

State of Delaware Child Protection Accountability Commission Quarterly Meeting Minutes

WEDNESDAY, NOVEMBER 14, 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:

Mary Dugan, Esq., Chair	Child Protection Community 16 <u>Del. C.</u> § 931(a)(15)
The Hon. Josette Manning	Secretary of Services for Children, Youth & Their Families 16 <u>Del. C.</u> § 931(a)(1)
Trenee Parker	Director, Division of Family Services 16 <u>Del. C.</u> § 931(a)(2)
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)
Rep. Valerie Longhurst	One member of the House of Representatives 16 <u>Del. C.</u> § 931(a)(5)
Susan Haberstroh	Designee for Secretary of the Department of Education 16 <u>Del. C.</u> § 931(a)(7)
Robert Dunleavy	Director, Div. of Prevention of Behavioral Health Services 16 <u>Del. C.</u> § 931(a)(8)
Maureen Monagle	Chair of the Domestic Violence Coordinating Council 16 <u>Del. C.</u> § 931(a)(9)
Cpl. Adrienne Owen	Designee for Superintendent of the Delaware State Police 16 <u>Del. C.</u> § 931(a)(10)
Dr. Garrett Colmorgen	Chair of the Child Death Review Commission 16 <u>Del. C.</u> § 931(a)(11)
Jennifer Donahue, Esq.	Investigation Coordinator 16 <u>Del. C.</u> § 931(a)(12)
Kathryn Lunger, Esq.	One Representative from the Public Defender's Office 16 <u>Del. C.</u> § 931(a)(14)
Ellen Levin	At-large Member - Child Protection Community 16 <u>Del. C.</u> § 931(a)(15)
Janice Mink	At-large Member - Child Protection Community 16 <u>Del. C.</u> § 931(a)(15)
Randall Williams	At-large Member - Child Protection Community 16 <u>Del. C.</u> § 931(a)(15)
Meg Garey	At-large Member – Interagency Committee on Adoption 16 <u>Del. C.</u> § 931(a)(15)
Cpt. Joseph Bloch	At-large Member – Law Enforcement Agency 16 <u>Del. C.</u> § 931(a)(15)
Dr. Allan De Jong	At-large Member - Medical Community 16 <u>Del. C.</u> § 931(a)(15)

Staff:

Tania Culley, Esq.
Rosalie Morales
Stephanie Scollo

Members of the Public:

Deborah Colligan	Kathleen McCormick	Erin Ridout	Eleanor Torres, Esq.
Kelly Ensslin, Esq.	Sue Murray	JoAnn Santangelo	Lauren Vella
Islanda Finamore, Esq.	Rachael Neff	Meredith Seitz	Brittany Willard
Sgt. Jamie Leonard	Anne Pedrick	Lori Sitrer	

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I. WELCOME/INTRODUCTIONS

Mary Dugan, Esq. was welcomed as the new Chair of the Child Protection Accountability Commission (CPAC). Dr. Elizabeth Higley, Captain Joseph Bloch, and Meg Garey were recognized as recently appointed Commissioners.

II. APPROVAL OF MINUTES

The minutes from August 8, 2018 were approved. A motion was made by Dr. Colmorgen to approve the minutes, and Dr. De Jong seconded the motion. There were four abstentions. All others were in favor, and the motion carried.

III. FY18 CPAC ANNUAL REPORT

Rosalie Morales presented the CPAC Annual Report to the Commission and highlighted CPAC's FY18 accomplishments. Secretary Josette Manning recommended a revision to the section of the report that describes the work of the Joint Committee on Substance-Exposed Infants/Medically Fragile Children. Ms. Morales will add language to acknowledge the leadership of Trenee Parker and her staff in implementing the Plan of Safe Care Protocol in all birthing hospitals. Randall Williams motioned to approve the report with the noted revision, and Dr. De Jong seconded. All voted in favor. The motion carried.

IV. EXECUTIVE COMMITTEE REPORT

Mr. Williams provided a report on the CPAC Executive Committee. First, the Committee asked the Commission to finalize the appointment of Ellen Levin as the Chair of the Child Abuse and Neglect (CAN) Panel and as a public member on the Executive Committee. At the meeting, Ms. Dugan, as the Chair of CPAC, signed a letter confirming Ms. Levin's appointments to these positions.

