs and strategies that address the emotional and social needs of foster youth and create an optimal

learning environment for at-risk youth, and to improve interagency cooperation and coordination of services to maximize student services and school stability for children in foster care.

Training, Conferences, and Professional Development

OCA staff attended several local and national multidisciplinary conferences, training, and professional development sessions throughout FY16. OCA also conducted numerous training focusing on improving skills and knowledge in navigating the many facets of child welfare.

OCA held two professional development retreats during FY16, one for all staff and another for attorneys. OCA staff trained on vicarious trauma, permanency options, and educational outcomes relating to child welfare. OCA attorneys focused on concurrent permanency planning, legislation, policy projects, new federal laws and the OCA mergers that occurred earlier in the year.

Various staff attended and trained in national and local venues including the Federal Bureau of Investigation Training on Sex Trafficking Victims and Sextortion, the National Association of Counsel for Children Conference, and American Bar Association Children and the Law Conference. Some events that OCA staff presented at include the Congressional Foster Care Caucus on Educational Advocacy, the 2016 National CASA Conference, and 2016 American Bar Association Children and the Law Conference.

OCA staff also attended and trained locally on topics such as Legal Permanency Options, Promoting Better Educational Outcomes for Youth who Experience Trauma, Special Immigrant Juveniles, Youth Involvement in Court, and Representation of Children in Family Court Proceedings among others. OCA staff presented at local law firms, community agencies, schools, and other system partner agencies.



STAFF TRAINING WITH CASA

Since July 2015, DSCYF and OCA have provided onsite training to 576 professionals using the mandatory reporting for general audiences, *How to Identify and Report Child Abuse and Neglect in Delaware*. Additionally, 429 participants completed the online training and survey through OCA's online training system located at the [OCA's Online Training System](#). DSCYF and OCA staff provided the onsite school training, *How to Identify and Report Child Abuse and Neglect in Delaware: 2015-2016 School Training*, to 1,695 professionals. Approximately 6,741 additional teachers and other school staff completed the online training and survey. Each year, OCA staff partners with Department of Education (DOE) to make the training available. DOE is responsible for providing the Workgroup with the number of professionals trained, while CPAC maintains and collects the evaluation results. For more information, [see the FY16 CPAC Annual Report](#).

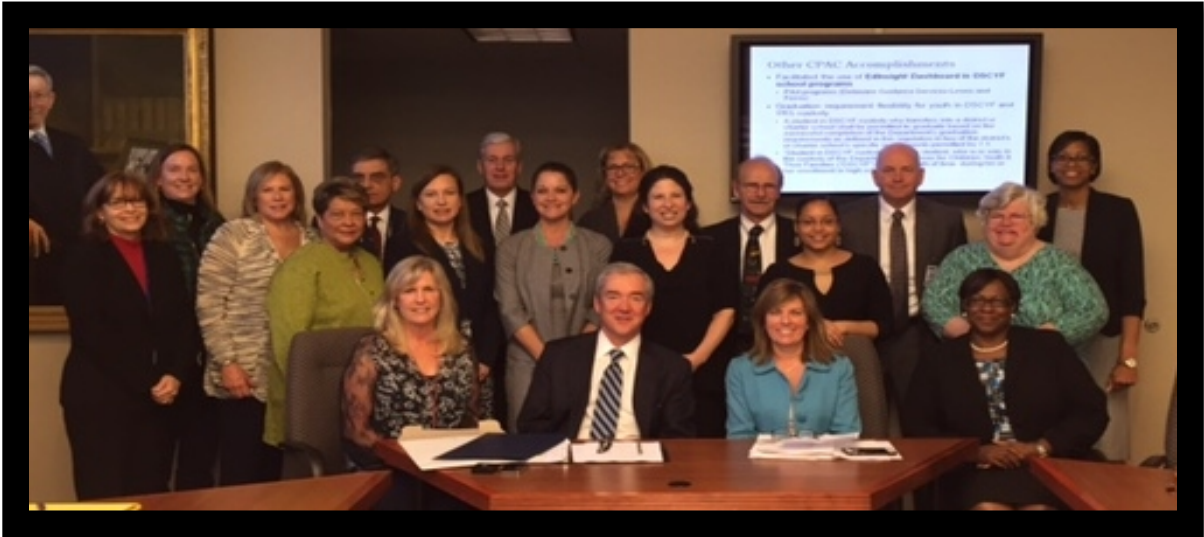
Throughout FY16, OCA staff focused on offering additional continued education opportunities through the Learning Management System (LMS), an online program that allows professionals to take courses in a variety of topics and obtain continuing legal and professional credits when applicable. Training can be accessed by going to [OCA's Online Training System](#).

