

# **Child Abuse Prevention and Treatment Act Report of the Citizen Review Panels June 2004**

## **Background:**

The Child Abuse Prevention and Treatment Act (CAPTA) mandates the establishment of citizen review panels. The purpose of the panels is to provide opportunities for citizens to help ensure that States are meeting their goals of protecting children from abuse and neglect. The role of the citizen review panel is to examine child protective services' policies and procedures, and where applicable, specific child protective services cases in order to evaluate the following:

- CPS programs' compliance with the State Plan;
- Coordination with Title IV-E foster care and adoption programs;
- Review of child fatalities and near fatalities
- Other criteria the panel considers important to the CPS program.

The Commonwealth of Virginia has three citizen review panels:

- Governor's Advisory Board on Child Abuse and Neglect (GAB)
- State Child Fatality Review Team
- Children's Justice Act/Court Appointed Special Advocate Committee (CJA/CASA)

### Governor's Advisory Board on Child Abuse and Neglect

Section 63.2-1528 of the Code of Virginia establishes the Advisory Board on Child Abuse and Neglect. The Board meets quarterly and advises the Department of Social Services, Board of Social Services, and the Governor on matters concerning programs for the treatment and prevention of abused and neglected children and their families. The Board is composed of nine citizen members appointed by the Governor, and permanent representatives from the Departments of Mental Health, Mental Retardation and Substance Abuse; Health; Criminal Justice Services; Juvenile Justice; Education, and the Office of the Attorney General. A listing of the members of the Board is attached in Appendix 1.

This past year, the Virginia General Assembly enacted legislation that will add to the general duties of the advisory board the duty of providing advice on child abuse and neglect issues identified by the Commissioner of the Department of Social Services. The additional duty will give the advisory board specific direction in fulfilling its broad mandate of providing advice on all programs

concerning prevention and treatment of abused and neglected children and families. This bill was a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to JHR 159 (2002).

#### State Child Fatality Review Team

Section 32.1-283.1 of the Code of Virginia establishes the State Child Fatality Review Team. The overall purpose of the Team is to review child deaths in Virginia of children less than 18 years old to ensure that child deaths are analyzed in a systematic way. The Team conducts death reviews to learn about the causes and circumstances of individual deaths in order to develop recommendations for prevention, education, and training that may reduce child deaths in the future. A listing of the members of the Team is attached in Appendix 2.

#### CJA/CASA

Section 109(b) (2) of CAPTA and Section 9-173.6-13 of the Code of Virginia establishes the CJA/CASA Advisory Committee. The purpose of the committee is to improve investigation and prosecution of child abuse, to improve investigation and prosecution of child fatalities, to limit further trauma for the family and child, and to respect the rights of the accused. A listing of the members of the CJA/CASA Advisory Committee is attached in Appendix 3.

Regulation 22VAC40-705-160(A) (7) allows the Department to provide case-specific information about child abuse and neglect reports and investigations to citizen review panels, when requested.

#### **The Work of the Panels:**

##### Governor's Advisory Board on Child Abuse and Neglect

The main objective the GAB as a citizen review panel has been to develop, strengthen, and support child abuse and neglect prevention, treatment and research programs in the public and private sectors. The Board met on the following dates:

- August 1, 2003
- November 7, 2003
- February 6, 2004
- May 7, 2004

The GAB has spent a great deal of time reviewing the emerging research on family structure and its impact on child abuse and neglect. The report, included as Appendix 4, makes a number of recommendations to promote safe and stable families:

- Encourage and facilitate further research and better data collection regarding family structure and child well-being, as well as factors that facilitate the formation and continued vitality of strong and stable families. Currently, Virginia does not collect demographic information as part of its marriage and divorce statistics, nor does it collect such data as part of its child abuse and neglect investigations.
- Encourage premarital counseling to help ensure a better foundation for marriages before they begin. Marital and relationship counseling should be readily available and affordable to anyone desiring such counseling.
- Encourage the development of public awareness campaigns that stress the importance of having two loving and involved parents in a child's life.
- Develop and disseminate materials to help educate parents about:
  - The positive impact marriage can have for child-rearing and relationship conflict resolution skills;
  - The impact of domestic violence on children; and
  - The proper screening of caretakers and other household members who are left alone with children.
- Include in high school family life education classes information on the factors that place children at higher risk of child abuse and neglect, including a positive introduction to the importance of family structure and stability on a child's well-being and the proper screening of caretakers and other household members who are left alone with children.
- Explore ways to access new federal funds for marriage promotion programs and find ways to use these funds to encourage innovative approaches to promote stronger and more stable marriages.
- Ensure that Virginia's tax laws do not create disincentives to marriage, especially any penalties in state welfare laws and means-based welfare programs.
- Develop a coordinated Prevention Plan with an integrated approach to combine strategies for promoting a safe and stable family structure with other strategies for preventing and responding to child abuse and neglect.
- Expand marriage programs with services for employment, substance abuse, and mental health needs for couples who could benefit from these services.
- Ensure that measures put in place to encourage or preserve marriage do not place anyone in a situation that would threaten their safety or well-being.