Next, Mr. Williams discussed the Judicial Branch's budget request to relocate all non-judicial agencies out of the judiciary. Mr. Williams shared that the Executive Committee is taking steps to address this issue and will keep the Commission informed. CPAC's budgetary requests were also reviewed. A draft letter was included in the packet to CPAC requesting four positions for the Office of the Investigation Coordinator (IC) and the relocation of the Child Death Review Commission (CDRC) to the Office of the Child Advocate (OCA). Mr. Williams asked the Commission to approve the letter to Mike Jackson, Director of the Office of Management and Budget (OMB). Janice Mink motioned for approval of the letter with the provision that the Executive Committee could modify it after a discussion with Mr. Jackson, and Mr. Williams seconded the motion. There were two abstentions. All others voted in favor. The motion carried.

Mr. Williams reported that the Committee is waiting on a response from the Administrative Office of the Courts (AOC) on the changes requested to the proposed Criminal Code. At its last quarterly meeting, CPAC approved and submitted a letter to AOC delineating these changes. Lastly, the Executive Committee plans to meet more frequently to support OCA/CPAC, and as a result, the bylaws will need to be amended to expand that support more formally.

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V. EXECUTIVE DIRECTOR'S REPORT

Ms. Culley provided the Executive Director's report. She discussed the change in staffing in the OCA office. Melissa Palokas was hired as the Court Appointed Special Advocate (CASA) State Director. OCA was also given approval to fill the Sussex County Coordinator position vacated by Ms. Palokas. In addition, Bonnie McDaniel was hired as a casual/seasonal Family Crisis Therapist, and Kathleen McCormick was hired as the contractual CPAC Training Specialist. Kelly Ensslin, Esq. is now managing all volunteer attorneys, two contractual Child Attorneys, and helping run the CASA Program. As a result, a request for reclassification was recently submitted for Ms. Ensslin. If approved, Ms. Ensslin will oversee the entire CASA Program.

Ms. Culley discussed the flex training for new CASA volunteers. The training allows volunteers to complete part of the 30-hour new volunteer training online. A National CASA Grant was also awarded to OCA to bring in a consultant to help with volunteer recruitment. OCA's goal is for every child in the Department of Services for Children, Youth and Their Families (DSCYF) custody to be assigned a Child Attorney and CASA. OCA is also working with the Family Court and Department of Justice to develop a CASA Peer Mentor Program.

Lastly, Ms. Culley shared an update on OCA's new data management system, which was funded by the Family Court's Court Improvement Program (CIP). Ms. Culley added that CIP funds recently supported another ten users for OCA's data management system and funded the CPAC Data Manager and another staff member to attend a national conference to participate in advanced training on the system. Ms. Culley thanked Family Court for its unwavering support of OCA through funding of this data management system and for funding the CPAC Data Manager.

VI. TRIBUTE

The Commission acknowledged Janice Mink's retirement from CPAC. First, Secretary Manning presented Ms. Mink with a proclamation from Governor John Carney. In addition, Representative Valerie Longhurst presented Ms. Mink with tributes from the House and Senate. Next, Ms. Culley gave Ms. Mink a service award from the Commission for her 19 years of service as a CPAC Commissioner. Additionally, several CPAC Commissioners offered remarks about Ms. Mink's impact on the child welfare community, including the creation of OCA and her advocacy on the CAN Panel. Ms. Mink asked the Commission implement a panel to monitor and review child sexual abuse cases.

VII. CHILD ABUSE AND NEGLECT DEATH/NEAR DEATH REVIEWS

A. CAN CASELOADS REPORT/ADMINISTRATIVE UPDATE

Rosalie Morales reported that there are 75 CAN cases open with 19 cases before the Commission today for approval. There were 57 cases open this time last year, so the Panel saw a 32% increase. In October, the Panel reviewed three initials and two finals. Three initials and seven finals are scheduled for review tomorrow. Beginning in December, the Panel will go back to reviewing four cases a month, and in January, two panel meetings will be scheduled to stay in compliance with the statutory requirement to review these cases within six months. Between January and October, there were 13 deaths and 29 near deaths.

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B. CAN FINDINGS/DETAILS/LETTER TO GOVERNOR

Janice Mink reported on the 19 cases reviewed by the CAN Panel in the last quarter. Nine cases (4 deaths and 5 near deaths) were reviewed by the Panel for the first time and resulted in 57 current strengths and 66 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 Jennifer Donahue, Esq. seconded his motion. All other members voted in favor. The motion carried.

