

FAMILY LAW COMMISSION MINUTES

December 2, 2004

The Family Law Commission, met at Belmont Hall in Smyrna on Thursday, December 2, 2004. Senator Liane Sorenson, chair of the Commission opened the meeting at 9:35 a.m. The following members were present: Allene Poore, Dr. Rhoslyn Bishoff, Harry Gordon, Lynn Kokjohn, A. Judson Bennett our new member, Ellen Meyer, Esq., Dr. Harriet Ainbinder, and James Morning. Also, in attendance was Katherine Jester, the legislative assistant.

Our speaker for this meeting was Tania Culley, Child Advocate for the State of Delaware. Senator Sorenson mentioned at this time that she was one of the legislators involved in introducing the legislation that created the office of Child Advocate and she announced that Tania Culley has done a terrific job and that she has fulfilled what the legislature envisioned this office to achieve.

Tania has been invited to be the speaker for the Law Commission on several occasions, but she felt that since there were a few new members in attendance that she would begin by giving a little bit of overview of the office. The office was created June 30, 1989 and she was appointed in February 2000 to run this new agency. It was perceived as a watch dog of the Child Welfare system. This office was given a number of statutory duties. One of the last duties that were added in was legal representation of abused and neglected children with Family Court proceedings and she said that this particular duty takes at least 50% of her time.

Tania distributed to everyone in attendance a folder that included the Annual Report of her office for fiscal year 2003, a copy of Title 29 part VIII under Government, Chapter 90-A which deals with the office of Child Advocate, and a small pamphlet that explains the duties of the office. She expressed Child Advocate's need for attorneys to volunteer their services to provide legal representation on behalf of abused and neglected children.

Some of the other things that her office is charged with are to sit in on other Task Force Committees Commissions, or work groups that get together and discuss anything where children's rights are involved. Their office represents the voices of the children in those groups. As an example, they sat in on one of the sex notification task force meetings, and she felt

that their voice at that meeting was extremely valuable. They sat in on the Governor's Task Force on Foster Care. Her office also sat in on a private group called the *Foster Care Reform Forum*. She mentioned that this might be a group that the Law Commission might be interested in as someone to come in the future and speak to the Commission. The co-chairs for this group are the heads of *Child Inc.* and *Children and Families First*. This is a volunteer group which came together to formulate a blueprint for Excellence in Foster Care.

She mentioned that one of the committees that she has sat on is the *Child Death Review Commission*. This Commission reviews the death of every child in the State of Delaware. They are now able to do expedited reviews of abused and neglected children so that as soon as a child dies, they are able to look at the case right away regardless of whether there is a criminal prosecution. They look at where did the system go wrong, and was there something that they could have done differently that might prevent the death of another child? This commission will be having recommendations that will be presented to the Governor and the General Assembly dealing with two recent deaths of children – one in day care and the other where the mother slashed the child's throat. Tania expressed her pride in the work her office has done sitting in on that Commission.

Another area that her office works on is training and by that she said she wasn't referring to the training that they give to their volunteer attorneys, but the training offered to the Child Welfare Community. She also tries, when funds are available, to send her deputies and administrator to conferences that are available, and they upon their return put together a summary of what they have learned which they share with others and put their report on their website also.

Tania's office also chairs what is named the Child Protection Accountability Commission and she serves as Executive Director on this committee. This commission was created in 1998 as a result of the death of Brian Martin who had been repeatedly abused, both physically and emotionally. As a result of his death there was a complete overhaul of the Child Welfare System.

Her office is also responsible for recommending policy changes to the child welfare community for spotting problems in the child welfare system. She said that more and more states are becoming interested in creating the

office of Child Advocate for their state. She receives many calls from other states asking how Delaware runs its program and what makes it different? The one important difference is that most states that do have an office of Child Advocate are that they do not have legal representation for the children to protect the children's rights. Most offices of Child Advocate in other states do not have that piece built in.

She then addressed the dire need for group foster care homes in New Castle County which are closing down by the end of the year, since Catholic Charities has decided not to renew their contract. These homes were mostly for adolescents. Her office had not been notified of this. Any of the group homes that are still functioning are already filled to capacity. They are paid for 20, but they have 30 – so they are already exceeding their limit. They have a waiting list for 10 more children. There are just not enough foster homes for the teenage population. There are about 800 children in foster care and at any given time there are 40 to 50 children in need of care and no place to send them. There are no group homes in Sussex County. Tania stated that you do not want to move the children away from their home environment, their surroundings, or their schools.

