

State of Delaware Child Protection Accountability Commission Quarterly Meeting Minutes

WEDNESDAY, FEBRUARY 8, 2017
9:00 AM – 12:00 PM – New Castle County Courthouse
500 King Street, 12th Floor, Wilmington, Delaware

Those in Attendance:

Members of the Commission:	Statutory Role:
Ginger Ward, Chair	Child Protection Community 16 <u>Del. C.</u> § 931(a)(16)
The Hon. Josette Manning	Secretary of Services for Children, Youth & Their Families 16 <u>Del. C.</u> § 931(a)(1)
Shirley Roberts	Dir., Div. of Family Services 16 <u>Del. C.</u> § 931(a)(2)
Susan Cycyk	Dir., Div. of Prevention of Behavioral Health Services 16 <u>Del. C.</u> § 931(a)(9)
Maureen Monagle	Chair of the Domestic Violence Coordinating Council 16 <u>Del. C.</u> § 931(a)(10)
James Kriner, Esq.	Two Representatives from the Attorney General's Office 16 <u>Del. C.</u> § 931(a)(3)
Abigail Layton, Esq.	Two Representatives from the Attorney General's Office 16 <u>Del. C.</u> § 931(a)(3)
The Honorable Michael Newell	Family Court 16 <u>Del. C.</u> § 931(a)(4)
The Honorable Joelle Hitch	Family Court 16 <u>Del. C.</u> § 931(a)(4)
Susan Haberstroh	Designee for Secretary of the Department of Education 16 <u>Del. C.</u> § 931(a)(8)
Corporal Adrienne Owen	Designee for Superintendent of the Delaware State Police 16 <u>Del. C.</u> § 931(a)(11)
Dr. Garrett Colmorgen	Chair of the Child Death Review Commission 16 <u>Del. C.</u> § 931(a)(12)
Nicole Magnusson	Young Adult 16 <u>Del. C.</u> § 931(a)(14)
Kathryn Lunger, Esq.	One Representative from the Public Defender's Office 16 <u>Del. C.</u> § 931(a)(15)
Dr. Allan De Jong	At-large Member - Medical Community 16 <u>Del. C.</u> § 931(a)(16)
Ellen Levin	At-large Member - Child Protection Community 16 <u>Del. C.</u> § 931(a)(16)
Randall Williams	At-large Member - Child Protection Community 16 <u>Del. C.</u> § 931(a)(16)
Sgt. Reginald Laster	At-large Member - Child Protection Community 16 <u>Del. C.</u> § 931(a)(16)

Staff:

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

Members of the Public:

Carla Benson-Green	Caroline Jones	Anne Pedrick	Brittany Willard
Kecia Blackson	Jacqueline Mette, Esq.	Stephanie Scollo	
Islanda Finamore, Esq.	Rachael Neff	Meredith Seitz	
Meg Garey	Leslie Newman	Ellie Torres, Esq.	

I. CHAIRPERSON'S WELCOME AND INTRODUCTIONS

Ginger Ward opened the meeting and welcomed the attendees.

II. APPROVAL OF MINUTES

The minutes from November 9, 2016 were approved.

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III. EXECUTIVE DIRECTOR'S REPORT

Tania Culley, Esq. provided the Executive Director's report. The Court Appointed Special Advocate (CASA) Program will officially relocate to the Office of the Child Advocate (OCA) on March 6, 2017. OCA continues to contract with Casey Family Programs to expand the Delaware Compassionate Schools Initiative to other school districts. Jennifer Perry, a DFS Treatment Worker at the Division of Family Services (DFS), accepted the Case Review Specialist position at the Office of the Investigation Coordinator (IC). She will start on February 20th. Rosalie Morales has been provided support since the position was vacated.

In addition, Ms. Culley provided an update on the work of the IC in Jen Donahue's absence. Currently, there are 407 cases being monitored by the IC. During the last quarter, 175 were opened and 116 were closed. Jen Donahue, Esq. completed the 3, 6 and 9 month reviews to receive an update on the criminal response. Ms. Culley also reported Ms. Donahue and the other Delaware Core Team members are currently participating in the In-Depth Technical Assistance Policy Academy to develop and finalize a state action plan for infants with prenatal substance exposure. DFS received 431 reports of infants born substance exposed in 2016. The Committee on Substance Exposed Infants/Medically Fragile Children is finalizing its revisions to the legislation. The bill will be presented to the Commission prior to its submission to the General Assembly.

