

Child Abuse Prevention and Treatment Act Report of the Citizen Review Panels June 2006

Background:

The Child Abuse Prevention and Treatment Act (CAPTA) mandated the establishment of citizen review panels in 1999. 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.

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 5, 2005
- November 4, 2005
- February 3, 2006
- May 5, 2006

Since 2004, the Board has committed itself to work on the development and implementation of a statewide CPS Prevention Plan. The GAB has partnered with the Department of Social Services, Prevent Child Abuse Virginia and with public and private sector organizations and citizens to develop a state plan for the prevention of child abuse and neglect. To date, approximately 6,000 copies of the Plan have been distributed. A copy of the Plan is included as Appendix 4.

The Board established the Child Abuse Prevention Committee (CAPC) to serve as the Steering Committee for the implementation of the Plan. CAPC is composed of 25 individuals representing a broad range of interests. Anne Schulte has agreed to serve as the Chair. Ms. Schulte represents the Family Advocacy Centers of the Armed Forces. The expectations for CAPC members is included as Appendix 5.

On April 10, 2006, the GAB sponsored, in conjunction with the Department of Social Services and Prevent Child Abuse Virginia, a one-day forum on the

implementation of the Child Abuse and Neglect Prevention Plan. This forum focused on collaboration with other organizations involved in Prevention Plan efforts including the Governor's Office on Substance Abuse Prevention, the Virginia Department of Health, the Virginia Early Learning Foundation, Prevention Child Abuse North Carolina, and the Centers for Disease Control and Prevention. The program announcement and agenda is attached as Appendix 6.

The GAB also hosted an awards ceremony on November 4, 2005. Nominations were solicited and awards were made to outstanding child advocates. The GAB regularly recognizes professionals in the private and public sectors, volunteers, and organizations sponsoring or presenting special projects for the protection of children. In addition, The Anthony Shaw Award, established in 1992 in honor of the Board's first chairperson, recognizes distinguished Child Protective Services Professionals for their contribution to child abuse and neglect prevention and treatment and to the field of child protective services. Attached is a copy of the program and a description of those honored this year. (Appendix 7)

The GAB continues to stay involved in the development and review of CPS regulations. The Board reviewed legislative proposals and provided comments to the Department. A member of the Board serves on the Child Welfare Advisory Committee that oversees the Department's Program Improvement Plan and Child & Family Services Plan.

Overall, this year, the GAB made the following recommendations:

1. Endorse the continuation of the Governor's Tool Kit for New Parents – The New Parent Tool Kit is based on *Bright Future's Guidelines*, and is endorsed by the American Academy of Pediatrics. It promotes partnerships with families through providing information about the child's physical, social, emotional, oral, and nutritional needs. The Kit is available in English and Spanish. To date, over 100,000 copies have been distributed.
2. Prevent Child Sexual Assault Victimization – The GAB recommended to support the results of the report entitled, "Prevalence of Sexual Assault in Virginia" prepared by the Virginia Department of Health. One of the key findings of the study was that of those victims of sexual assault, 78% of females and 94% of males experienced their first victimization as a child. The GAB further recommended supporting the new Helpline and program *Stop It Now!*, a toll-free resource for individuals with questions or concerns about child sexual abuse.
3. The Department of Social Services had planned to submit proposed changes to CPS Regulation 22 VAC 40-705 to the State Board of Social Services in August 2005. The preliminary draft of the proposed changes

was shared with the GAB. The GAB voted to support the proposed changes, especially the proposed changes to the audio taping requirements for victims. A letter was prepared and sent to the State Board of Social Services. A copy of the letter is included as Attachment 8.

The 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 12, 2005
- September 9, 2005
- November 18, 2005
- January 6, 2006
- March 10, 2006
- May 9, 2006

Last year the State Child Fatality Review Team completed its review of Caretaker Homicide cases. The Team examined 53 cases of caretaker homicide and 28 cases of undetermined child death. The Team concluded that 72% of the caretaker homicide deaths were definitely or probably preventable and, as such represents a significant public health challenge for the Commonwealth.

The Team made recommendations emphasizing eight target areas for change: legislative proposals; primary prevention efforts; public education initiatives; health care providers; social services; the judiciary; prosecution; and parents, caretakers, and citizens of the Commonwealth.

Recognizing the important role played by social services in the protection and safety of Virginia's children, the State Child Fatality Review Team made the following recommendations to the Virginia Department of Social Services:

1. 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.

STATUS:

The Department has adopted structured decision making tools in 30 localities to guide child protective services and foster care workers in the safety and protection of children. The SDM model utilizes tools to help CPS and foster care workers make more accurate and reliable assessments of safety issues and longer-term risk. Structured assessment tools are used at various points in the case decision-making process including the initial response to allegations; child removals; case openings/closings; and in family reunification. Plans are underway to bring on an additional 18 agencies by September 2006.

The Department is also piloting Concurrent Planning in 20 localities.

2. 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.

