

Child Protection Accountability Commission (CPAC) Quarterly Meeting Minutes

WEDNESDAY, July 8, 2015
9:00 AM – 12:00 PM – New Castle County Courthouse
500 King Street, 12TH Floor, Wilmington, Delaware

Those in attendance:

Members of the Commission:

C. Malcolm Cochran, IV, Esq., Chair
The Honorable Jennifer Ranji

Dr. Victoria Kelly
Josette Manning, Esq.
The Honorable Michael K. Newell
The Honorable Joelle Hitch
Carolyn Walker
Tina Shockley
Corporal Adrienne Owen
Dr. Garrett Colmorgen

Jennifer Donahue, Esq.
Nicole Byers
Sgt. Reginald Laster
Ellen Levin
Randall Williams
Janice Mink

Staff:

Tania Culley, Esq., Executive Director
Rosalie Morales
Amanda Sipple

Members of the Public:

Colin P. Dunlavey, Esq.
Kelly Ensslin, Esq.
Eliza Hirst, Esq.
Carrie Hyla
Julie Leusner

Statutory Role:

Child Protection Community 16 Del. C. § 912 (a)(16)
Secretary of Dept. Of Services for Children, Youth and Their Families 16 Del. C. § 912 (a)(1)
Dir., Div. of Family Services 16 Del. C. § 912(a)(2)
Two Representatives from the Attorney General's Office 16 Del. C. § 912 (a)(3)
Family Court 16 Del. C. § 912(a)(4)
Family Court 16 Del. C. § 912(a)(4)
Chair of the Child Placement Review Board 16 Del. C. § 912(a)(7)
Secretary of the Department of Education/Appointee 16 Del. C. § 912(a)(8)
Designee for Superintendent of the Delaware State Police 16 Del. C. § 912 (a)(11)
Chair of the Child Death, Near Death and Stillbirth Commission 16 Del. C. § 912(a)(12)
Investigation Coordinator 16 Del. C. § 912(a)(13)
Young Adult 16 Del. C. § 912(a)(14)
At-large Member - Law Enforcement 16 Del. C. § 912 (a)(16)
At-large Member - Child Protection Community 16 Del. C. § 912 (a)(16)
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I. Chairman's Welcome

Mike Cochran, Esq. opened the meeting and welcomed the attendees. Mr. Cochran welcomed the Family Court's newly appointed Chief Judge Michael K. Newell as a new commissioner. Mr. Cochran called on the Commissioners to commend the former Chief Judge Kuhn for her service to CPAC.

Mr. Cochran discussed changes occurring within the Commission, including the expanded membership, increasingly productive meetings and the need for restructuring of the agendas. The amount of data that is captured through the Commission, particularly from the Investigation Coordinator's Office, provides an incredibly rich source of material for the Commission to analyze during meetings. Additionally, as a result of H.B. 136 passing during the legislative session, the child death and near reviews due to abuse or neglect will be transferred to the Commission. Over the next months CPAC and Child Death, Near Death and Stillbirth Commission (CDNDSC) will be working to address changes as a result of H.B. 136.

II. Approval of Minutes – 4/15/15 Commission Meeting

The minutes of the April 15, 2015 meeting were approved.

III. New/Old Business

a. CAN Panel

Tania Culley, Esq. stated that H.B. 136 passed and is likely to be signed by the Governor after the CDNDSC Commission meeting in September, in which several reviews will be finalized. Ms. Culley reported that CPAC will work to streamline and organize the review process to provide continuity as the reviews move from CDNDSC to CPAC.

b. Stop Child Abuse License Plates

Rosalie Morales stated that as of the May statement there has been \$70.00 in revenues from the Stop Child Abuse License plates for the Protecting Delaware's Children Fund. The Commissioners requested that a follow up email with the link to the application for the license plates be redistributed. In contrast, donations to the Protecting Delaware's Children Fund from the individual income tax returns have been more significant. All amounts designated to this Fund would be forwarded to the Office of the Child Advocate for the use in public awareness campaigns promoting the reporting of child abuse.

IV. Report from the Investigation Coordinator

Jennifer Donahue, Esq. provided a quarterly data report to the Commission. During the first quarter of the year, the Investigation Coordinator (IC) received data dumps of 957 cases of which 146 cases were opened. The case load in June of 2014 was 680. Currently, the IC is monitoring 837 cases, of which 545 are intra-familial sexual abuse, 182 are extra-familial sexual abuse, 91 are serious physical injury, and 19 are death. Primarily the cases are intra-familial sexual abuse cases.