IV. APPROVAL OF MOU – CPAC TRAINING COMMITTEE

Cpl. Adrienne Owen, Chair of the Training Committee's CAN Best Practices Workgroup, gave a presentation on the revised Memorandum of Understanding (MOU) for the Multidisciplinary Response to Child Abuse and Neglect. Cpl. Owen discussed how the MOU had changed and provided an overview of the document to the Commission. The Division of Forensic Science, Office of the Investigation Coordinator and Alfred I. duPont Hospital for Children were added as signatory agencies. In addition, the revised MOU was organized around the abuse types or best practice protocols rather than by the agencies involved in the multidisciplinary team. The protocols are as follows: Physical Injury to a Child; Serious Physical Injury to a Child; Child Death; Child Sexual Abuse; Child Neglect; and Juvenile Trafficking. Each protocol includes best practices for cross-reporting, information sharing, investigating, prosecuting and providing services to children and families.

A motion to approve the MOU with final edits, subject to signatory review with final circulation via email was made by Judge Hitch and seconded by Chief Judge Newell. All voted in favor. The motion carried.

V. LEGISLATIVE COMMITTEE/CPAC LEGISLATION APPROVAL

Ms. Culley presented three bills. First, the CAN Panel legislation was discussed. Ms. Culley stated the bill clarifies that the reviews of child abuse and neglect deaths and near deaths are confidential and should not be used in any proceedings. It ensures that the committees and panels who do the work on behalf of CPAC are protected. Finally, the bill clarifies that any duties of the State for public disclosure in these cases under the federal Child Abuse Prevention and Treatment Act will not be fulfilled by these confidential reviews conducted by the Commission as Delaware's Citizen Review Panel. A motion was made to approve the bill by Dr. Colmorgen and seconded by Chief Judge Newell. All voted in favor. The motion carried.

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The next bill, which was in concept form, related to Mandatory Reporting Training for Contractors. This bill closes a loophole in the child abuse detection and mandatory reporting training by requiring contractors who have direct access to children and student teachers to be trained in mandatory reporting. Ms. Culley stated a second bill will be introduced first by Senator Henry that restructures all of the child safety professional development for schools. Once that bill passes, this bill will be introduced. A motion was made by Dr. Colmorgen and seconded by Randy Williams to approve the bill in concept form.

The Education Decision Maker bill was also discussed. This bill enables, but does not require, the Family Court to appoint an education decision maker for a child in foster care or in the juvenile delinquency system when a parent is unable or unavailable to make education decisions, or the parent consents. The bill appoints a person known to the delinquent or dependent child in order to facilitate academic support and achievement. A motion was made to approve the bill by Chief Judge Newell and seconded by Dr. Colmorgen. All voted in favor. The motion carried.

Ms. Culley added that 4 other significant pieces of legislation will be presented to the Commission, three of which should be CPAC bills. The legislation is as follows: CAN Best Practices, Substance Exposed Infants (Aiden's Law) and Educational Stability for Children in Foster Care, and Child Safety Professional Development for Schools.

To review and approve the above legislation, the Commission agreed to convene a special meeting on Monday, March 27th from 11:00 am to 12:00 pm.

VI. REVIEW OF JOINT RETREAT ACTION PLAN

Ms. Culley reviewed the joint retreat action plan and asked the Commissioners to provide an update on the progress towards the recommendations.

A. LEGAL

Shirley Roberts reported that quarterly meetings are being scheduled with the Department of Justice (DOJ) Family Division for 2017. Refresher training and the availability of DOJ Family Division Deputies for after hours and weekend calls will be discussed. Ms. Culley reported the DOJ Family Division and the Family Court were added to the Investigation Coordinator's contact list. Ms. Morales stated the Training Committee has created a workgroup to develop protocol for removal of life support cases. The Family Court has approved a disclosure form under Rule 16(b)(3) for custody, visitation and guardianship matters to obtain additional information from litigants including DFS history, and it is out for comment with the Bar. The final recommendation regarding the Family Court remaining cognizant of hearing timeframes in complex child abuse cases has been completed.

B. MEDICAL

Ms. Morales reported the revisions to the mandatory reporting training for medical providers has been completed. The Delaware Home Visiting Community Advisory Board meets this month and will consider the recommendation regarding home visiting services; the Delaware Healthy Mother & Infant Consortium will also consider it. The SEI Policy Academy and Committee on Substance Exposed

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Infants/Medically Fragile Children are working on priorities, including legislation and development of the plan of safe care.

C. MDT RESPONSE

CPAC has approved the MOU subject to final edits of the signatory agencies. The DOJ case management system was piloted in several units and will soon be available agency-wide. Confidentiality prevents the CAN Panel from sharing details with non-Commissioner agencies, so factual details cannot be provided to police departments as recommended. The presentation to the Police Chiefs' Counsel on the MOU will include discussion of cameras.