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.

Staff 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 a Co-Chair of that committee, the IACOA Community Education on Adoption Subcommittee, and the CPAC Permanency for Adolescents Committee's Permanency Options Workgroup. Staff also became more involved in initiatives to protect substance exposed children by participating on Delaware's Fetal Alcohol Spectrum Disorder (FASD) Task Force and the CPAC/CDRC Committee on Substance Exposed Infants (SEI). Staff co-chaired the SEI Committee and applied on behalf of CPAC for In-Depth Technical Assistance for Substance-Exposed Infants. The technical assistance will be provided over a two-year period, addressing policies and procedures in Delaware for substance exposed infants.

Staff also 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, which OCA began managing in January 2016. Staff and contractors are working with a grant from Casey Family Programs to build the Compassionate Schools Learning Collaborative which convenes a variety of schools from different districts and charters to support schools to become trauma-



FY16 CPAC COMMISSIONERS

informed. The group is training schools on trauma and the impact on learning as well as assisting them in creating a framework to become compassionate schools. Twelve schools are currently involved with the Compassionate Schools Learning Collaborative, and more schools are joining this movement. OCA staff is also partnering with Children and Families First and the University of Delaware Center for Disabilities Studies on this project.

OCA, on behalf of CPAC, now coordinates the Child Abuse and Neglect Review Panel, which is charged with investigating and coordinating the review of child deaths and near deaths as a result of child abuse and neglect. Staff participated in 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. Staff also participated on numerous committees and workgroups within CPAC including Education, Training, and Abuse Intervention. For more information, [see the FY16 CPAC Annual Report](#).



SMALL PORTION OF THE YAC MURAL

Courthouse in honor of the late Judge Alan N. Cooper. OCA staff worked with donors including the Delaware Bar Foundation, and other legal donors, to make this mural a possibility and with other behind the scenes details. Staff provided on-site direction and support the entire week of the mural and coordinated with multiple vendors and law firms who donated breakfast and lunch each day. The mural unveiling and donation event is planned for FY17.

OCA Partnerships

OCA continued to meet with DSCYF to improve policies and procedures in the child welfare system 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.

OCA partnered with Family Court to contract a CPAC Data Analyst, who has worked with system partners to review and analyze child welfare data, and staff the CPAC Data Utilization Committee. The contractor and OCA staff have worked with OCA's partners to develop and maintain efficient processes for the collection and analysis of data to report the current trends on a consistent basis to CPAC.

Law Clerks and Interns

OCA benefited from the assistance of two law clerks during FY16. These law clerks helped the staff with record reviews, memos, and preparation for court hearings. In addition, OCA benefited from two social work interns. One social work intern was eventually hired part-time. During FY16, law clerks and interns have contributed invaluable assistance to the OCA staff through research, policy work, and record reviews. Law clerks and interns donated about 1,500 volunteer hours to OCA during FY16.