In March 2004, the report was presented to the Governor; Secretary of Health and Human Resources; Commissioner of the Departments of Social Services;

Mental Health, Mental Retardation and Substance Abuse Services; Juvenile Justice; Health; Education; and Criminal Justice Services; the Attorney General; members of the Virginia General Assembly; and local departments of social services. It was also posted on the Department of Social Services' external website in March 2004. The Department is reviewing these recommendations and actions will be taken.

In addition, the GAB reviewed and supported Department regulations to implement a CPS Differential Response System (DRS) statewide. They also heard presentations on the evaluation component and continue to be involved the ongoing implementation. In May 2003, and again in February 2004, the Board heard presentations from the Department and from faculty at VA Tech, Center for Public Administration and Policy, regarding the evaluation of the implementation of DRS. No formal recommendations have been made.

The Board reviewed legislative proposals and provided comments to the Department. The chair of the Board serves on the Statewide Stakeholders Committee for the Child and Family Services Review and the development of the Child and Family Services Plan. The Statewide Stakeholders Committee, now called the Child Welfare Advisory Committee, meets monthly and has been instrumental in assisting the Department in preparing for the Child and Family Services Review that took place in July 2003 and in the development of the Department's Program Improvement Plan.

The Board has been interested in the concept of the Child Advocacy Center (CAC). Virginia is one of only two states that have not fully endorsed the concept. While the interest in CAC's is certainly growing in Virginia, funding continues to be a problem. The GAB is supportive of the development of additional centers/programs across the state.

At the Board meeting in February 2004, the GAB decided to work on the development of a statewide CPS Prevention Plan. This was one of the recommendations from their report on safe and stable families. The GAB is planning to partner with the Department, and Prevent Child Abuse, Virginia to hold focus groups across the Commonwealth and to develop a statewide plan. A steering committee has been formed and the plan is under development.

#### State Child Fatality Review Team

The State Child Fatality Review Team is an active citizen review panel. At each meeting, time is allotted for the work of the citizen review panel. The Team met on the following dates:

- July 15, 2003
- September 12, 2003
- November 14, 2003

- January 9, 2004
- March 12, 2004
- May 14, 2004

The Team studied CPS fatality data including trends over the past ten years. Some of the areas explored included data regarding age; sex; race; ethnicity; regional area, type of abuse or neglect; whether or not substance abuse was a factor in the fatality; prior history of abuse or neglect; role of a paramour, etc. National data was also presented. The Team began to focus attention to the Hampton Roads area of the Commonwealth. Associated risk factors for child abuse and neglect in the Hampton Roads area are higher than the statewide average in several areas including poverty, single parent families, urban, African American, adults in the Armed Forces, civilian unemployment, and transient population.

Working closely with the Hampton Roads Regional Child Fatality Review Team, some of the significant findings were:

- There were 13 child deaths in Hampton roads caused by abuse or neglect of a caretaker in FY 2002 (29 statewide)
- Forty-five percent of the child fatalities in Virginia due to abuse or neglect took place in Hampton Roads
- The overall number of fatalities due to abuse or neglect in the Hampton Roads region increased from 10 in the previous year to 13.
- The number of Founded fatalities due to neglect was eight or 61%. There is an increasing trend of fatalities due to neglect in the Hampton Roads area.
- Nearly half (5) of the children who died had not reached their first birthday and all but three of the victims were age three or under.
- Eight of the thirteen victims were males.
- Over a third of the 13 children had previous injuries documented by autopsy.
- Six of the founded caretakers had a previous child abuse complaint. Three of the caretakers had criminal convictions for violent crimes.
- Ten of the cases reviewed this past year were Unfounded. Four of the unintentional deaths occurred to infants six months of age or under who were sleeping in high risk sleeping environments.

As a result, on December 18, 2003, a Child Fatality Summit was held in Virginia Beach, VA. The overall purpose of the Summit was to identify several major strategies to help prevent child fatalities. The Summit was by invitation only and included approximately 50 experts representing CPS, law enforcement, judicial, legislators, universities, public schools health, medical health, and non-profit agencies and organizations including faith-based agencies. Tom Morton, CEO,

Child Welfare Institute and co-director of the National Resource Center on Child Maltreatment facilitated the meeting and provided the group with a national perspective on the problem of child fatalities while local professionals from different disciplines offered their perspectives on the issue. Representatives from local prevention programs shared initiatives and challenged the group to insist on developing prevention strategies in every community across Virginia. A summary of the recommended overall strategies include:

- Share information with the Family Advocacy Program of the United States Armed Forces in CPS family assessment cases.
- Train Child Protective Services workers on how to recognize and assess post-partum depression.
- Develop and implement a Statewide Child Abuse and Neglect Prevention Plan.
- Develop a pro-adoption community campaign.
- Build on the Governor's "tool kit" for new families.