As for a prioritized list of CPAC funding requests, the Chair and Executive Director have included the DOJ Special Victims Unit, DFS Caseloads, SEI, and the request for no cuts to Commission services. The CPAC Guidelines for Child Abuse Medical Response need to wait until next year. Lastly, CPAC anticipates that the DOJ child abuse package will be reviewed by the Legislative Committee. Legislation related to the transportation of children to medical exams and modification of the list of crimes in 16 Del. C. 906(e)(3) has been drafted and circulated to CPAC Committees.

D. RISK ASSESSMENT/CASELOADS

Ms. Roberts stated that DFS will reconsider adjusting caseloads based on complexity of the cases after the CPAC Caseloads/Workloads Committee concludes its work. DFS is pursuing grant monies with the Children's Research Center to conduct ongoing training on the SDM Risk Assessment tool in Spring 2017. Ms. Roberts reported that DFS cannot implement differential response for other populations without additional funds. DFS already has tiered risk assessments, and DFS has taken no action to date to investigate all reported cases of suspected child abuse or neglect of children less than one year old.

E. SAFETY/USE OF HISTORY/SUPERVISORY OVERSIGHT

Ms. Roberts stated that DFS added a history event to the last case management system update. Additionally, DFS shares the CAN Panel findings with various leadership teams and workgroups. Ms. Roberts reported the DFS non-relative/relative home safety assessment form has been modified and will be incorporated into the new case management system. The recommendation regarding training for DFS supervisors was also in the Child and Family Services Review Performance Improvement Plan. Training will be targeted for 2018.

F. UNRESOLVED RISK

CPAC supported the Legislative Committee's recommendation to not pursue birth match as prior termination of parental rights is not a strong predictor of subsequent child death in Delaware. The CPAC Caseload/Workloads Committee has reconvened and its first meeting is in February 2017. DFS will continue to pursue its partnership with Division of Substance Abuse and Mental Health (DSAMH) and Casey Family Programs to better assist high risk families, and the IC will be included at the state level meetings. As mentioned previously, DFS is pursuing grant monies with the Children's Research Center, which will include booster training on safety assessments and safety planning. In addition, DFS

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will need additional resources/equipment to develop a mechanism that reminds DFS case workers to automatically follow up after referrals or services are requested. The recommendation regarding the provision of home-based and family centered treatment services has been completed. Finally, DFS and Family Court have scheduled a meeting to discuss the issue related to guardianship petitions.

VII. CHILD ABUSE AND NEGLECT DEATH/NEAR DEATH REVIEWS

A. CAN CASELOADS REPORT/ADMINISTRATIVE UPDATE

Ms. Culley reported that there are 44 CAN cases open. Of those cases 19 are in the initial stage and 25 are in the final stage. Twelve of the cases in the final stage are pending prosecution. In 2016, there were 22 near deaths and 5 deaths.

B. CAN FINDINGS/DETAILS/LETTER TO GOVERNOR

Ms. Morales reported on the 12 cases reviewed by the Panel in the last quarter. Seven of the cases were from incidents which occurred between June 2016 and August 2016, and these cases were reviewed by the Panel for the first time. One of the final reviews was from an incident that occurred in 2012. In total, there were 56 findings and 44 strengths. Many of these findings related to the medical response and the use of safety agreements and risk assessment by DFS. These findings are being addressed through the Joint Retreat Action Plan. The Panel noted that in 6 of the 7 cases reviewed for the first time, the DFS investigation worker was over the investigation standard. In all but 1, the worker's caseload did not negatively impact the DFS response. The Panel also noted many strengths in the medical and MDT response.

A motion was made by Randy Williams and seconded by Nicole Magnusson to approve the strengths summary and detail, findings summary and detail, and letter to the Governor. All voted in favor. The motion carried. Please refer to the strengths summary and detail, findings summary and detail, and letter to the Governor for additional information.

VIII. CPAC DATA DASHBOARD

Brittany Willard, the CPAC Data Analyst, gave a presentation on the quarterly child welfare trends identified by the CPAC Data Utilization Committee. Ms. Willard reported the statewide caseload average for investigations increased by 27% since the prior quarter. Similarly, the statewide caseload average for treatment increased by 14% since the prior quarter, and as a result, the caseloads were above standard.

In addition, Ms. Willard discussed the cases open by the IC during the quarter. Of the 175 cases opened, 160 were sexual abuse, 9 were serious physical injury and 6 were death. The IC caseload increased from 347 to 407 cases since the 9/16 quarter.