Youth Activities

During the final week of FY16, the Youth Advisory Council painted a mural to donate to the New Castle County Family



YOUTH WITH HOLIDAY GIFTS

Donations

OCA received many generous donations from individuals and community agencies this past fiscal year. OCA has been fortunate this year to be the continued recipient of the *Transform One Unique Child's Heart (TOUCH) Program*, a joint project of the Christiana Rotary Club and Wells Fargo. Staff continued to partner with this program on behalf of OCA, which provided holiday gifts for more than 300 children during the 2015 season. TOUCH sent out shopping teams weeks prior to the holiday, working very hard to fill wish lists. Even last minute requests from volunteers and advocates, on behalf of their child clients, were able to be filled due to the dedication of OCA staff and its generous community partners. Thanks to TOUCH and Eastpoint Community Church, children received gifts including toys, games, clothes, shoes, educational items, sports equipment and apparel, electronics, art supplies, jewelry, toiletries and more.



STAFF LOADING A MOVING TRUCK WITH GIFTS

On October 18, 2015, Delaware Family Court Judge Alan N. Cooper passed away. His family suggested in lieu of flowers that friends and family make contributions to the OCA. In addition, in the 2015 holiday season, the Bankruptcy, Carpenter Walsh, Melson-Arsht, and Terry Carey Inns of Courts continued a very long tradition of donating money and gifts to OCA to provide youth with special opportunities and memories that would not be provided otherwise. Additionally, individual donors continued to make contributions that would directly impact the lives of children. In total OCA has received nearly \$20,000 in donations to provide life experiences and normalcy to children who have experienced foster care. OCA has been able to provide weeks of camp, clothing, attendances at special events, and computers. The office has

sent kids to educational tutoring including math and reading, music lessons, and a variety of life experiences that children should have as a part of growing up and having normal childhood experiences. Thank you to the amazing donors who have made these experiences possible for our children.



WISH TREE

Pro Bono Honor Roll

10+ Years of Service

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Susan D. Ament, Esq.
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Shakuntla Bhaya, Esq.
Mary Boudart, Esq.
Curtis Bounds, Esq.
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Nicholas J. Caggiano, Jr., Esq.
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Tabatha L. Castro, Esq.
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John A. "Pete" Clark, III, Esq.
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C. Malcolm Cochran, IV, Esq.
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Edward Curley, Esq.
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Margaret England, Esq.
Glynis Gibson (MacAnanny), Esq.
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James S. Green, Sr., Esq.
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Jerome K. Grossman, Esq.
Shauna Hagan, Esq.
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Susan Hauske (List), Esq.
Kevin Healy, Esq.
Michael Hochman, Esq.
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Thomas Michael Horan, Esq.
David Hutt, Esq.
Diane Ibrahim, Esq.
Michael Isaacs, Esq.
Jennifer C. Jauffret, Esq.

David Jenkins, Esq.
Clay T. Jester, Esq.
Eleanor Kiesel, Esq.
Gretchen S. Knight, Esq.
Edward J. Kosmowski, Esq.
Edward J. Kosmowski, Esq.
Carl N. Kunz, III, Esq.
Gregory Ladner, Esq.
Kathryn Laffey, Esq.
Tara Lattomus, Esq.
Lewis Lazarus, Esq.
Timothy Lengkeek, Esq.
James Lennon, Esq.
Neal J. Levitsky, Esq.
Paul J. Lockwood, Esq.
Margaret Manning, Esq.
Mary Erin Mariani, Esq.
Timothy S. Martin, Esq.
Dennis Mason, II, Esq.
Michael McDermott, Esq.
Matthew B. McGuire, Esq.
Carolyn McNeice, Esq.
Bruce McNew, Esq.
Stephen Milewski, Esq.
Sharon Oras Morgan, Esq.
Seth A. Niederman, Esq.