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Additionally, as the amount of information increases, IC works to capture various data points in the database. For example, during the last CPAC meeting Representative Smith inquired about multigenerational history in cases. As a result, IC modified its database to capture this. The IC is also tracking the number of substance-exposed infants separately. Therefore, this is not captured in the number of open cases.

Of the 91 serious physical injury cases, 61 occurred in New Castle County, 16 were in Kent and 14 were in Sussex. A breakdown by gender concluded that 38 victims were female and 53 were male. The main perpetrator in these 91 cases was male. Of the 19 deaths, 13 occurred in New Castle County, 1 was in Kent, and 5 were in Sussex. There were 11 females and 8 males. The main perpetrator was the biological mother. Lastly, there were 727 intra-familial and extra-familial sexual abuse cases, and the victims were predominately female.

The IC primarily receives its extra-familial reports from DFS. Ms. Donahue also added the number (182) of extra-familial sexual abuse cases may not be an accurate tally of total cases due to reporting issues that are currently being worked on. Sgt. Reginald Laster stated that the New Castle County Police Department and the State Police are working to train police officers to report to the DFS hotline even when the abuse is not intra-familial. Ms. Donahue stated there were 179 sexual abuse allegations reported between January and March. Additionally, during the same quarter, 91 forensic interviews took place while 44 sexual abuse allegations did not receive a forensic interview at the CAC. Ms. Donahue noted a few of the reasons children were not interviewed at the CAC as follows: the youth was older than 15 years of age, the child was non-verbal, the parents did not agree, or were unresponsive to a forensic interview. Additionally, Cpl. Adrienne Owen reported that detectives are trained to conduct interviews. Cpl. Owen stated that removing detectives from the interview process would not be appropriate and that the detectives who are conducting the interviews are highly trained and experienced. During the quarter, 68 cases were closed by the IC, including 2 death, 4 serious physical injury, and 62 sexual abuse cases. The criminal findings of sexual abuse cases were as follows: no law enforcement involvement in 4 cases; 24 cases were unfounded by law enforcement; prosecutions were declined in 23 cases; 2 cases were Nolle Prossed; and in 9 cases there was a guilty plea. Further detail is available in the IC quarterly report, which was distributed at the meeting.

V. CPAC Committee Reports

a. Abuse Intervention

Rosalie Morales reported the Abuse Intervention Committee met on May 14, 2015 to finalize the work related to the Children's Justice Act Grant's 2015 – 2017 Three Year Assessment Report. To comply with the federal requirements related to this assessment, the Committee had two tasks. The first was to prioritize recommendations for the next three years that relate to policy and training, and the Committee used the recommendations from the CPAC/CDNDSC Retreat. Next, the Committee had to review the progress of the recommendations from the 2012 – 2014 assessment. The Committee found that CPAC had successfully implemented its first recommendation, which related to the Joint Committee on the Investigation and the Prosecution of Child Abuse. For the second recommendation, which was a plan to eliminate infant unsafe sleep fatalities due to abuse or neglect, the Committee agreed that no further action would be taken. It was previously identified that this recommendation related to primary prevention, which falls under the purview of CDNDSC. Finally, for the last recommendation, which involved the support of training and education initiatives related to the investigation and prosecution of

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child abuse and neglect cases using an MDT approach, the Committee concluded the recommendation must remain a priority for the Task Force. The Three Year Assessment along with an Annual Progress Report and Grant Application was submitted to the Administration for Children and Families on May 29th. As mentioned in an email to the Commission the report was approved by the Administration for Children and Families and is available on the OCA website.

b. Data Utilization

Ms. Morales reported that OCA and Family Court are in the process of hiring a Data Analyst contractor for CPAC. The position will be funded through the Court Improvement Program. A few responsibilities for this position will include: staffing the Data Utilization Committee, working with stakeholders to collect already existing data related to the dashboard, maintaining and updating all of the CPAC Data charts, and conducting statistical analysis to help CPAC inform system improvement. We are grateful to the Family Court for its making this position possible. Ms. Morales also acknowledged Carrie Hyla and Rachael Neff for their support with the creation and hiring of this new position.

At the last meeting the Commission received a presentation on the CPAC Dashboard and the proposed data analysis process. During the presentation, it was discussed how OCA was struggling to prepare the dashboards, because the CPAC meetings fall within a week or two of the end of the quarter. The Data Utilization Committee also reviewed the proposed data analysis process and delayed voting on the process until CPAC came up with a solution. The Commission approved the proposed 2016 meeting schedule with meetings occurring in February, May, August, and November. Additionally, it was determined that a discussion of the trends should occur at each meeting with a formal presentation one time per year. The Commission indicated the Data Utilization Committee is to complete their first full report out at the February of 2016 meeting.

c. Education

Eliza Hirst, Esq. reported for Tina Shockley on the three workgroups under the CPAC Education Committee. The Education Committee was unable to meet in June.