Next, Ms. Willard reviewed the CAC data. Overall, the number of cases received has been decreasing over the past two quarters. The decrease is most noticeable in the 12/16 quarter for intra-familial sexual abuse cases.

The Committee noted a significant decline in the number of children entering custody for the 12/16

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quarter. The number of youth with another planned permanency living arrangement was similar to the prior quarter at thirty-eight. Lastly, there was a small increase in the percentage of children re-entering foster care in 12 months.

IX. COMMISSIONER REPORTS

A. DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

Secretary Manning acknowledged the administration at the Division of Family Services for their efforts to hire qualified staff to fill the 27 positions.

I. PREVENTION AND BEHAVIORAL HEALTH

Susan Cycyk provided an update on the Medicaid state plan, which brought in 5 evidence based practices. Ms. Cycyk stated it resulted in a reduction in hospital stays, residential treatment stays and family disruption. Additionally, the division started the suicide crisis text line. Youth have immediate access to a trained professional. Ms. Cycyk also presented the challenges with implementation. She stated a workgroup was created with the school districts to improve the quality of behavioral health services in the schools. The division has more responsibility for children with developmental disabilities and mental health issues. As a result, a workgroup was created to address the identification of appropriate services for this population.

II. DIVISION OF FAMILY SERVICES

Shirley Roberts provided an update on the 27 positions reallocated to DFS. She mentioned a few of the barriers to getting the positions filled, including lateral transfers, frontline staff moving to supervisory positions, and other vacancies. Ms. Roberts reported that all of the 27 have been filled with the exception of two positions. The first group of hires will finish training in April. To support staff, supervisors are making contact with families. Administrators and managers are meeting every morning to triage cases. Their priority is supporting staff and child safety.

B. DEPARTMENT OF EDUCATION

Susan Haberstroh reported on few of current initiatives of the Education Committee since they overlap with the work of the DOE. Ms. Haberstroh stated they are overhauling laws and policies concerning youth in foster care to comply with federal changes to the Every Student Succeeds Act (ESSA). Youth in foster care have to be separated from homeless youth. In addition, they are finalizing an education court report as a way to track educational outcomes for youth in foster care. Lastly, they oversee a strategic plan to improve outcomes for youth in foster care including trauma informed programs in schools through a district collaborative in partnership with a grant from Casey Family Programs. Since January 2016, this initiative has trained over 1,500 educators on trauma and the impact on learning.

C. CHILD PLACEMENT REVIEW BOARD

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Kecia Blackson reported that CPRB has had some staff turnover and lost many volunteers due to attrition. In addition, their technology system has started to crash. In October, they engaged a facilitator to do strategic planning, and Ms. Blackson plans to share the goals at the next quarterly meeting.

D. CHILDREN'S ADVOCACY CENTER

Mr. Williams reported the Governor's Recommended Budget for FY2018 reduces the State funding for the CAC. They have not recovered since funding was originally cut in 2001. Mr. Williams requested the Commissioner's support at the upcoming Joint Finance Hearing.

E. OFFICE OF DEFENSE SERVICES

No report was provided.

F. DEPARTMENT OF JUSTICE

The Commission welcomed the new Commissioners from DOJ. Abigail Layton, Esq. is the Director of the Family Division. Ms. Layton led the DOJ's Child Predator Task Force and chaired the Human Trafficking Coordinating Council. Jim Kriner, Esq. now heads the Special Victims Unit. Ms. Layton shared that Islanda Finamore, Esq. has also taken a leadership role in the Child Protection Unit, and Donna Thompson, Esq. will serve as the general counsel for the Children's Department.

X. OTHER CPAC COMMITTEE REPORTS

A. PERMANENCY FOR ADOLESCENTS

Ms. Roberts reported that the Committee last met two weeks ago, and the Committee agreed they have satisfied their charge from CPAC. There are some activities that will be reassigned. Felicia Kellum will continue to work on the benchmarks. DFS will work with DOJ to establish liability protection for foster parents in making decisions. DFS and OCA will be tasked with educating youth on sex education. Family Court will continue working on dual status youth and youth involvement in court.

Ms. Roberts made a motion to disband the Committee, and it was seconded by Mr. Williams. All voted in favor. The motion carried.

XI. 2017 MEETING DATES

- August 16, 2017
- November 8, 2017

All meetings will take place from 9:00 a.m. – 12:00 p.m. at the New Castle County Courthouse in the 12th Floor Conference Room.

XII. PUBLIC COMMENT AND ADJOURNMENT

There was no public comment. The meeting was adjourned at 12:00 p.m.