Jonathan B. O'Neill, Esq.
Susan Over, Esq.
Mary Ann Plankinton, Esq.
Andrew Rahaim, Esq.
Richard Renck, Esq.
Joseph J. Rhoades, Esq.
Megan Rush Walstrom, Esq.
Tamara Sampson, Esq.
Thomas Shellenberger, Esq.
J. Jackson Shrum, Esq.
Melanie Smith, Esq.
Leslie Spoltore, Esq.
Lisa Stark, Esq.
William H. Sudell, Jr., Esq.
Scott Swenson, Esq.
Gregory Taylor, Esq.
David J. Teklits, Esq.
Seth L. Thompson, Esq.
Patricia O. Urban, Esq.
Elizabeth Julian Weinig, Esq.
Patricia Widdoss, Esq.
Gregory B. Williams, Esq.
Evan Olin Williford, Esq.
Natalie S. Wolf, Esq.
Davis Wright, Esq.
Lisa Zwally Brown, Esq.

5+ Years of Service

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Sean Bellew, Esq.
Travis W. Bliss, Esq.
Arthur Bookout, Esq.
Lori Brewington, Esq.
Shannon Carmean, Esq.
Shae Chasanov, Esq.
Ryan Cicoski, Esq.
Lauren Cirrinicione, Esq.
Kevin Collins, Esq.
Amy Coogan, Esq.
Santosh Coutinho, Esq.
Kristen Cramer, Esq.
Rachelle Cutrona, Esq.
Mark Desgrosseillers, Esq.
Allyson Britton DiRocco, Esq.
Timothy Dudderar, Esq.
John Ellis, Esq.
Kelly Farnan, Esq.

David Felice, Esq.
Lauren Fortunato, Esq.
Sarah Roberts Fruehauf, Esq.
Stuart Fullerton, Esq.
Thomas Gorman, Esq.
Reneta Green Streebt, Esq.
Stephanie Habelow, Esq.
Courtney Hamilton, Esq.
John G. Harris, Esq.
Adam Hiller, Esq.
Melissa Hopkins, Esq.
Kelley Huff, Esq.
Amy Huffman, Esq.
Travis Hunter, Esq.
Ericka Johnson, Esq.
Cory Kandestin, Esq.
Christine Kane, Esq.
Nicholas G. Kondraschow, Esq.
Nicholas Krayer, Esq.

James Landon, Esq.
James Levine, Esq.
Gaston Loomis, Esq.
Claire Love, Esq.
Sean Lynn, Esq.
Regina Matozzo, Esq.
Michael Maxwell, Esq.
Thomas McDonough, Esq.
Tammy L. Mercer, Esq.
Shari Milewski Lumb, Esq.
Eric Monzo, Esq.
Stephen Morrow, Esq.
Michael R. Nestor, Esq.
Ryan Newell, Esq.
Maria Newill, Esq.
Joshua Novak, Esq.
Sarah Pierce, Esq.
Pamela Pollits, Esq.
Karen Riesenburger Poppel, Esq.

Andrew Rennick, Esq.
Dana Reynolds, Esq.
Morgan Sack, Esq.
Dana K. Severance, Esq.
James Sharp, Esq.
Tiffany M. Shrenk, Esq.
Natasha Songonuga, Esq.
Deborah Spivack, Esq.
Christopher Starr, Esq.
Amanda Steele, Esq.
Chad Stover, Esq.
Kara Swasey, Esq.
Marisa A. Terranova, Esq.
Mary S. Thomas, Esq.
Bryan Townsend, Esq.
Matthew P. Ward, Esq.
Chandra Williams, Esq.
Josiah Wolcott, Esq.
Daniel Young, Esq.

OCA Attorneys

Emery Abdel-Latif, Esq.
Bill Adams, Esq.
Meghan Adams, Esq.
Tiffany Anders, Esq.
David Anthony, Esq.
Anne Barnett, Esq.
Vera Belger, Esq.
Dean, Jr. Betts, Esq.
Christopher Blaszkowski, Esq.
Darlene Wyatt Blythe, Esq.
Paul Bradley, Esq.
Nicholas Brannick, Esq.
Jordan Braunsberg, Esq.
Rae Simonini Campagnola, Esq.
Kevin Capuzzi, Esq.
Albert Carroll, Esq.
Marc Casarino, Esq.
Jeffrey Castellano, Esq.
Clarissa Chenoweth, Esq.
Sean Coley, Esq.
Scott Czerwonka, Esq.
Kathleen Campbell Davis, Esq.