VIII. REVIEW OF CPAC ACTION PLAN

Ms. Culley reviewed the 2018-2019 Action Plan and asked the Commissioners to provide an update on the progress towards the recommendations. Updates were provided by various Commissioners on the five prioritized and seven additional recommendations from the 2018 Joint Retreat. The Commission voted to remove one of the additional recommendations regarding a change in LogistiCare criteria. The 2018-2019 Action Plan with the 11/14/18 status updates is available on the OCA website: <https://courts.delaware.gov/forms/download.aspx?id=108428>.

IX. INVESTIGATION COORDINATOR REPORT

Ms. Donahue gave a presentation on the quarterly 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 July and September 2018. Ms. Donahue described victim and offender profiles together with the types of cases associated with these maltreatment types. Child on child sexual abuse and juvenile trafficking cases were presented separately due to the unique characteristics in those cases. Ms. Donahue also discussed the backlog and need for additional resources.

X. 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, cases received by DOJ, Children's Advocacy Center case types, children entering DSCYF custody, and permanency outcomes.

XI. COMMITTEE REPORTS

A. LEGISLATIVE

Ms. Culley plans to schedule the next Committee meeting in early 2019. In addition to the proposed Criminal Code, other draft legislation will need to be reviewed by the Committee. There are proposed changes to the child abuse crimes, to termination of parental rights statute, as well as a draft bill for confidentiality of multidisciplinary team (MDT) records and the forensic interview.

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B. TRAINING

Ms. Morales provided an update on the workgroups under the Training Committee. The Mandatory Reporting workgroup, with the help of the CPAC Training Specialist, finalized a web-based mandatory reporting training for all professionals called the 3 in 1 training. Professionals are able to select the content that is appropriate for their discipline. Now, staff only need to update the web-based presentation every two years, unless there are statutory updates. This web-based presentation was done in preparation for license renewal for physicians. CPAC again partnered with the Medical Society of Delaware to get it accredited, and it will be available on OCA's learning management system on January 1, 2019.

Two other workgroups, MDT Case Review and CAN Best Practices, are reconvening over the next quarter. MDT Case Review will be evaluating the implementation of the new case review protocol, and CAN Best Practices will be addressing the Joint Action Plan recommendations. In addition, the ChildFirst/MDT Workgroup is gathering information and ultimately making a recommendation to CPAC about whether the state should continue using the CornerHouse® Forensic Interview Protocol or make the transition to the ChildFirst® Protocol. Lastly, the Protecting Delaware Children Conference is scheduled for April 2, 2019. A save the date went out in September.

C. SUBSTANCE EXPOSED INFANTS/MEDICALLY FRAGILE

Jennifer Donahue, Esq. shared that the Committee will now meet quarterly starting next month to oversee the plan of safe care implementation and Delaware Hope Model. The Delaware Hope Model began accepting cases on October 1, 2018. Trenee Parker and Colleen Woodall have trained DFS and providers on the Plan of Safe Care Protocol. Hospital meetings are occurring quarterly with all six birthing hospitals. Ms. Donahue continues to maintain the database on infants with prenatal substance exposure, and she will provide a presentation on the CY18 data at the next CPAC meeting. Finally, Ms. Parker and Ms. Donahue will be presenting on Delaware's work at the 35th International Symposium on Child Abuse in March 2019.

D. CASELOADS/WORKLOADS

Rachael Neff provided an update on the Committee's time study and workload analysis. Through a partnership with Delaware State University's (DSU), two rounds of focus groups occurred with DFS treatment caseworkers. This was followed by a time study, which occurred over a 4-week period in July. The CPAC Data Manager along with interns were responsible for entering the information gathered through the time study. Since then, DSU has been conducting the data analysis, and the Committee has been going back and forth with them about what additional information is needed. The Committee is interested in learning where workers are spending their time and where they are not, and then looking at the data from a best practice lens to determine if it fits with what quality case management should look like. The goal of the Committee is to recommend a caseload standard for treatment caseworkers in its final report. Sue Murray added that DFS is also looking at how caseloads are calculated. Currently, only fully functioning staff are reported in the CPAC Dashboard.

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XII. COMMISSIONER REPORTS

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

Meredith Seitz reported that DSCYF gave a budget presentation to OMB last week, and several budget requests were made. The requests include hazardous duty pay for some classifications of Department employees and reinstatement of the Davis Memorial Scholarship funds. DSCYF is also developing a long term staffing plan for next five years.