The MOU Workgroup is overhauling the current MOU between DOE, Local Education Agencies (LEAs), and DSCYF. Ms. Hirst stated the workgroup is addressing gaps for children remaining in their school of origin or transferring to a new school feeder pattern, reporting requirements, and information sharing and confidentiality.

The Collaboration Workgroup completed the Frequently Asked Questions sheet and will be adding the resources to the OCA website.

The Data Workgroup is reviewing the 2014 – 2015 aggregate school year data. The Committee is also reviewing the federal Education Stability of Foster Youth Act to review the similarities that are occurring in Delaware.

d. Legislative

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Ms. Culley reported the Committee has not met.

The Honorable Jennifer Ranji reported that five bills submitted by the Department of Services for Children, Youth and Their Families (DSCYF) passed by June 30, 2015.

House Bill 118, an amendment to the Delaware Code relating to reporting child abuse or neglect, codifies that a person cannot rely on another person with less direct knowledge of child abuse or neglect to call the hotline and make a report.

Senate Bill 56, relating to Abuse of Children, allows DSCYF to petition Family Court to compel an uncooperative parent or guardian to complete a drug or alcohol evaluation or mental health evaluation for him or herself or a developmental screen for their child.

Senate Bill 110, relating to Child Care, allows the Office of Child Care Licensing to impose administrative fines for child care providers operating unlicensed.

House Bill 116, relating to the Executive Order 45 Re-Entry Education Task Force, establishes the DSCYF Education Unit as a Local Education Agency for very limited purposes. As a result, DSCYF teachers will qualify for federal loan forgiveness, the LEA will be eligible for grant funding and the unit will be able to issue credits to the students who are completing coursework.

Senate Bill 144, relating to Background Checks for Child-Serving Entities also known as the Joseph T. "Beau" Biden III Child Protection Act, streamlines and improves the background check process for those who work with children..

e. Child Abuse Medical Response

Randy Williams stated that the first meeting of the Committee has been scheduled, and a tentative meeting schedule is being finalized. Mr. Williams reported the Cory Stevens from Midwestern CAC will be a resource for the Committee. The Committee will be working to develop a statewide structure to support the need for medical experts including when to refer and where to refer.

f. Permanency for Adolescents

Ms. Culley reported the Permanency for Adolescents Committee met at the end of March, and she provided an update for the three workgroups under the Committee. The APPLA Workgroup met at the beginning of January and reviewed six children between the ages of 11 and 13 with a permanency plan of APPLA. The group did a retrospective review to determine what they could have done better or differently to prevent those children from having a permanency plan of APPLA and to identify if there is anything that can be done now. Following the review, the group developed an action plan which listed the recommendations under two categories, permanency options and court hearings. The action plan was later approved by the workgroup and Committee. Judge Jones and Judge Crowell plan to discuss the Action Plan with the other judges. The Committee also continues to track the statistics for youth with a plan of APPLA, and no new young children are entering care with this plan. Ms. Culley reported the Committee continues to review juvenile expungements. The CIP Stakeholder Training – Preventing Sex Trafficking & Strengthening Families Act is planned for September 10, 2015.

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g. Training

Ms. Morales reported the next Training Committee meeting is scheduled for July 14th. The Committee plans to work on the Governance Form for the Protecting Delaware's Children Fund as well as to develop a recommendation regarding the audit process. Ms. Morales requests that Commissioners remind agency representatives to attend.

The ChildFirst™/MDT Workgroup sent out a Save the Date for the modified 3-day version of ChildFirst™ Delaware now titled the Multidisciplinary Child Abuse Investigative Team Training – A ChildFirst™ Training. The training is scheduled for October 26 – 28, 2015 at the Hyatt Place™ in Dewey Beach. There are 40 slots available and priority will be given to DFS, law enforcement, and DOJ. The training is free. A registration link will be sent out via email, and online registration will open on September 1, 2015.

The CAN Best Practices Workgroup is finalizing the physical injury protocol, which it hopes to bring back to the larger workgroup for feedback in the coming months.

The Joint Conference Workgroup is exploring April of 2017 as the next Protecting Delaware's Children Conference date.

The Mandatory Reporting Workgroup is finalizing the Mandatory Reporting Training for educators, which must be submitted to DOE by next week.