Meryem Dede, Esq.
Kasey Desantis, Esq.
Melissa Dill, Esq.
Mary Ann Dougherty, Esq.
Renee Duval, Esq.
Keith Ellis, Esq.
Jennifer Ellsworth-Aults, Esq.
Ryan Ernst, Esq.
Paul Fioravanti, Esq.
Monika Germono, Esq.
Jason Gibson, Esq.
HariNarayan "Huddy" Grandy, Esq.
John Fisher Gray, Esq.
Melissa Green, Esq.
Eric R. Hacker, Esq.
Mary Kathryn "Kate" Harmon, Esq.
Susan G. Harron, Esq.
Shannon Humiston Dougherty, Esq.
Ran Ji, Esq.
Christopher Johnson, Esq.
Judy Jones, Esq.
Robert J. Katzenstein, Esq.

Keith Kleinman, Esq.
Jennifer Kline, Esq.
Peter Kyle, Esq.
Jaclyn Lantieri, Esq.
Christopher Lee, Esq.
Jayce Lesniewski, Esq.
Paul Loughman, Esq.
Samantha Lukoff, Esq.
Ari Lustig, Esq.
Randall "Randy" MacTough, Esq.
Ryan Maerz, Esq.
Megan Mahle, Esq.
Daniel Mason, Esq.
Lauren McConnell, Esq.
Bruce McCullough, Esq.
Andrew Meyer, Esq.
Troupe Mickler, Esq.
Jesse Miller, Esq.
Selena Molina, Esq.
Jessica Montellese, Esq.
David Morse, Esq.
Lucian Murley, Esq.

Stacy Newman, Esq.
Morgan Patterson, Esq.
Tracy Pearson, Esq.
Staci Pesin, Esq.
Benjamin Potts, Esq.
Stephanie Reid, Esq.
Wali Rushdan, Esq.
John Schanne, Esq.
Jennifer Smith, Esq.
Elizabeth Soucek, Esq.
John D. Slant II, Esq.
Ashley Stitzer, Esq.
Katherine Sullivan, Esq.
R. Mark Taneyhill, Esq.
Nicholas Verna, Esq.
Robert Vrana, Esq.
Raeann Warner, Esq.
Lawrence Lee Wentz, Esq.
Jocelyn Young, Esq.

Fiscal Year 2016 Staff and Contractors

Tania Culley, Esquire, CWLS
Child Advocate

Legal Services

Kim DeBonte, Esquire, Deputy Child Advocate
Kelly Ensslin, Esquire, CWLS, Deputy Child Advocate
Elizabeth Fillingame, Esquire, Managing Attorney
Eliza Hirst, Esquire, CWLS, Deputy Child Advocate
Mark Hudson, Esquire, CWLS, Deputy Child Advocate
Molly Shaw, Esquire, Deputy Child Advocate

Administration and Data Management

Shana Cipparone, Clerical
Amanda Sipple, Office Manager
Brittany Willard, CPAC Data Analyst

Policy

Jessica Begley, CPAC Training Coordinator
Angela Birney, Child Abuse and Neglect (CAN) Review Specialist
Sam Clancy, Statewide Family Crisis Therapist
Jennifer Donahue, Esquire, CWLS, Investigation Coordinator
Jennifer Falkowski, New Castle Family Crisis Therapist
Leba Kaufmann, Esquire, Education Contractor
Rosalie Morales, MS, Family Services Program Support Supervisor
Amy Parsons, Sussex Family Crisis Therapist
Ashlee Starratt, Management Analyst II

Office of the Child Advocate

Administrative Office
900 King Street, Suite 210
Wilmington, DE 19801
Tel 302-255-1730
Fax 302-577-6831
courts.delaware.gov/childadvocate