STATUS:

In collaboration, DV and CPS staff worked with VISSTA and the Virginia Sexual and Domestic Violence Action Alliance to revise a curriculum and present three sessions of the DV/CPS Collaboration Training. This training was modeled after the recommendations of the National Council of Juvenile & Family Court Judges as outlined in the Green Book. The training sessions involved staff of local domestic violence programs and the local DSS CPS workers from the same localities. The localities represented at the trainings included New Kent, King and Queen, King William, Augusta, Waynesboro, Staunton, Montgomery, Pulaski, Floyd and Giles. The DV screening tool was included in CPS Policy.

3. 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, child care for working parents, crisis care and emergency financial assistance.

STATUS:

The Department continues to be involved in the dissemination of the Governor's New Tool Kit for new parents. To date, over 100, copies have been distributed in English and Spanish.

4. 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.

STATUS:

While no new policies or procedures have been developed to examine the cases of child deaths where the child has been seriously injured on more than one occasion, the CPS regional specialists review and staff every child death with local social workers. They assist local agencies in identifying what agency high risk behaviors were associated with the fatality; what is the prevalence of these high risk elements across the agency caseload as a whole; and what does this prevalence suggest about the need for change in agency practices. Examining fatality cases in the context of these features and what this tells an agency about its overall pattern of high risk practice is an important way to learn from tragic cases.

5. 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.

STATUS:

The Department is in the process of contracting with VCU VISSTA to develop a new web-based training module for not only TANF workers but for all eligibility workers including those who process food stamps, TANF, Medicaid, and child care workers so that these staff will be trained in recognizing and reporting child abuse and neglect.

6. Devote one FTE position to the intensive study of all child abuse and neglect 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.

STATUS:

While no FTE was created, the Department completes an annual study of all child abuse and neglect related fatalities investigated by local departments of social services. The report for FY2005 was presented to the State Board of Social Services in April 2006 and is available on the Department's website.

7. Direct the Office of the Chief Medical Examiner and the Virginia Department of Social Services to expand the number of local and regional Child Fatality Review Teams.

STATUS:

A small committee has been established to work on expanding the number of functioning local and/or regional teams. Interest is being

solicited from interested localities and three to five new sites will be identified. New sites will receive a one-day training on how to set up a local team and ongoing technical assistance from the Office of the Chief Medical Examiner, Virginia Department of Social Services and the Virginia Department of Criminal Justice Services.

The State Child Fatality Team is currently completing its review of children who died involving a motor vehicle. This review also included children who died as a result of hyperthermia from being left in a car. Recommendations are currently being formulated and the report will be available in 2007.

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. 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 22, 2005
- October 6, 2005
- January 20, 2006
- April 15, 2006

Last year the CJA/CASA subcommittee received and responded to information on the implementation of the CPS Differential Response System. They established a subcommittee to discuss and provide direction for the annual DRS evaluation. The subcommittee was concerned that family assessments may not be taken as seriously in some localities as an investigation. They were concerned that children were being put at risk because a full assessment and provision of appropriate services was not being done. They were interested in following family assessments to better determine the number of children who entered foster care after a family assessment. These issues were discussed with the evaluator, VA. Tech, to ensure that they were adequately addressed.

The Department of Social Services reported to the CJA/CASA Advisory Committee that the DRS outcomes reported this year are generally similar to those reported in the past two years, but with a steady increase in use of the Family Assessment Track. Although there has been a trend toward greater consistency in track assignment, there continues to be wide variation among individual agencies with some rarely using the Family Assessment Track and others using it for virtually all referrals that are not mandated for investigation. There is no evidence of problems with track assignment other than a few sexual abuse cases being placed in the Family Assessment Track. Findings from both OASIS data and case reviews do not suggest that safety has been compromised by the reduction in the number of investigations.

The Department also reported that about a third of the families had identified services needs and the large majority of them received at least some services. The case reviews showed that local agencies are generally doing a good job in identifying service needs and helping families to obtain services. OASIS data, however, showed that the percentage of families determined to have service needs varied widely among local agencies.

The review of referrals involving foster care showed that removals occurred both during the investigation or assessment and afterwards. With one exception, agencies appeared to follow policy regarding changing an assessment to an Investigation if a child is removed. Removals after completion of the

Investigation or Family Assessment usually occurred either because a new complaint was received, or because the judge found that parents were not meeting the requirements of a previous court order, or because the court granted a CHINS petition.

The CJA/CASA Advisory Committee was satisfied with the evaluation results and requested to remain involved and to be kept updated. They also recommended that the Department examine the adequacy of the services being delivered including conducting a "customer satisfaction" survey to better assess how helpful are the services being delivered to families. This has been incorporated into the 2006 DRS Evaluation.

The CJA/CASA Advisory Committee continues to stay involved in the development and review of CPS regulations. The Committee reviewed the draft changes to the proposed regulation and provided comments to the Department. As a result of several issues, the Department decided not to move forward with the proposed regulatory changes.

Department of Social Services staff also provided a presentation on Structured Decision Making to the Committee as these tools are being piloted in 30 localities. The CJA/CASA Advisory Committee was very interested in the concept and is supportive of the Department in moving forward with tools and guidelines that would be helpful to workers in making the very difficult decisions that they are required to make on a daily basis.