The Cross Education Workgroup is delaying additional work on the agency 101 trainings while the Mandatory Reporting Training is being finalized.

VI. Commissioner Reports

a. Law Enforcement

Cpl. Adrienne Owen reported the State Police continue to provide training on mandatory reporting. An information sheet is being developed to inform staff on normal behaviors of adoptive families and frequently asked questions for families.

Sgt. Reggie Laster reported that his new staff will be attending the ChildFirst™ training in October.

b. Child Placement Review Board

Carolyn Walker reported that CPRB received 77 applications for the Ivyane DF Davis Memorial Scholarship. CPRB has conducted 59 youth interviews and will be distributing \$150,000 in scholarship funds.

c. Children's Advocacy Center

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Randy Williams reported the Caregiver Assistance Program is completed but in the evaluation phase. The Caregiver Assistance Program will provide support to caregivers of children and youth who have been the victim of abuse. The curriculum will be available to other agencies.

d. Department of Justice

Josette Manning, Esq. reported that the Child Victims Unit needs an additional experienced felony level prosecutor in New Castle County.

e. Department of Services for Children, Youth, and Their Families

Secretary Ranji reported the Division of Family Services continues to have record months. As of June 15th, the percent of fully functioning workers in treatment is up to 68 and the caseload standard was 12.6. Some difficulties the Division continues to face are the turnover rates, seriousness of reports and the number of youth in care has been increasing. Kent hired five new staff and they have just joined the rotation in Kent. The placement stability numbers continue to improve. Additionally, the Division is going into Sunset Review and will have a year to complete the review process. The Division has nearly completed the Child and Family Services Reviews (CFSRs). The Foster Care Conference is scheduled for Thursday, May 30th in Dover. The Conference will focus on Believing in the Possibilities, 400 participants are expected.

Secretary Ranji discussed the budget. Their request for the third year of ASSIST Funds, which is the \$500,000 stipends for kids aging out, was approved.

Secretary Ranji then discussed how DFS is working with Chapin Hall to use their voluminous data to determine outcomes. A small data unit was also created in the Office of the Secretary to review and analyze the following baseline data points: the number of serious injury and death cases each quarter; % of cases with prior DFS history and cases open during an incident; % of cases open for investigation; % of cases open for treatment; % of cases in which DFS takes custody; and % of cases which are substantiated.

Since Structured Decision Making (SDM) was implemented, a smaller percentage of cases are being opened for investigation. To determine that these cases are being screened out appropriately, they are looking at the percentage of cases screened out and opened within a year after being screened out are: 2012 – 23%, 2013 – 19%, 2014 – 18%. These results indicate that SDM is having a positive effect.

DFS also implemented a case tiering system., in which cases are reviewed for specific risk factors and flagged for the regions. This will allow for the investigators to be aware of those factors, and cases with a higher level of risk will require framework, consult with Dr. Heather Alford, or a higher level of supervision.

i. Division of Family Services

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DFS also continues to look at its domestic violence cases. Dr. Victoria Kelly reported that David Mandel is providing training to DFS and system partners to help specialize in an area with complex dynamics.

CPAC will send a letter to the Joint Sunset Committee regarding its review of the Division of Family Services..

ii. Division of Prevention and Behavioral Health Services

Julie Luessner introduced herself as the new Deputy Director of PBH. She reported the High Fidelity Wrap Around team began operating in May. The team will serve 20 children through 2 workers by partnering with DFS. Ten of the youth will be in foster care and 10 will be involved in treatment with DFS. The wraparound services will allow PBH to devote more time to the families. The program is intended to keep children safe in the home.

f. Interagency Committee on Adoption

Kelly Ensslin, Esq. reported the Interagency Committee on Adoption (ICOA) is working on the 6th Annual Adoption Day, which is scheduled for November 21st from 1 – 2:30 pm. The event will celebrate adoptive families who adopted children and youth in 2014. In addition, ICOA recently drafted a letter to mental health providers to discuss the unique needs of these children and families. The Committee intends to reach out to educators related to the same issue.

VII. Other Child Protection Updates/Reports

a. Youth Advisory Council

Nicole Byers reported the YAC 13th Annual Conference and Destined for Greatness Event is scheduled for Wednesday, August 5, 2015. The keynote speaker will be Kevin Brown from Northern California and the president of Legacy Thinking Labs. Additionally, House Bill 46, the bill which codifies the rights of abused, neglected and dependent youth in DSCYF Custody will be signed at the event.

VIII. Public Comment

As there was no public comment, the meeting was adjourned at 12:00 pm.