By the time some of these children come to group foster homes, they have previously lived in as many as 30 homes, and each time the home is changed so is their school and the friends they have made. They simply have no *trust* in anyone of authority. There was a discussion about the Murphy School and People's Place. These are two homes that are providing help to these children, but there simply are far too few of these in existence to fill the need that is out there. Tania said that they now know of the problems they are facing, and at present they have no solution as to where they will be placing these children starting in January.

She stated that there are a number of good long-term things happening – there is a group that is being run by Child Mental Health and D.F.S. called the Runaway Youth Work Group. They are looking at the chronic runaway kids. Within two weeks there were three car wrecks on runaway status - one died and two others were seriously injured - one was in a coma for about three weeks. This was enough to get this work group started. This group has been meeting and they have had a speaker come in from Ohio to talk about the programs they have in their state which just don't just focus on runaway kids, but on the bigger picture which gets back to the kids she previously has described and the other areas that need to be addressed such

as mental health. The gentleman that came runs a program called Delfare which is run by the Jewish Community right outside of Cleveland, Ohio. It is over 200 years old and it began as a Jewish Orphanage. Today it encompasses many different facilities. They do have the help of Medicaid, but the main source for this is many private donors. They are a non-profit group which is backed by the community. They have big ticket donors which have made this program successful. Everything takes money as we all know. She stated that public awareness is a huge issue.

Harry Gordon suggested that if Tania would write down a few ideas on ways that the Family Law Commission could help her let the public know how real the need is for these children; she then could send them to Senator Sorenson to bring back to the Commission at their next meeting. Maybe some of the members could attend some of these sub-committees to show their interest, along with other members of the law community. Maybe they could bring back some ideas on how the Family Law Commission could become involved.

She then addressed their program involving the legal representation area and why it has been so successful. One of their statutory duties is to provide legal representation for children's best interests in civil Family Court proceedings. What they do is when a child enters the custody of the State through Foster Care, there is immediately a petition filed with the Court and within 10 days of that petition being filed there must be a first hearing. She said her office is currently representing 481 children. She then began to discuss the statistics that were part of her handout. (Anyone not having this information please ask and I will make copies for you.) They are currently representing 381 children in foster care. She then explained the CASA program (Court Appointed Special Advocate) and the important work they do. Member, Harry Gordon is a long time CASA volunteer. These volunteers are trained to represent children, and they are supervised by an employee of the Family Court called a CASA Coordinator. Between the CASA program and the office of the Child Advocate, there are only about 100 children that are not being represented. The one thing she did mention was that there is such a large shortage of volunteer attorneys in Sussex County, and that is simply because there are a lot less attorneys who have offices in Sussex County. Tania mentioned that Ellen Meyer has done a wonderful job in getting attorneys involved with this project. Senator Sorenson thanked Tania for her presentation and complimented her on the outstanding job she has done with this office.

At this time we began the regular meeting Following is the proposed schedule for 2005:

Jan. 13, 2005	9:30 a.m. @ Belmont Hall - John Flaherty of Common Cause
Feb. 17, 2005	9:30 a.m. @ Belmont Hall - Chief Judge Kuhn of Family Court
Mar. 17, 2005	7:00 p.m. @ Legislative Hall - Public Hearing
Apr. 14, 2005	9:30 a.m. @ Belmont Hall - Lynn Shreve – CASA
May 12, 2005	9:30 a.m. @ Belmont Hall - Public Hearing Discussion
June 9, 2005	9:30 a.m. @ Belmont Hall - Pending Legislation

Ellen Meyer suggested that Family Court should publish ‘What Cases are Opened and What are Closed’ on their web site as this seems to be an on-going misunderstanding. She also said that maybe Family Court needs to pursue a means of obtaining a better reputation with the public at-large. This is something that could be addressed with the Chief Judge when she attends our meeting.

Harry Gordon was to make a report on the status of the Family Court evaluation task force, but he requested that this be put on hold until a later date.

It was advised that some Judges are taking too long to settle cases – as long as 2-3 years in some cases. The Chief Judge needs to be aware of the case load – can she do something or should it be by legislation? It was also suggested that a person be able in a custody case to download their payment information. Under Child Support Enforcement – how many Judges are meeting their standards? Senator Sorenson questioned whether or not the Commission should form some sub-committees?

Everyone in attendance received a list of the members on the Commission showing their dates of appointment and length of term.

It was mentioned that there are no court reporters in Family Court. When asking for a transcript, it usually takes a couple of weeks to get a copy of the court proceedings. This has been previously addressed.

There being no further business, the meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Jean C. Ardis, Secretary

