

State of Delaware Child Protection Accountability Commission Quarterly Meeting Minutes

WEDNESDAY, AUGUST 8, 2018
9:00 AM – 12:00 PM – New Castle County Courthouse
500 King Street, 12th Floor, Wilmington, Delaware

Those in Attendance:

Members of the Commission:

Ginger Ward, Chair
James Kriner, Esq.
Rep. Valerie Longhurst
Robert Dunleavy
Maureen Monagle
Dr. Garrett Colmorgen
Jennifer Donahue, Esq.
Nicole Magnusson
Kathryn Lunger, Esq.
Dr. Allan De Jong
Randall Williams
Janice Mink
Ellen Levin

Statutory Role:

Child Protection Community 16 Del. C. § 931(a)(15)
Two Representatives from the Attorney General's Office 16 Del. C. § 931(a)(3)
One member of the House of Representatives 16 Del. C. § 931(a)(5)
Director, Div. of Prevention of Behavioral Health Services 16 Del. C. § 931(a)(8)
Chair of the Domestic Violence Coordinating Council 16 Del. C. § 931(a)(9)
Chair of the Child Death Review Commission 16 Del. C. § 931(a)(11)
The Investigation Coordinator 16 Del. C. § 931(a)(12)
Young Adult 16 Del. C. § 931(a)(13)
One Representative from the Public Defender's Office 16 Del. C. § 931(a)(14)
At-large Member - Medical Community 16 Del. C. § 931(a)(15)
At-large Member - Child Protection Community 16 Del. C. § 931(a)(15)
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Staff:

Tania Culley, Esq.
Rosalie Morales
Stephanie Scollo

Members of the Public:

Addie Assay, Esq.	Caroline Jones	Sue Murray	Molly Shaw, Esq.
Deborah Colligan	Cindy Knapp	Anne Pedrick	Lori Sitler
Lise Esper	Sgt. Jamie Leonard	Jennifer Perry	Lauren Vella
Islanda Finamore, Esq.	Alyssa Moore	Meredith Seitz	Brittany Willard

I. CHAIRPERSON'S WELCOME AND INTRODUCTIONS

Ginger Ward opened the meeting and welcomed the attendees. Ms. Ward also announced her resignation as chair, and this would be her last CPAC meeting.

II. APPROVAL OF MINUTES

The minutes from May 23, 2018 were approved. A motion was made by Dr. Colmorgen to approve the minutes, and Jim Kriner, Esq. seconded the motion. There was one abstention. All others were in favor, and the motion carried.

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III. APPROVAL OF FINAL REPORT & PROTOCOL FOR DE-ESCALATION OF LIFE SUPPORT

Molly Shaw, Esq. presented the Final Report and Protocol for De-escalation of Life Support for Children in the Custody of the Department of Services for Children, Youth and Their Families (DSCYF) on behalf of the CPAC Training Committee's De-Escalation of Life Support Workgroup. The Workgroup recruited members from the medical profession, the judiciary, DFS and the legal community. Many of the workgroup members were involved in the *DSCYF v. Hunt* case and provided insight to the case. The Workgroup created a protocol detailing the best practices to be considered at every stage of a case in hopes that it provides an outline that will improve outcomes of future cases. A motion was made by Jennifer Donahue, Esq. to approve the Final Report and Protocol for De-Escalation of Life Support, and Janice Mink seconded the motion. All other were in favor. The motion carried.

IV. APPROVAL OF CHILD SAFETY PROGRAMS

Tania Culley, Esq. shared a history on SB 102 and explained that the CPAC Education Committee was charged with identifying the personal body safety educational programming for children, grades pre-kindergarten to 6, on behalf of CPAC and DSCYF. Rosalie Morales discussed the 4 personal body safety programs for students and the letter that will be distributed to parents explaining the programming. Ms. Morales also reported the Beau Biden Foundation and Prevent Child Abuse Delaware are applying for funding through the Longwood Foundation to deliver the programming to students and school employees, and they have requested a letter of support from CPAC. Lastly, Ms. Morales requested approval to add additional educational programming for school employees. Minimal Facts: Guidelines for Mandated Reporters, a 30-minute online module, will be added to the list of approved programs.

These items required approval from CPAC. Randy Williams motioned to approve the list of approved programs, and Dr. Colmorgen second. All others were in favor. The motion carried.

Dr. Colmorgen motioned to approved the letter to parents, and Janice Mink seconded. All others were in favor. The motion carried.

Dr. Colmorgen motioned to approve the letter of support, and Janice Mink seconded. All others were in favor. The motion carried.

Dr. Colmorgen motioned to approve the educational programming for school employees, and Janice Mink seconded. All others were in favor. The motion carried.

V. LEGISLATIVE COMMITTEE UPDATE

Tania Culley, Esq. reported the CPAC Legislative Committee met on June 8th and July 30th to discuss the impact of SB209 and SB210 on crimes against children, and to formulate next steps for CPAC. At the meetings, a representative from the Department of Justice (DOJ) discussed the differences between the current versus revised code, and its impact on crimes against children. The Committee formulated a draft letter summarizing the impact, and requesting changes to the proposed criminal code for consideration by the Commission. Janice Mink motioned for approval of letter, and Dr. Colmorgen seconded the motion. Jim Kriner, Esq. and Kathryn Lunger, Esq. abstained, and 11 other members voted in favor of the motion.