The strategies developed as a result of the Summit is included in Appendix 5.

As part of the State Child Fatality Review Team, the Team reviewed cases where the child died when a person was in a caretaking role. While the final report is not yet available, the preliminary recommendations to the Department are as follows:

- Develop a standard set of best practice tools to guide child protective services and foster care workers in the safety and protection of children. This review highlighted four important areas for this effort: (1) guidance about when infants and children should be removed from their caregivers, reunited with families, and placed with relatives; (2) safety assessments and safety planning; (3) service delivery to children and families identified through these processes; and (4) concurrent permanency planning for children in foster care.
- Develop collaborative initiatives with other agencies, such as schools, public health departments, churches, and domestic violence shelters, to address the impact of family violence on infants and children.
- Take the lead in identifying and working with other organizations to explore ways of providing a coordinated network of support to new parents in areas such as home visitation, medical supervision, childcare for working parents, crisis care and emergency financial assistance.

- Implement policies and procedures that require the review and reassessment of all cases in which a child is seriously injured on more than one occasion.
- Provide cross training among Child Protective Services (CPS) and Temporary Assistance to Needy Families (TANF) staff. This training should focus on the dynamics of child abuse and neglect and family violence.
- Devote one FTE position to the intensive study of all child abuse and neglected related fatalities in the Commonwealth. The study should include analysis by locality, economic indicators, race/ethnicity, and high risk or underserved communities, so that specific preventive strategies can be designed or implemented. The results of this study should be published on an annual basis.
- With the Office of the Chief Medical Examiner and the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, sponsor a summit on child abuse and neglect. The summit should explore ways to prevent child injury and death, and promote child protection.
- Continue and expand its collaborative initiatives with other public and private agencies to facilitate access to childcare for low-income families.

#### CJA/CASA

The Advisory Committee to Court Appointed Special Advocates and Children's Justice Act Programs has served as a citizen review panel since 1999. During the past year the group evaluated their participation and renewed their agreement to serve as a panel. At each meeting, time is allotted for the work of the citizen review panel. The committee meets quarterly; meetings in the past fiscal year were held as follows:

- July 25, 2003
- October 10, 2003
- January 9, 2004
- April 16, 2004

From its inception as a citizen review panel, this group has expressed a strong interest in issues related to effects of domestic violence on children. In previous years the committee worked with a graduate student to conduct a study and explore this topic as it related to Virginia's policies and practices. As a result of that study, an active subcommittee was formed that conducted further exploration of the topic outside the quarterly meetings and reported to the larger

committee.

During the past year the CJA/CASA Citizen's Review Panel is participated in an interdisciplinary collaboration focusing on child protection including the impact on children who witness domestic violence, intimate partner violence, adult protective services and prevention. This summit was co-sponsored by the Office of the Attorney General; Virginians Against Domestic Violence; Virginians Aligned Against Sexual Assault; Virginia Coalition for the Prevention of Elder Abuse; Virginia Departments of Aging; Criminal Justice Services; Health; Housing & Community Development; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services. This event will presented an overview of the broad scope of family violence; facilitated communication and promoted collaborations; shared effective community collaboration models; and identified barriers and shared successful collaborative strategies. Three forums were held on September 16, 2003 in Fredericksburg, VA; November 18, 2003 in Roanoke, VA; and on December 10, 2003 in Chesapeake, VA. The recommendations from the forums are currently being reviewed by an interagency team.

The CJA/CASA subcommittee also received and responded to information on the implementation of the CPS Differential Response System. They agreed to focus on the overall CAPTA requirements and assess with the Department how well Virginia is meeting those requirements. Members have received a copy of the child and family services plan and other documents. They have been referred to the CAPTA web site and have begun the review. Several members have provided input this past year by email as well as in meetings.

In the July 2003 meeting the committee reviewed the evaluation of DRS and explored how DRS supports and/or challenges the federal requirements. They established a subcommittee to discuss and provide direction for the annual DRS evaluation. The subcommittee is concerned that family assessments may not be taken as seriously in some localities as an investigation. They fear that children are being put at risk because a full assessment and provision of appropriate services is not being done. This group is primarily acquainted with a couple of localities and agreed that further statewide data gathering is needed.

A two-pronged approach has been agreed upon. In the spring of 2004, the Supreme Court of Virginia has agreed to provide comparison data on the use of the Juvenile & Domestic Relations Courts by Child Protective Services; data from the years preceding and following implementation of DRS will be analyzed by the subcommittee. Also in the summer of 2004 a case review will be completed on repeat referrals for initial referrals during a six month period in 2003. The CRP committee is helping to craft the review instrument and will assist in analyzing the data at the completion of the review.