I. DIVISION OF FAMILY SERVICES

Trenee Parker shared that DFS is working with OMB to develop a plan to meet staffing needs. During year one, 34 additional positions will be requested for investigations. DFS also plans to expand its use of contractual services for its family assessment intervention response (FAIR). DFS has already expanded FAIR to include domestic violence, lower risk infants with prenatal substance exposure, and families with allegations of physical neglect. DFS is also working on a fully functioning quality services unit. Three additional staff are needed to conduct quality assurance reviews in the required timeframes, and one person has already transitioned from FOCUS development to the unit. DFS also plans to increase the board rate for Level 1 and 2 foster parents since there has been no rate increase in 18 years. Lastly, to address the caseload issues, DFS created a Region 5. It will be an expanded statewide services unit with oversight by Shelley Yingling and two Assistant Regional Administrators. The Region will oversee the Report Hotline, which added a 12pm to 8pm shift, sex abuse and serious physical injury cases, foster care, and coaching. An additional unit will be added to investigate sex abuse and serious physical injury cases in Kent and Sussex.

II. PREVENTION AND BEHAVIORAL HEALTH SERVICES

Bob Dunleavy reported that the Division of Prevention and Behavioral Health Services (PBHS) applied for four federal grants and was awarded all of them. One grant will expand school mental health supports in three school districts across the state. A second grant will expand services to the developmental disabilities population, and another hopes to expand services for young adults up to age 24. PBHS is also partnering with the Division of Substance Abuse and Mental Health for youth who have experienced their first psychotic break so it does not continue. PBHS is also working on transitions team for 17 year-olds, so they can successfully transition from PBHS to the adult system.

B. CHILD DEATH REVIEW COMMISSION

Dr. Colmorgen shared that the Sudden Death in the Young (SDY) Grant from the Centers for Disease Control (CDC) was awarded for an additional five years. The Child Death Review Commission (CDRC) was given \$10,000 more than the last grant cycle. In addition, Delaware is one of three states that was asked to present at the CDC reverse site visit on the successes and barriers of the SDY Grant. CDRC was also asked to participate in a roundtable discussion on Maternal Mortality Review with Senator Carper and other agencies on August 7, 2018. There has been a lot of national attention regarding maternal mortality review (MMR), and Delaware is currently on the forefront with the MMR

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Panel. During the year, CDRC partnered with the Office of Vital Statistics to link all deaths of women (child bearing age) with birth certificates to see if there were missing maternal deaths. As suspected, the deaths increased by more than 50%. Additionally, the Bayhealth Medical Center became a Cribs for Kids partner, and both of its hospitals were trained over the summer. DFS caseworkers, who handle infants with prenatal drug exposure, were also trained on infant safe sleeping and Abusive Head trauma on October 26, 2018.

C. DEPARTMENT OF EDUCATION

Susan Haberstroh provided an update on the nonacademic training workgroup. School districts and charter schools have been notified about the four options available for educational programming on personal body safety, child sexual abuse and other forms of abuse. In addition, the workgroup is developing additional modules for educators and staff to help them meet their training hours. The Memorandum of Understanding between the Department of Education, local education agencies and DSCYF has been signed. The Data Workgroup is working on finalizing uniform definitions for the data reporting. Once finalized, the education section of the CPAC Dashboard will be restructured to include more data points.

D. FAMILY COURT

Judge Hitch introduced JoAnn Santangelo, the new CIP Coordinator. In addition, Judge Hitch shared that the procedures for filing a petition for termination of parental rights and adoption have been updated, so the procedures are the same for both types of petitions. The CIP Steering Committee has also been discussing the impact of the federal Family First Prevention Services Act.

E. MEDICAL

Dr. Allan De Jong gave an update on the Victims of Crime Act (VOCA) Grant received by Nemours/Alfred I. duPont Hospital, including the recruitment of medical providers and implementation of the Guidelines for Child Abuse Medical Response. Nemours hired a Nurse Practitioner as of December for New Castle County. She will be responsible for non-acute evaluations of victims of alleged physical and sexual abuse. However, she will not be able to see patients independently until she is fully trained. Nemours is still working on solutions for the southern two counties.

XIII. NEW BUSINESS

Meg Garey added that November is National Adoption Month. Delaware will celebrate National Adoption Day on November 17, 2018, and five families will be finalizing their adoptions.

XIV. PUBLIC COMMENT AND ADJOURNMENT

No public comment.

The meeting was adjourned at 11:54 a.m.