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The motion carried. The letter will be sent on behalf of the Commission to the Administrative Office of the Courts to be submitted to the Criminal Justice Improvement Committee.

VI. EXECUTIVE COMMITTEE UPDATE

Prior to the Executive Committee update, Janice Mink announced her resignation from CPAC. After 19 years as a Commissioner, Ms. Mink will be retiring from CPAC, the Child Abuse and Neglect (CAN) Steering Committee, and the CAN Panel at the end of the calendar year. Therefore, her last Commission meeting will be on November 14, 2018.

Mr. Williams shared that the CPAC Executive Committee met twice to address funding for the Office of the Investigation Coordinator (IC) and the relocation of the Child Death Review Commission (CDRC) to OCA. OCA has already restructured its staff to provide additional support to IC; however, the IC needs additional resources to perform its statutory mandate along with the added responsibility of Multidisciplinary Team (MDT) Case Review. The Commission was also asked to approve a letter to the Administrative Office of the Courts, which requests four full-time state positions and the relocation of CDRC. Dr. Colmorgen motioned for approval of the letter, and Mr. Williams seconded the motion. All others voted in favor. The motion carried.

Mr. Williams also discussed the five CPAC vacancies. After some general discussion, the Commission suggested follow up activities, including recommendation letters for the proposed at-large members.

VII. CHILD ABUSE AND NEGLECT DEATH/NEAR DEATH REVIEWS

A. CAN CASELOADS REPORT/ADMINISTRATIVE UPDATE

Ms. Culley reported that there are 68 CAN cases open with 21 cases before the Commission today for approval. This month 3 initials and 5 finals will be reviewed by the CAN Panel, and another 19 cases are being prepared for an initial review. There are also 11 cases that are pending prosecution, and 9 cases that will be scheduled for a final review. Thus far, in 2018, there have been 17 near deaths and 8 deaths.

B. CAN FINDINGS/DETAILS/LETTER TO GOVERNOR

Janice Mink reported on the 21 cases reviewed by the CAN Panel in the last quarter. Twelve cases (2 deaths and 10 near deaths) were reviewed by the Panel for the first time and resulted in 79 strengths and 89 current findings across system areas. Ms. Mink also discussed the Governor's letter and how the strengths and findings were distributed along with the solutions CPAC has identified to address the system issues. Dr. Colmorgen motioned to approve the CAN packet, and Mr. Williams seconded his motion. All other members voted in favor. The motion carried.

VIII. EXECUTIVE DIRECTOR'S REPORT

Ms. Culley provided the Executive Director's report. She discussed the change in staffing in the OCA office. Currently, OCA is in the process of hiring a Family Crisis Therapist (FCT) position and CPAC Training Specialist. Gwen Stubbolo will be retiring in October, and OCA submitted a request to fill her position as CASA Program Director. Ms. Culley shared additional detail about the restructuring of staff to provide

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support to IC, as well as the restructuring of the Managing Attorney and casual/seasonal Deputy Child Advocate positions. Three new Contract Child Attorneys were hired.

Next, Ms. Culley provided an update on recognition activities for volunteer attorneys and Court Appointed Special Advocate (CASA) volunteers. Awards are being issued to the volunteer attorneys; 114 attorneys have volunteered for ten years and 27 for fifteen years. CASA Volunteer plaques of recognition are up to date and are on display in the OCA conference room.

OCA recently implemented its new CASA training, and great feedback was received. The CASA Program is currently working on a recruitment plan and hopes to apply for a National CASA grant to develop a growth plan. Ms. Culley shared that OCA is designing a new data management system. Brittany Willard and her team continue to perform quality assurance measures against the excel spreadsheets to make sure the new system is working. IC will be the next program to be inputted into the data management system, followed by CAN.

Ms. Culley discussed CPAC's funding priorities, which are as follows: funding for IC positions, Ivyane D.F. Davis Memorial Scholarship, Division of Family Services (DFS) caseloads, Prevent Child Abuse Delaware funding for personal body safety educational programming for children, and the DOJ Special Victims Unit. The Chair and Executive Director will continue to send a letter annually to the Governor and then the Joint Finance Committee (JFC) with input from the Executive Committee.

Lastly, Ms. Culley discussed the legislative agenda, which includes changes around the exchange of MDT records and information, criminal child abuse changes, and revisions to the termination and transfer of parental rights statute and the definitions of abuse and neglect.

IX. JOINT LEGISLATIVE OVERSIGHT & SUNSET COMMITTEE FINAL REPORT

Ms. Culley discussed the Final Report of the Joint Legislative Oversight and Sunset Committee, which was distributed to CPAC via email. In addition to recommending that CPAC continue to exist, three recommendations were also put forward by the Committee. The first involved the Committee providing a letter to JFC in support of CPAC's funding priorities. The second recommendation was in support of the Committee co-sponsoring House Bill 140, Aiden's Law. Lastly, the Committee recommended a transition plan for the Executive Director since Ms. Culley plans to retire in 2021. Ms. Culley suggested the Executive Committee begin meeting at least twice a year.

X. INVESTIGATION COORDINATOR REPORT/SEI REPORT

Jennifer Donahue, Esq. shared that Aiden's Law was signed on June 7, 2018. On August 1st, Delaware was the first state in the country to have full implementation of Plans of Safe Care, and all hospitals in the state are participating in the hospital pilot programs. Ms. Donahue shared that the In-depth Technical Assistance from the National Center on Substance Abuse and Child Welfare will be ending soon; however, the experts plan to stay on as consultants. Additionally, the HOPE Model was implemented in September. The Joint Committee on Substance-Exposed Infants/Medically Fragile Children will continue to meet quarterly to oversee the HOPE Model and plans of safe care. The group is working on a plan of safe care implementation guide and possibly a mobile application.

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Additionally, Ms. Donahue reported on the data received by the Office of the Investigation Coordinator (IC). Ms. Donahue presented on the death, serious physical injury and sexual abuse cases opened between April and June 2018 and provided an analysis of the open cases that were charged in the quarter. Ms. Donahue also discussed how the IC Referrals are used as reminders about the best practices in the Memorandum of Understanding for the MDT Response to Child Abuse and Neglect. The IC is also scheduling short presentations with MDT members to make sure other agencies are familiar with the office.

XI. CPAC DATA DASHBOARD

Brittany Willard gave a presentation on the quarterly child welfare trends identified by the CPAC Data Utilization Committee. This included a discussion of the DFS caseloads, the DFS hotline reports, interviews conducted by the Children's Advocacy Center, children in DSCYF custody (entries and at the end of the quarter), and number of youth on extended jurisdiction.

XII. COMMISSIONER REPORTS

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

I. DIVISION OF FAMILY SERVICES

Sue Murray discussed the administrative support that has been provided to the regions to address the increased workloads for staff. All case workers now have smart phones, and DFS is getting an estimate for Surface Pros. Ms. Murray also provided an update on the pilot for infants with prenatal substance exposure. The pilot is being expanded to New Castle County, and four workers have been identified. In addition, DFS plans to develop a statewide unit for these infants along with the serious injury and sexual abuse cases. The Caseloads/Workloads Study was also discussed. All treatment staff completed the month-long survey phase. The response rate was 60%. The next step is to analyze the data with assistance from Delaware State University and Brittany Willard.

II. PREVENTION AND BEHAVIORAL HEALTH SERVICES

Bob Dunleavy provided an update on the change in crisis service provider to Delaware Guidance Services statewide. The complaints have decreased. Mr. Dunleavy also talked about the Youth Response Unit, which is now under Victims Services at the Wilmington Police Department. Prevention and Behavioral Health Services (PBH) has also been updating its technology for staff. PBH recently updated its telephone system for the intake unit, which includes a direct transfer to crisis services and DFS.

B. CHILDREN'S ADOVCACY CENTER

Mr. Williams shared that Governor Carney visited the Children's Advocacy Center (CAC) at the children's hospital on July 27, 2018 and raised a few questions about training parents on the Stewards of Children Program and using the schools to engage them. Mr. Williams will reach out to Patty Dailey Lewis at the Beau Biden Foundation to discuss this further. Additionally, Mr. Williams spoke about the

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Victims of Crime Act (VOCA) grant that Nemours/Alfred I. duPont Hospital received to hire medical professionals to fully implement the CPAC Guidelines for the Child Abuse Medical Response. The positions have been posted, and there have been some preliminary interviews. The CAC filed an appeal for its re-accreditation with the National Children's Alliance. Mr. Williams plans to come back to CPAC for support with its 2020 budget requests. Lastly, the Children's Advocacy Center is sponsoring a training for the MDT on vicarious trauma and resilience. The group had its first multi-session training with Dr. Downing a few weeks ago.

C. DEPARTMENT OF JUSTICE

Jim Kriner, Esq. shared that the Special Victims Unit (SVU) received a Deputy position, which will be housed in Kent County. As a result, the SVU in New Castle and Kent Counties is handling all child abuse and sexual assault cases. CPAC will continue to include the SVU in its funding priorities as additional resources are still needed.

D. INTERAGENCY COMMITTEE ON ADOPTION

Cindy Knapp reported that they are planning an event for National Adoption Day on November 17th. The Interagency Committee on Adoption continues to work with law enforcement on providing training for working with children and youth who have been adopted.

E. PUBLIC DEFENDER'S OFFICE

Kathryn Lunger, Esq. mentioned that legislation recently passed expanding the Juvenile Civil Citation Program to provide law enforcement officers with the discretion to refer any first-time juvenile offender engaged in any misdemeanor-level behavior.

XIII. NEW BUSINESS

No new business.

XIV. PUBLIC COMMENT AND ADJOURNMENT

No public comment.

The meeting was adjourned at 11:27 a.m.